



Anglican Church Diocese of Sydney

St Andrew's House
Sydney Square
New South Wales
Australia

PO Box Q190
QVB Post Office NSW 1230

Telephone: 61 2 9265 1555

Facsimile: 61 2 9261 4485

Disqualification of prohibited persons from holding the position of churchwarden or parish councillor - 29 May 2003

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Introduction

1. At its meeting on 24 March 2003, the Standing Committee amended the [Church Administration Ordinance 1990](#) (the "ordinance") to provide that –

- a prohibited person under the [Child Protection \(Prohibited Employment\) Act 1998](#) (the "Prohibited Employment Act") may not be elected or appointed as a churchwarden or parish councillor or as a member of a parish council committee established under clause 29A of the ordinance
- a person elected or appointed as a churchwarden or parish councillor must, within the time required by the ordinance, make a declaration that he or she is not a prohibited person
- a churchwarden or parish councillor ceases to hold the position of churchwarden or parish councillor 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. These amendments take effect from 1 June 2003.

3. A copy of the [ordinance](#), including these amendments, is enclosed for your information.

Explanation

4. 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. For these purposes, a prohibited person is a person who, in general, 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.

5. 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. A considerable amount of work has been undertaken to ensure that parishes and diocesan organisations are aware of their obligations under the Act in respect of child related positions.

6. The amendments to the ordinance have the effect of extending the prohibitions under the Prohibited Employment Act and have been made with the support of the Professional Standards Board.

7. The Professional Standards Board recognises that the question of whether a prohibited person should be disqualified from non-child related positions is a question of balance. However in the final analysis the Board considers that the protection of children and the good name of the church as the body of Christ outweigh issues of repentance, rehabilitation and restoration at least in relation to positions of leadership such as churchwardens and parish councillors.

What should happen?

Disqualification from being elected or appointed

8. From 1 June 2003, any person who is a prohibited person may not be elected or appointed as a churchwarden or parish councillor or as a member of a parish council committee established under clause 29A of the ordinance.

9. The disqualification will have its full effect when churchwardens and parish councillors are elected and appointed at the annual vestry meetings of churches in 2004. However it will also apply to the filling of any casual vacancies in these positions arising prior to that time or to the appointment of members to parish council committees prior to that time.

10. The disqualification is in addition to the existing disqualifications from holding the positions of churchwarden and parish councillor set out in clauses 22 and 32 of the ordinance respectively.

Expanded declaration to be made

11. Any person appointed or elected as a churchwarden or parish councillor on or after 1 June 2003 must make or have made the following declaration –

"I declare that I am a communicate member of the Anglican Church of Australia and am not a prohibited person within the meaning of the Child Protection (Prohibited Employment) Act 1998."

12. The declaration must be made –

- on or before (and in the case of a parish councillor no more than 7 days before) the person's election or appointment, or
- within 7 days after the person's election or appointment, or
- if the person is temporally absent from the Diocese, within 7 days of his return, or
- if the person is otherwise absent or incapacitated, within such further period as may be approved by the Registrar or the area Archdeacon.

13. A person who fails to make the declaration within the required time, ceases to hold the position of churchwarden or parish councillor. It is therefore advisable to have these declarations made in writing, signed, dated and stored at a secure location.

Churchwardens and parish councillors who become prohibited persons

14. A churchwarden or parish councillor who becomes a prohibited person at any time on or after 1 June 2003, ceases to hold that position.

Further information

15. Any questions about these changes should be directed to Mr Philip Gerber, Director of the Professional Standards Unit on 9265 1514 or at pgerber@sydney.anglican.asn.au.

Yours sincerely

ROBERT WICKS
Legal Officer