

Disqualification of prohibited persons from holding the position of nominator - 9 January 2006

Introduction

1. By resolution 3/05, the Synod requested that the Standing Committee amend the Presentation and Exchange Ordinance 1988 to provide that –

- a prohibited person under the Child Protection (Prohibited Employment) Act 1998 may not be elected as a parish representative (nominator) to the presentation board, and
- a person elected as a nominator must, within the time required by the ordinance, make a declaration that he or she is not a prohibited person, and
- a person ceases to hold the position of nominator if the person –

(i) fails, within the time required by the ordinance, to make a declaration that he or she is not a prohibited person, or

(ii) becomes a prohibited person while holding that position.

2. Standing Committee amended the Presentation and Exchange Ordinance to give effect to the Synod's report at its meeting on 12 December 2005.

3. These amendments have effect from 1 February 2006.

4. A copy of the ordinance, including the amendments, can be obtained from the diocesan website, www.sydney.anglican.asn.au.

Explanation

5. The Prohibited Employment Act prohibits a person who is a prohibited person from taking up or remaining in any child related position. The Prohibited Employment Act also requires that before a person is appointed to a child related position, the person must be asked to disclose whether he or she is a prohibited person. Generally speaking, a prohibited person is a person who has been convicted or found guilty by a court of a sex offence or an offence involving children which is punishable by imprisonment for 12 months or more.

6. The Prohibited Employment Act applies to a wide range of positions in the Diocese. For example all clergy licensed to a parish and persons who work in Sunday schools and youth groups are regarded as holding child related positions which are not open to prohibited persons. In 2003 the prohibitions under the Act were extended to prevent prohibited persons from being elected or appointed or remaining in the position of parish councillor or churchwarden.

7. The latest amendments have the effect of further extending the prohibitions under the Act to cover nominators.

What should happen?

Disqualification from being elected

8. From 1 February 2006, any person who is a prohibited person is not eligible to be elected as a nominator under clause 10 or 11 of the Presentation and Exchange Ordinance.

Declaration to be made

9. Any person nominated for election as a nominator on or after 1 February 2006 must make or have made the following declaration within 7 days before or after the person's election –

"I declare that I am not a prohibited person within the meaning of the Child Protection (Prohibited Employment) Act 1998."

10. If the person who is elected to the position of nominator fails to make the declaration within the required time the position becomes vacant. These declarations should therefore be made in writing, signed, dated and stored at a secure location.

Nominators who become prohibited persons

11. The position of nominator becomes vacant if the person holding the position becomes a prohibited person at any time on or after 1 February 2006.

Further information

12. Any questions about these changes should be directed to Steve Lucas on 9265 1647 or at szl@sydney.anglican.asn.au.

STEVE LUCAS

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