

**ANGLICAN DIOCESE OF MELBOURNE**

**PRESCRIPTION BY ARCHBISHOP IN COUNCIL**

by resolution passed 22 June 2017

RESOLVED that the roles offices and positions for lay people for service in the Church (other than for authorised lay ministry), as set out in the table marked “A” settled at the meeting and annexed to these minutes be prescribed pursuant to s59(2) of the *Professional Standards Uniform Act 2016* (Mebourne).

**TABLE “A”**

	<b>Class A clearance – Governance role office or position</b>
1	Member of Diocesan Council
2	Director of Diocesan Corporation
3	General Synod representative
4	Synod representative
5	Cathedral Chapter member
6	Churchwarden
7	Parish Council Member
	<b>Class B clearance – Child-related or community role office or position</b>
8	Verger
9	Children’s group leader / coordinator or worker
10	Crèche leader / coordinator or worker
11	Director or coordinator of the choir or music group that includes children
12	Adult member or organist or pianist or other musical accompanist of a choir or music or dance or acting group that includes children
13	Home pastoral care visit leader / coordinator
14	Home pastoral care visitor
15	Aged Care facility pastoral care leader or coordinator
16	Aged Care facility pastoral care visitor
17	A salaried or otherwise remunerated paid lay person, who engages in ‘child-related work’
18	Superintendent or person in charge of a Sunday School or other educational program
19	Sunday School or other educational program teacher
20	Welcomer engaged in ‘child-related work’
21	Youth or Children’s group leader or coordinator
22	Youth or Children’s group worker
23	Bus driver – children or elderly
24	Op Shop coordinator
25	Op Shop helper or assistant
26	Community meals coordinator
27	Community meals helper or assistant
28	Candidate for Selection conference for Holy Orders
29	Theological exiting student intending to seek

	ordination
30	Small group leader where children who are not accompanied by their parent are present
31	Liturgical master of ceremonies
32	Crucifer, Server, Acolyte, where the serving team includes children
	<b>Class C clearance – Adult related role office or position</b>
33	Director or coordinator or organist or pianist or other musical accompanist of an adult choir or music or dance or acting group
34	Any salaried or otherwise remunerated paid lay person who does not engage in 'child-related work'

### EXPLANATORY NOTES:

The provisions of the *Professional Standards Uniform Act 2016* (Melb) relating to clearance for service will commence operation on a date yet to be fixed by the Archbishop in Council which is expected to be later in 2017.

Under those provisions, a Church worker appointed or elected to any prescribed role office or position must apply to the Office of Professional Standards for a clearance for service—

- (a) no later than 30 days following their appointment or election, as the case may be; or
- (b) if the role office or position is prescribed after the appointment of the Church worker, no later than 30 days following written notice from the Director to the person of that prescription.

*Professional Standards Uniform Act 2016* (Melb), s60(2)

The Office of Professional Standards will publish details of what checks for each particular role office or position will be made.

A “**prescribed role office or position**” means any role office or position for service in the Church other than for ministry that—

- (a) falls within a class from time to time prescribed by the Diocesan Bishop-in-Council; or
- (b) involves in substance the duties inherent in the description of that class.

*Professional Standards Uniform Act 2016* (Melb), s59(2)

**General rider:** Where no clearance is required for a particular role office or position but the Church authority becomes aware that the role office or position will involve ‘child-related work’, the Church authority is expected to exercise the authority conferred under the Act to require that the person obtain a clearance in that case. Likewise if for some other reason, the Church authority has real concerns about the fitness of the person for the particular role office or position.

Section 60(3) of the *Professional Standards Uniform Act 2016* (Melb) provides:

- (3) Nothing in this section precludes a Church authority in his or her or its discretion from requiring in writing as a condition of any appointment that a person whose role office or position does not otherwise fall within a class referred to above in subsection (2) of the preceding section apply for and obtain a clearance for service.

Under the *Working with Children Act 2005* (Vic), the relevant Church authority or the Diocesan Corporation may commit an offence under that State law if they engage or continue to engage the person in child-related work, knowing that it is child-related work when the person does not have a current assessment notice: s35.

'**Child-related work**': Section 9 of the *Working with Children Act 2005* (Vic) specifies the kinds of work that are child-related work as follows:

- (1) For the purposes of this Act, child-related work is **work**—
  - (a) at or for a service, body or place, or that involves an activity, specified in subsection (3); and
  - (b) **that usually involves direct contact with a child** ~~and that contact is not directly supervised by another person.~~
- (1A) For the purposes of this Act, **work is not child-related work by reason only of occasional direct contact with children that is incidental to the work.**
- ~~(2) For the purposes of this Act, direct supervision of a person's contact with a child requires immediate and personal supervision but does not require constant physical presence.~~
- (3) The services, bodies, places or activities referred to in subsection (1)(a) are—
  - (i) religious organisations;
- (4) Subject to subsection (5) but despite any other provision of this section, for the purposes of this Act, work engaged in as a minister of religion is child-related work unless any direct contact with children during the work engaged in as a minister of religion is only occasional direct contact that is incidental to that work.
- (5) **Despite any other provision of this section, if a minister of religion is the appointed leader of a local religious congregation in an organised religious institution and the congregation contains any children, work engaged in as a minister of religion is child-related work.**
- (6) repealed
- (7) .....
- (8) For the purposes of this Act, a person is not engaged in child-related work merely because he or she—
  - (a) is participating in an activity with a child on the same basis as the child;
  - (b) is supervising a child undertaking practical training as part of an arrangement or agreement under Part 5.4 of the Education and Training Reform Act 2006 .
- (9) ...