

A BILL FOR A

PROFESSIONAL STANDARDS ORDINANCE (CONSEQUENTIAL AMENDMENTS) ORDINANCE 2012

EXPLANATORY MEMORANDUM

The Professional Standards Ordinance requires the Diocesan Council to make a variety of appointments. It is prudent that the Diocesan Council knows whether any person being nominated has been the subject of adverse information or findings by a Professional Standards body or by the relevant child protection authorities.

The Clergy Discipline Ordinance provides one of the mechanisms for addressing a range of misconduct including misconduct which is beyond the scope of the Professional Standards Ordinance but contains a provision limiting the review of criminal misconduct to six months after a conviction and all other misconduct to two years after the offence. It is proposed that these limitations are repealed recognising that the charging authorities, the Tribunal and the Bishop would take the passing of time into account in their decision making.

- 5 (1) If a member of the clergy to whom this Ordinance applies is convicted in a criminal court of an offence which is punishable by law a charge against him or her that he or she has committed that offence may not be made at any time after the lapse of six calendar months after he or she has been so convicted.*
- (2) Subject to sub-clause (1) of this clause no charge that an offence has been committed may be made more than two years after that offence has been committed.*

BE IT ORDAINED by the Bishop, Clergy and Laity in Synod assembled as follows:

1. This Ordinance may be cited as the Professional Standards Ordinance (Consequential Amendments) Ordinance 2012.
2. The Diocesan Council Ordinance 1929 is amended by the insertion of a new section to read

10A Where the Diocesan Council is to make an appointment for any professional standards role the Professional Standards Director shall inform the Diocesan Council whether any person nominated for such appointment

 - (a) is the subject of adverse information in the National Register kept in accordance with the National Register Canon 2007 and
 - (b) has been refused a Working With Children Check, where such refusal is known to the Professional Standards Director.
3. The Clergy Discipline Ordinance 1966 is amended by the repeal of sub-section 5(1) and sub-section 5(2).