



# The Anglican Church of Australia

## GENERAL SYNOD

ABN 90 767 330 931

**MEMORANDUM TO:** All Diocesan Bishops and Registrars  
**FROM:** Church Law Commission  
**RE:** MODEL PROFESSIONAL STANDARDS ORDINANCE

### AMENDMENT NO 1

The Church Law Commission has already received helpful comments and suggestions for minor modifications to the Model Professional Standards Ordinance. This is to be expected, given the novelty of the scheme. There will no doubt be further amendments required in the light of experience gained through the scheme.

Having considered the recent suggestions, the Commission now recommends a number of amendments to the previous draft. For those dioceses which have not yet considered the Ordinance, it is suggested that it be presented in the "attached revised form. For those dioceses which have already enacted it, it suggested that, at some convenient time, the amendments reflected in the attached draft be adopted.

The suggested amendments appear underlined in the attached draft. Most of them are self explanatory. The more significant ones are explained below.

#### Section 2(2), 20(2) & 38

There was a concern that the phrase "resident or licensed" did not include an employee or non-licensed church worker working in one diocese but resident in another, particularly in border areas. These amendments seek to overcome that problem.

#### Section 16(a)

This confines the obligation to disclose information to an equivalent body in another diocese to a situation where the information is being investigated, rather than when it is first received.

Some may consider it to be unsatisfactory for the Commission to be circulating proposed amendments so soon after proposing the original draft. However, it must be realized that the evolving consciousness of the need to deal with sexual misconduct in a more satisfactory way and to do so with some urgency will necessarily produce an evolving scheme. There may be further amendments suggested before some Synods meet in 2004. There will also be proposals put to General Synod to further amend Chapter 9 of the Constitution –

- (1) To remove any doubt that may exist as to the power of a Professional Standards Board under the model Ordinance to exercise its jurisdiction;
- (2) To ensure that only an existing constitutional tribunal can hear matters involving an alleged breach of faith, ritual or ceremonial;

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- (3) To protect a person the subject of a complaint against double jeopardy by way of proceedings before a tribunal and a Professional Standards Board for the same matter; and
  - (4) To confer a right of appeal from a Professional Standards Board to the Appellate Tribunal against a determination which recommends deposition from Orders, prohibition from functioning in Orders or removal from office.

Further proposals to be put before General Synod include a revised scheme to deal with alleged misconduct by diocesan bishops.

Any queries or suggestions for further amendments to the model Ordinance should be directed to:

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THE HON JUSTICE D J BLEBY  
CHAIR, CHURCH LAW COMMISSION  
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