



ANGLICAN
DIOCESE OF
MELBOURNE

Diocesan Business Services

DECEMBER 2017 BULLETIN

Welcome to the December update from the Diocesan Business Services Team.

The Business Services team is pleased to provide you with the December 2017 issue of the *Diocesan Business Services Bulletin*. We aim to improve our operations and communication to parishes and welcome feedback with regards to items of interest and information topics you would like to receive via future releases of the bulletin. Such feedback received included renaming the Bulletin to confirm that this information is from the Diocese.

**The Business
Services team**



Distribution of the Diocesan Business Services Bulletin

Please forward a copy of the Business Services Bulletin to members of your Parish you think would benefit from any of the information included in the Bulletin. Please notify registrar@melbourneanglican.org.au to update Parish Administrator or Parish Secretary details if you have not already done so.



Merry Christmas

Business Services would like to wish everyone a very Merry Christmas and a wonderful New Year.



Melbourne 2018 Synod Dates

The dates for the 3rd Session of the 52nd Synod are 17 October 2018 – 20 October 2018.



Diocesan Operating Hours

The Anglican Centre will be open between Christmas and New Year but with reduced staffing levels.





Child Protection Reportable Conduct Scheme

The Reportable Conduct Scheme

In the first half of 2017, the Victorian Parliament enacted the *Children Legislation Amendment (Reportable Conduct) Act 2017* (the Reportable Conduct Act);

With effect from 1 January 2018, the Reportable Conduct Scheme under the Reportable Conduct Act will come into force in Victoria in relation to the Anglican Diocese of Melbourne.

The Scheme constituted under the Reportable Conduct Act imposes obligations on the Head of the responsible Entity to notify the Commission for Children and Young People and to take other steps as required.

The scheme is administered by the Commission for Children and Young People (**the Commission**) seeks to regulate reportable conduct which is defined to mean:

- (a) a sexual offence committed against, with or in the presence of, a child, whether or not a criminal proceeding in relation to the offence has been commenced or concluded; or
- (b) sexual misconduct, committed against, with or in the presence of, a child; or
- (c) physical violence committed against, with or in the presence of, a child; or
- (d) any behaviour that causes significant emotional or psychological harm to a child; or
- (e) significant neglect of a child;

A reportable allegation is defined under the Act to mean: any information that leads a person to form a reasonable belief that an employee has committed:

- (a) reportable conduct; or
- (b) misconduct that may involve reportable conduct – whether or not the conduct or misconduct is alleged to have occurred within the course of the person's employment;

Employee is defined in the Reportable Conduct and in this circular in relation to a religious body to include a minister of religion, a religious leader, an employee, volunteer, contractor, office holder or officer of the religious body;

The scheme constituted under the Reportable Conduct Act is based on the fundamental principles that:

- (a) the protection of children is the paramount consideration in the context of child abuse or employee misconduct involving a child;
- (b) criminal conduct or suspected criminal conduct should be reported to the police;
- (c) a police investigation into the subject matter of a reportable allegation has priority and, unless the investigation may otherwise be conducted under any other Act, an investigation under the reportable conduct scheme must be suspended or must not be commenced until the police advise or agree that it may proceed;
- (d) the Commission and others involved in the reportable conduct scheme should work in collaboration to ensure the fair, effective and timely investigation of reportable allegations;
- (e) employees who are the subject of reportable allegations are entitled to receive natural justice in investigations into their conduct;
- (f) regulators have specific knowledge of the roles of the entities or the professional responsibilities of the employees they regulate and, if their functions permit, play an important role in the investigation of reportable allegations;
- (g) information should be shared during and after the conclusion of an investigation into a reportable allegation;
- (h) after the conclusion of an investigation into a reportable allegation, the Commission may share information with the Department of Justice and Regulation for the purpose of a working with children check;

A.6: Schedule 4 of the Reportable Conduct Act lists the Entities to which the reportable conduct scheme applies with effect from 1 January 2018, including a religious body within the meaning of s81 of the *Equal Opportunity Act 2010*;

continued over >>>

A religious body within the meaning of s81 of the *Equal Opportunity Act 2010* means:

- (a) a body established for a religious purpose; or
- (b) an entity that establishes, or directs, controls or administers, an educational or other charitable entity that is intended to be, and is, conducted in accordance with religious doctrines, beliefs or principles;

The Professional Standards Uniform Scheme

The *Professional Standards Uniform Act 2016* provides in section 17(1) that if any prescribed Church worker believes on reasonable grounds that a person has suffered harm or is at risk of harm as a result of misconduct by another Church worker and has no reason to believe that the Director of Professional Standards is aware of those facts, the first mentioned Church worker must as soon as possible report the matter to the Director of Professional Standards at dps@kooyoora.org.au;

Under s132 of that Act, the Diocesan Corporation must appoint the Scheme Corporation to provide professional standards services to the Diocese in accordance with the Act.

Kooyoora Ltd, having been duly appointed the Scheme Corporation duly under the Act, now operates the Office of Professional Standards of the Diocese of Melbourne.

The Diocesan Corporation as the entity to which the reportable conduct applies

Under the Reportable Conduct Act, the relevant religious body for the Anglican Church in the Diocese of Melbourne is the Melbourne Anglican Diocesan Corporation Ltd (**the Diocesan Corporation**).

The Head of the Entity constituted by the Diocesan Corporation is the Archbishop of Melbourne.

Under the *Melbourne Anglican Diocesan Corporation Act 2015* (Melbourne), all appointments of clergy, authorised lay ministers, employees and volunteers in the Diocese are made on behalf of the Diocesan Corporation.



Statutory requirement for notice to the Commission

Section 16M of the Reportable Conduct Act provides:

- (1) If the head of an entity becomes aware of a reportable allegation against an employee of the entity, the head must notify the Commission for Children and Young People in writing of the following:
 - (a) within 3 business days after becoming aware of the reportable allegation:
 - (i) that a reportable allegation has been made against an employee of the entity; and
 - (ii) the name (including any former name and alias, if known) and date of birth, if known, of the employee concerned; and
 - (iii) whether Victoria Police has been contacted about the reportable allegation; and
 - (iv) the name, address and telephone number of the entity; and
 - (v) the name of the head of the entity; and
 - (b) as soon as practicable and within 30 days after becoming aware of the reportable allegation:
 - (i) detailed information about the reportable allegation; and
 - (ii) whether or not the entity proposes to take any disciplinary or other action in relation to the employee and the reasons why it intends to take, or not to take, that action; and
 - (iii) any written submissions made to the head of the entity concerning the reportable allegation that the employee wished to have considered in determining what, if any, disciplinary or other action should be taken in relation to the employee.

The Reportable Conduct Act imposes constraints on the conduct of an investigation of a reportable allegation that may involve criminal conduct without the prior agreement of the Chief Commissioner of Police: s16U.

The Diocesan Corporation has entered into an agreement with Kooyoora Ltd under which Kooyoora Ltd agrees that, if the Director of Professional Standards becomes aware of a reportable allegation against an employee of the entity, to notify the Commission and supply details as required by the Reportable Conduct Act. Under these arrangements, there will be one notifying body on behalf of the Anglican Diocese of Melbourne.

It will be essential to the effective operation of these arrangements that those exercising leadership positions in parishes and congregations strictly observe the requirements for mandatory reporting to the Director of Professional Standards at dps@kooyoora.org.au. Failure to do so will put at risk due compliance with the requirements of the Reportable Conduct Act by the Diocese.

If you have any queries, you are asked in the first instance to direct them by email to the Registrar at registrar@melbourneanglican.org.au