

**ANGLICAN CHURCH OF AUSTRALIA – DIOCESAN PROFESSIONAL STANDARDS
LEGISLATION**

Diocese	Legislation	
Adelaide	<i>Professional Standards Ordinance 2015</i>	Complaints based, fitness enquiry, wide definition of misconduct, appeal to Review Board
Armidale	<i>Professional Standards Ordinance 2004 (based in Model Professional Standards Ordinance (MO))</i>	Information and examinable conduct, limited definition of misconduct, no appeal
Ballarat	<i>Professional Standards Act 2010</i>	Complaints based, fitness enquiry, wide definition of misconduct, appeal to Review Board
Bathurst	<i>Professional Standards Ordinance 2007</i>	Complaints based, disciplinary process, tribunal, limited appeal to Reviewer
Bendigo	<i>Professional Standards Uniform Act 2016</i>	Complaints based, fitness enquiry, wide definition of misconduct, appeal to Review Board
Brisbane	<i>Professional Standards Ordinance 2008 (MO)</i>	Information and examinable conduct, limited definition of misconduct, limited appeal to a Reviewer
Bunbury	<i>Professional Standards Statute 2004 (MO)</i>	Information and examinable conduct, limited definition of misconduct, no appeal
Canberra & Goulburn	<i>Professional Standards Ordinance 2004 - 2013</i>	Complaints based, fitness enquiry, wide definition of misconduct (s11), limited appeal rights
Gippsland	No legislation/ Power & Trust protocol	Complaints or disclosure based, Director and PSC only
Grafton	<i>Professional Standards Ordinance 2004 (MO)</i>	Information and examinable conduct, limited definition of misconduct, no appeal
Melbourne	<i>Professional Standards Uniform Act 2016</i>	Complaints based, fitness enquiry, wide definition of misconduct, appeal to Review Board
Newcastle	<i>Professional Standards Ordinance 2003 – 2015 (MO)</i>	Information and examinable conduct, wider definition of misconduct, limited appeal to a Reviewer
North Queensland	<i>Professional Standards</i>	Information and examinable

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	<i>Ordinance 2004 (MO)</i>	conduct, limited definition of misconduct, no appeal
North West Australia	<i>Professional Standards Statute 2015</i>	Follows Perth: Complaints based, fitness enquiry, wide definition of misconduct, limited appeal to a Reviewer
Northern Territory	<i>Professional Standards Ordinance 2004 – 2008 (MO)</i>	Information and examinable conduct, limited definition of misconduct, limited appeal to a Reviewer
Perth	<i>Professional Standards Statute 2015</i>	Complaints based, fitness enquiry, wide definition of misconduct, limited appeal to a Reviewer
Riverina	<i>Professional Standards Ordinance 2004 (MO)</i>	Information and examinable conduct, limited definition of misconduct, no appeal
Rockhampton	<i>Professional Standards Ordinance 2004 – 2008 (MO)</i>	Information and examinable conduct, limited definition of misconduct, limited appeal to a Reviewer
Sydney	<i>Discipline Ordinance 2006 - 2014</i>	Complaints based, disciplinary process – unpaid Church workers – adjudicator, clergy – tribunal, limited appeal to Reviewer
Tasmania	<i>Professional Standards for the Protection of Children and Adults from Sexual Misconduct Ordinance 2005 – 2014 (MO)</i>	Information and examinable conduct, limited definition of misconduct, limited appeal to a Reviewer, limited appeal to Reviewer
The Murray	<i>Professional Standards Ordinance 2004 – 2007 (MO)</i>	Information and examinable conduct, limited definition of misconduct, limited appeal to a Reviewer
Wangaratta	<i>Professional Standards Act 2010</i>	Complaints based, fitness enquiry, wide definition of misconduct, appeal to Review Board
Willochra	<i>Professional Standards Regulation 2015</i>	Follows Adelaide: Complaints based, fitness enquiry, wide definition of misconduct, appeal to Review Board

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NOTES

1. The legislation of each diocese addresses child sexual abuse and has mandatory reporting provisions. All but two dioceses base their legislation on the concept of fitness for office, whether clergy or lay people. The concept was established by the Professional Standards Model Ordinance 2004. This reflects the general community approach to regulation of lawyers and health professionals.
2. The legislation of the Australian dioceses falls into 3 broad categories:
 - (a) The model ordinance – Information and examinable conduct, fitness for office;
 - (b) Complaints based – fitness of office;
 - (c) Disciplinary regime.
3. 11 of the 23 dioceses in Australia have legislation that reflects the Model Ordinance (fitness based – examinable conduct, the subject of information). Of the metropolitan dioceses, only Brisbane has that legislation.
 - Armidale
 - Brisbane
 - Bunbury
 - Grafton
 - Newcastle
 - North Queensland
 - Northern Territory
 - Riverina
 - Rockhampton
 - Tasmania
 - The Murray.
4. Of those 11 dioceses, 5 rural dioceses have stayed with the original 2004 model ordinance and not amended it to include the procedure for review that was subsequently approved.
 - Armidale
 - Bunbury
 - Grafton
 - North Queensland
 - Riverina
5. The diocese of the Murray has said they will adopt the Adelaide Professional Standards Statute 2015.
6. 9 of the 23 dioceses have adopted a ‘complaints’ based approach but the legislation still reflects the concept of fitness for office. This includes the other metropolitan dioceses of Melbourne, Adelaide and Perth. This was the approach Melbourne adopted in its 2009 ordinance and which General Synod adopted in its 2014 model episcopal standards ordinance.
 - Adelaide
 - Ballarat
 - Bendigo
 - Canberra Goulburn
 - Melbourne
 - North West Australia

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Perth
Wangaratta
Willochra

7. 2 dioceses, Sydney and Bathurst have adopted a 'complaints based' and disciplinary approach based on whether an offence has been committed, rather than on an enquiry as to fitness.
8. One diocese, Gippsland, has no legislation, having stayed with the protocol that Melbourne used until its 2009 legislation.
9. No diocese, except Melbourne has legislated in its professional standards ordinances for clearances for either clergy or lay people, as a process separate from licensing by the Bishop or other Church authority. Tasmania has a separate clearances ordinance.
10. The Melbourne Uniform legislation continues to be based on fitness and mandates –
 - (a) the common corporate office of professional standards;
 - (b) making public anonymized reasons for a Board determination;
 - (c) the Church authority giving effect to a recommendation of the Board or any permissible variation of one;
 - (d) making public the Bishop's decision and action on any recommendation of the Board;
 - (e) the maintenance of the joint register of information;
 - (f) disclosure to another Director or PSC or to the Bishop of the Defence Force in appropriate cases;
 - (g) a grievance procedure for complaints about process, involving an ombudsman;
 - (h) a biennial audit of the operation of the scheme.