

## **The Administration of Parishes Ordinance Amendment Ordinance 2017**

### **Explanatory Memorandum**

The Standing Committee of the General Synod on the advice of the Professional Standards Commission of the General Synod has advised that the right of a member of the Church or an attendee to attend public worship and otherwise participate in the activities of a parish is that of a licensee.

It has further advised that under the law, such a licence can be granted on both explicit and/or implicit terms and conditions.

Accordingly, the Church is entitled to impose any limit or regulate the rights of any member of the Church in relation to entry onto property for public worship and/or Church activities.

In order to ensure the safety of people participating in church activities in the Diocese, including public worship, this Ordinance makes provisions for revoking or placing conditions upon a person's licence to attend public worship and otherwise participate in the activities of a parish in the following manner –

- an Incumbent, an Officiating Minister or a Churchwarden can make a temporary direction revoking a person's licence;
- the Director of Professional Standards can make an interim order revoking a person's licence or placing conditions upon a person's licence; and
- the Professional Standards Committee can make a permanent order revoking a person's licence or placing conditions upon a person's licence.

The Ordinance makes provision for the Bishop and the Professional Standards Committee to be informed about any temporary directions or orders that have been made in relation to a licence to attend public worship and the alternate arrangements that have been made for a person to continue to receive the ministry of the Church.

The Ordinance also makes provision for a person to seek a review of any order by the Bishop.

## The Ordinance

1. This Ordinance may be cited as the Administration of Parishes Ordinance Amendment Ordinance #1 of 2017.
2. The Administration of Parishes Ordinance 2010 is amended by the insertion of the following sections:
  - 29A. The right of a person (whether or not they are a member of this Church) to attend Public Worship or otherwise participate in the activities of a parish or parish organisation is subject to a licence between the Trustees, the Bishop and the person.
  - 29B. Incumbents, Ministers officiating at Public Worship and Churchwardens in a parish (**parish official**) must ensure the safety of any person attending Public Worship in that parish.
  - 29C. Where a parish official forms a reasonable view that a person attending Public Worship or attending an activity of the Church in the parish of the parish official is breaching the peace, may breach the peace, is posing a risk to the safety of others or may pose a risk to the safety of others:
    - a. the parish official may direct the person:
      - i. to leave and not re-enter any land associated with the parish for a period up to seven (7) calendar days, and/or
      - ii. to leave any event being conducted for or on behalf of the parishand such directions may be given verbally or in writing; and
    - b. the parish official shall as soon as possible inform the Director of Professional Standards (or a delegate) and any other parish official of the parish of any notice given in accordance with this section.
  - 29D. An order given by a Parish Official other than the Incumbent may be revoked by the Incumbent, the Director of Professional Standards (or a delegate) or the Bishop.
  - 29E. Where the Director of Professional Standards forms a reasonable view that a person attending Public Worship or attending an activity of the Church in the Parish may breach the peace, poses a risk to the safety of others or may pose a risk to the safety of others:
    - a. the Director of Professional Standards may make an order that a person:
      - i. not enter any land associated with the parish or any other church property for a period not exceeding twenty-eight (28) calendar days; and/or

- ii. is prohibited from undertaking any or all activities or events associated with the parish, any parish or the diocese for a period not exceeding twenty-eight (28) calendar days


and such orders must be in writing;

- b. where an order is made under subsection (a), the Director of Professional Standards shall ensure that the person is advised of the reasonable opportunities available to access the ministries of the Church and receive the Holy Communion;
  - c. the Director of Professional Standards shall as soon as possible inform the Bishop, the Professional Standards Committee and all relevant parish officials of any notice given in accordance with this section; and
  - d. in making such an order, the Director of Professional Standards is not required to provide reasons for the making of the order.
- 29E. An order made by the Director of Professional Standards under section 29D may be varied or revoked by the Professional Standards Committee or the Bishop.
- 29F. Upon notification of any order made under section 29D, or otherwise, where the Professional Standards Committee forms a reasonable view that a person attending Public Worship or attending an activity of the Church in the Parish may breach the peace, poses a risk to the safety of others or may pose a risk to the safety of others:
- a. the Professional Standards Committee may direct the Director of Professional Standards to:
    - i. issue a notice in writing to the person outlining the concerns and providing fourteen (14) calendar days for the person to respond to the concerns; and/or
    - ii. issue a temporary order that may prohibit or restrict the right to enter any land associated with a parish or any other church property; and
    - iii. advise the person of the reasonable opportunities available to access the ministries of the Church and receive the Holy Communion during the operation of any temporary order.
  - b. the Professional Standards Committee, after the expiry of the period set out in section 29F(a)(i), shall proceed to consider any response from the person and:
    - i. may take no action;
    - ii. may revoke any temporary order given in accordance with this section;
    - iii. may issue a permanent order on terms that prohibit the person from attending certain events or undertaking certain activities associated with a parish or any other church property;

- iv. may issue a permanent order on terms that may prohibit or restrict the right to enter any land associated with a parish or any other church property; and
  - v. shall advise the person of the reasonable opportunities available to access the ministries of the Church and receive the Holy Communion whenever an order is made in accordance with sub-sections (iii) or (iv).
- c. the Professional Standards Committee shall as soon as practicable inform the Bishop, the Director of Professional Standards, and all relevant Incumbents and all relevant Churchwardens of any notice given in accordance with this section.
- 29G. Where the Professional Standards Committee makes a permanent order in accordance with section 29F the person may, within fifteen (15) working days, make an application to the Bishop for a review of the Order.
- 29H. The Bishop may review the order in whatever manner he or she sees fit. Any decision of the Bishop shall be final.
- 29I. Any person who is the subject of an Order made in accordance with section 29F may, after six months from the issue of such Order, make an application to the Professional Standards Committee for review of the Order. Any further applications for review by the person may only be made at intervals of not less than six (6) months.
- 29J. The Bishop may make regulations or policies governing the access to the ministries of the Church and the reception of the Holy Communion for any person affected by the issue of any orders under sections 29D and 29F.
- 29K. Where action is taken in accordance with sections 29E – 29J the Director of Professional Standards may at his or her discretion notify other parties about such action.

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

**PASSED BY DIOCESAN COUNCIL** on the **24th** day of **August 2017**.

  
**Mr Stephen Phillips**  
**Secretary, Diocesan Council**

**THE ASSENT** of Peter Derrick James Stuart, Administrator (Sede Vacante) was given to the above Ordinance on the **27th** day of **July 2017** in the Ninth year of our Consecration.

A handwritten signature in black ink, appearing to read "Peter Stuart". The signature is written in a cursive, flowing style with a prominent initial "P".

**PRESIDENT**

