

Professional Standards Uniform Regulations 2017 (Bendigo)

The Bishop-in-Council of the Diocese of Bendigo makes the following Regulations pursuant to section 185 of the *Professional Standards Uniform Act 2016 (Bendigo)*:

Short title

1. These Regulations may be cited as the **Professional Standards Uniform Regulations 2017 (Bendigo)**.

Commencement

2. These regulations come into operation on 1 June 2017.

Definition

3. In these Regulations —

the Act means the **Professional Standards Uniform Act 2016 (Bendigo)**.

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 22(1) of the Act must be in Form 1 of the Schedule, with any necessary modifications.

Form of reference to the Professional Standards Board

5. A reference by the Professional Standards Committee to the Professional Standards Board under section 69 of the Act must include a notice in Form 2 of the Schedule, with any necessary modifications.

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

6. An application for review of a decision of the Professional Standards Board under section 89 of the Act must be in Form 3 of the Schedule, with any necessary modifications.

SCHEDULE

Professional Standards Uniform Regulations 2017 (Bendigo)

FORM 1

Reg. 4

CONSENT OF COMPLAINANT TO FORMAL PROCESS

under s 22 of the Professional Standards Uniform Act 2016 (Bendigo) (the Act)

TO: The Director of Professional Standards

Name of complainant—

Address—

Description of complaint:

I the above named complainant CONSENT to —

- (a) the giving by the Director of notice of the complaint and the identity of the complainant to the respondent;
- (b) the investigation of the complaint by the PSC or its delegate;
- (c) the PSC otherwise dealing with it under this Act;
- (d) the hearing and determination of the complaint by the Board and on any review, the Review Board, either by hearing or otherwise in accordance under this Act; and
- (e) the making of recommendations to the Bishop or other Church authority in accordance with this Act.

.....

Complainant

Date:

NOTE: Section 22 of the Act provides:

22. (1) *The Director must prior to any investigation seek from the complainant his or her written consent to—*
- (a) *the giving by the Director of notice of the complaint and the identity of the complainant to the respondent;*

- (b) *the investigation of the complaint by the PSC or its delegate;*
 - (c) *the PSC otherwise dealing with it under this Act;*
 - (d) *the hearing and determination of the complaint by the Board and on any review, the Review Board, either by hearing or otherwise in accordance under this Act; and*
 - (e) *the making of recommendations to the Church authority in accordance with this Act.*
- (2) *If the complainant (other than the Director) has not given the written consent referred to in the preceding subsection—*
- (a) *the Director and the PSC must, subject to any obligation referred to in subsection (3), respect the confidentiality of the identity of the complainant;*
 - (b) *the PSC may, subject to subsection (2)(a), investigate the complaint but shall not be required to do so and otherwise to refer it to the Board;*
 - (c) *the PSC may but is not obliged to dismiss the complaint or take no further action in relation to the complaint; but*
 - (d) *the PSC may with the consent of the complainant arrange with the complainant, the respondent and if appropriate, the Church authority mediation conciliation neutral evaluation or other alternative resolution of any dispute associated with the complaint, with a view to addressing any breakdown in relationships and achieving a reconciliation between the parties.*
- (3) *The relevant obligations are under any State or Federal law—*
- (a) *to disclose information to a member of the police force¹; and*
 - (b) *otherwise to take reasonable steps to reduce or remove a substantial risk that a relevant child will become the victim of a sexual offence committed by a person or of over the aged of 18 years who is associated with the Church in the diocese.²*
- (4) *In this section, ‘relevant child’ means a child (whether identifiable or not) under the age of 16 years who is, or may come, under the care, supervision or authority of the Church in the Diocese.³*

¹ In certain circumstances, it is an offence punishable by 3 years imprisonment for any person of or over the age of 18 years to fail to disclose to a member of the police force of Victoria information relating to the commission of a sexual offence against a child under the age of 16 years: s327 of the *Crimes Act 1958* (Vic).

² See *Crimes Act 1958* (Vic), s49C. A negligent failure by person in authority to protect a child from a sexual offence is also an offence

³ The definition reflects the definition of ‘relevant child’ in s49C.

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FORM 2

Reg. 6

REFERENCE TO THE PROFESSIONAL STANDARDS BOARD

under s 69 of the Professional Standards Uniform Act 2016 (Bendigo)

TO: The Secretary
Professional Standards Board

The Professional Standards Committee refers the following matter to the Professional Standards Board pursuant to section 69 of the Professional Standards Uniform 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 3

Reg. 7

APPLICATION FOR REVIEW OF A DECISION

under s 89 of the Professional Standards Uniform Act 2016 (Bendigo)

TO: The Secretary
Professional Standards Review Board

Name of applicant—

Address—

I APPLY to the Professional Standards Review Board for review 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—
