

Professional Standards Regulations 2010

The Bishop-in-Council of the Diocese of Wangaratta makes the following Regulations pursuant to section 112 of the Professional Standards Act 2010:

Short title

1. These Regulations may be cited as the **Professional Standards Regulations 2010**.

Commencement

2. These regulations come into operation on 1 October 2010.

Definition

3. In these Regulations —

the Act means the **Professional Standards Act 2010**.

Other expressions have the same meaning as in the Act.

Form of consent to formal process

4. The written consent of a complainant under section 29(3) of the Act must be in Form 1 of the Schedule, with any necessary modifications.

Form of application for clearance for ministry

5. An application to the Bishop for a clearance for ministry under section 52 of the Act must be in Form 2 of the Schedule, with any necessary modifications.

Form of reference to the Professional Standards Board

6. A reference by the Professional Standards Committee to the Professional Standards Board under section 56 of the Act must include a notice in Form 3 of the Schedule, with any necessary modifications.

Form of application for review of a decision of the Professional Standards Board

7. An application for review of a decision of the Professional Standards Board under section 83 of the Act must be in Form 4 of the Schedule, with any necessary modifications.

SCHEDULE

Professional Standards Regulations 2010

FORM 1

Reg. 4

CONSENT OF COMPLAINANT TO FORMAL PROCESS

under s 29(3) of the Professional Standards Act 2010 (the Act)

TO: The Director of Professional Standards
Diocese of Wangaratta

Name of complainant—

Address—

Description of complaint:

I the above named complainant CONSENT to the Director's giving notice of my complaint to the person or persons about whom I have made the complaint.

I also CONSENT to the Professional Standards Committee's dealing with the complaint under Part 12 of the Act, that is to say, if required, and referring the matter to the Professional Standards Board or an equivalent body, subject to the Act to determine and as appropriate make any recommendation to the Bishop or other Church authority.

.....

Complainant

NOTE: Section 29(3) of the Act provides:

- (3) *If the complainant has not given written consent to the Director's giving notice of the complaint to the respondent and to the PSC's dealing with it under Part 12 of this Act –*
 - (a) *the PSC shall not be required to investigate the complaint and otherwise to refer it to the Board; and*
 - (b) *the PSC or the Director may dismiss the complaint or take no action in relation to the complaint.*

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FORM 2

Reg. 5

CONFIDENTIAL APPLICATION FOR CLEARANCE FOR MINISTRY

under s52 of the Professional Standards Act 2010

NOTES:

1. The contents of this application are strictly confidential and may not be divulged except as authorised by the Professional Standards Act.
2. You are asked to give frank and truthful answers to the questions below. Answering 'yes' does not automatically lead to refusal of the application but prompts closer consideration of it. An answer that lacks frankness or is untruthful will be taken into account in considering the merits of the application.
3. Under the Clearance for Ministry Protocol, in support of the application for a clearance you must apply for and obtain a clearance a National Police Certificate and, where appropriate, a Working with Children Card.

TO: The Rt Revd A J Parkes
Bishop of Wangaratta

Name of applicant—

Address—

Telephone—

Email—

Proposed ministry— *(Details may be attached)*

I APPLY for a clearance for the above ministry as follows:

(Tick as appropriate)

Licence	
Permission to Officiate	
Other authority	
Letter of Good Standing	

Other than previously disclosed in writing to you:

- (a) Have you been found guilty by a court of an offence in Australia or a foreign country, whether or not a conviction was recorded against you? Yes/ No
(Delete as appropriate)
If so, give details here or by an attachment.

- (b) Are any criminal proceedings pending against you? Yes/ No
If yes, give or attach details of each charge made against you.
- (c) Are you currently subject to an unresolved complaint, investigation, reference or order under the Professional Standards Act 2010 of the Diocese of Wangaratta or any equivalent legislation of another Diocese? Yes/ No
If yes, give details here or by an attachment.
- (d) Have you ever had an order made against you, or entered into a composition with creditors or an assignment for the benefit of creditors, under the Bankruptcy Act? Yes/ No
If yes, give details here or by an attachment.
- (e) Do you have a history of alcohol abuse? Yes/ No
If yes, give details here or by an attachment.
- (f) Do you have a history of substance abuse including abuse of prescription, over the counter, recreational or illegal drugs? Yes/ No
If yes, give details here or by an attachment.
- (g) Have you ever had sexual relations with a person (other than your spouse) with whom you had a pastoral or professional relationship, for example, a parishioner, a client, a patient, an employee, a student, a subordinate? Yes/ No
If yes, give details here or by an attachment.
- (h) Is there any other matter or past conduct of yours that would be relevant for the Bishop to consider in deciding whether you are fit for ministry? Yes/ No
If yes, give details here or by an attachment.

I have carefully read:

- (i) the Code of Good Practice for Clergy (Wangaratta) (if I am a member of the clergy);
- (ii) the National Code of Conduct, Faithfulness in Service.

I agree to abide by the standards in these Codes as applicable to me.

I DECLARE that my answers to the above questions are true and correct.

Signature

Date

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FORM 3

Reg. 6

REFERENCE TO THE PROFESSIONAL STANDARDS BOARD

under s 56 of the Professional Standards Act 2010

TO: The President
Professional Standards Board
Diocese of Wangaratta

The Professional Standards Committee refers the following matter to the Professional Standards Board pursuant to section 56 of the Professional Standards Act:

Description of complaint/application:

Attached is a written report of its investigation and opinion signed by a member of the Professional Standards Committee.

Signature—

Date—

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FORM 4

Reg. 7

APPLICATION FOR REVIEW OF A DECISION

under s 83 of the Professional Standards Act 2010

TO: The President
Professional Standards Review Board
Diocese of Wangaratta

Name of applicant—

Address—

I APPLY to the Professional Standards Review Board for a fresh administrative reconsideration of the following decision of the Professional Standards Board—

1. The decision is—
2. Date of decision—

My reasons for making the application are—

Signature—

Date—
