

ANNEXURE B

Professional Standards Ordinance 2005

Proposed Amendments

A. Correction of incorrect references

Section	Present Reference	Proposed Reference
36	34	35
37	34	35
38	34	35
	69	74
41	43	44
42	58	59
	73	74
62	58	59

B. Process

It seems to me that the concerns expressed with respect to the current operation of the Ordinance can be addressed in a number of ways.

Firstly, the obligation of the Board to act with expedition should be spelled out. On the basis of the information provided to the last meeting of Diocesan Council it appears that there was a delay of not less than 3, and possibly as much as 7, weeks between the Board's determination and the engagement of investigators. Such a delay is without any justification in circumstances where a member of clergy is suspended.

Perhaps there is a need to widen the pool of investigators. As I have previously indicated I know a number of retired senior detectives resident in Newcastle who would be not only capable of performing such an investigation with care and discretion, but who would be able to carry it out promptly. As I understand it, reliance is presently placed upon a limited number of organisations which have commitments which may stand in the way of prompt responses.

A second matter to be considered is whether the 3 month limitation in s38(d) ought to be removed.

Consideration might also be given to imposing some limitation on either the Board's power to recommend or the Bishop's power to impose a suspension. Arguments can be made that suspension ought only to be imposed to avoid a manifest and ongoing risk to some person or where a failure to suspend would be productive of scandal. The Ordinance might specifically give power to impose detailed conditions upon the officeholder which would avoid risks.

These issues will ultimately have to be determined by Synod. There are obviously strong feelings involved. Should Diocesan Council be consulted as to what form of Ordinance should be brought forward to Synod?

Paul Rosser

29/3/10 *from Metadoba*