

ATTACHMENT 4

A BILL FOR A CANON TO AMEND THE NATIONAL REGISTER CANON 2007**EXPLANATORY MEMORANDUM****Background**

- 1 The object of this Canon is to amend the National Register Canon 2007 to ensure that investigations by the police are not prejudiced by the notification to the member of the clergy or lay person concerned of the entry of Information relating to that person.
- 2 There have been instances where a Director of Professional Standards has received a request from a police service that a member of the clergy or lay person not be notified of the entry of Information in the National Register relating to that person so as to ensure that investigations by the police are not prejudiced.
- 3 The amendment will ensure that where such a request is received the member of the clergy or lay person concerned not be notified of the entry of Information in the National Register relating to that person for a limited period which may be extended where a further request is received or further requests are received.

Clause Notes

Clause 1 states the title of the Bill and that the National Register Canon 2007 is referred to as the principal Canon.

Clause 2 provides that the existing section 9 is renumbered as subsection (1) and that:

- (a) in subsection (1) the word "The" is deleted and the words "Subject to subsection (3), the" are substituted;
- (b) subsections (2) and (3) are inserted whereby:
 - (i) subsection (2) provides that a Director of Professional Standards shall forthwith notify the General Secretary of a police request or the withdrawal of a police request;
 - (ii) subsection (3) provides that the General Secretary shall not notify the member of the clergy or lay person of the entry of Information in the National Register relating to that person where he receives or is notified of a police request until the sooner of the expiration of three months or he receives or is notified of the withdrawal a police request.

Clause 3 provides for the amendment of the Third Schedule by inserting definitions of "police request", "police service" and "withdrawal of the police request".

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The General Synod prescribes as follows:

Title

- 1 (1) This Canon may be cited as the National Register Canon 2007 (Amendment) Canon 2014.
- (2) The National Register Canon 2007 is hereinafter referred to as "the principal Canon".

Amendment of section 6

- 2 Section 9 of the principal Canon is amended by:
- (a) renumbering the existing section as subsection (1) and in the renumbered subsection (1) deleting the word "The" and substituting the words "Subject to subsection (3), the";
- (b) inserting the following subsections after subsection (1):
- “(2) Where a Director of Professional Standards receives a police request or the withdrawal of a police request, the Director of Professional Standards shall forthwith notify the General Secretary of the police request or the withdrawal of the police request, as the case may be.
- (3) Where the General Secretary receives a police request or notification of a police request from a Director of Professional Standards, the General Secretary shall not notify the member of the clergy or lay person of the entry of Information in the National Register relating to that person until the sooner of the expiration of three months or the receipt of the withdrawal of the police request or notification of the withdrawal of the police request from a Director of Professional Standards.”

Amendment of the Third Schedule

- 3 The Third Schedule of the principal Canon is amended by:
- (a) inserting the following definitions after the definition of "physical abuse":
- “**“police request”** means a request in writing from a police service that a member of the clergy or lay person not be notified of the entry of Information in the National Register relating to that person;”
- “**police service**” means the Australian Federal Police or the police service of a State or Territory of Australia;
- (b) inserting the following definition after the definition of "Standing Committee":

“withdrawal of the police request” means a notification in writing by the police service concerned that it withdraws the police request relating to a particular member of the clergy or lay person;”