

## **AGENDA 2.3.10**

# **Request for a review of the Professional Standards Department**

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(See also Agenda 2.2.6)

## **PROPOSED MOTION**

*Submitted by Redeemer Lutheran Church, Toowoomba Qld*

### **BE IT RESOLVED**

1. That a taskforce be established by the College of Bishops and be given the power and resources it needs to conduct a thorough review of the Professional Standards Department to ensure that:
  - a. all its operations are consistent with biblical teaching, the principles of natural justice, and Australian law;
  - b. as a church we work out our conflicts in an evangelical manner: that is, in a manner that involves a right application of both Law and Gospel.
2. That members of this taskforce be selected in such a way that priority is given: first, to people who have a reputation in the church for their godly wisdom (in line with 1 Corinthians 6:5); and second, to people who have relevant legal expertise, so that as a group it gives due consideration both to our obligations before God and our obligations to the state. Furthermore, that those who have a conflict of interest due to any direct involvement in either the running of the LCA Tribunal or the establishment and operation of the PSD be excluded from serving on the taskforce and from selecting its members.
3. That this taskforce report back to General Synod outlining in detail the specific steps that have been taken to ensure that concerns about the PSD have been appropriately addressed.

## **REASONS FOR THE MOTION**

***(GCC Note: The concerns raised in the Reasons for the Motion are of an alleged nature only.)***

The Professional Standards Department has an important role to play in the church, to ensure that the church takes reasonable measures to guard against safety risks and thereby to protect those for whom it has a duty of care. Therefore its work must continue. However, concerns have been raised by many pastors and church members that at times the PSD, in its zeal to pursue those who have been accused of abuse or misconduct, has engaged in behaviour that could itself be deemed to be abusive, unjust, or at cross purposes with the church's core business of proclaiming and enacting the Gospel. Such concerns, whether they are well grounded or not, have harmed the PSD's reputation and people's confidence in it. Since much of the business of the PSD is confidential, it is almost impossible for the average church member or Synod delegate to hear all sides of the story and ascertain the truth of these concerns. Therefore a taskforce is needed that can look into these concerns, implement appropriate safeguards for the future, and restore confidence in the PSD.

Some of the concerns that have been raised include the following:

- A. That the PSD has given insufficient attention to Matthew 18:15–18 and Galatians 6:1, and in many cases has rushed straight to Tribunal hearings and disciplinary proceedings before the possibility of reconciliation between the accused and his or her accusers has been explored. This is of concern since the primary purpose of the church is to pursue a ministry of forgiveness and reconciliation through the Gospel of Jesus Christ, and to

gently restore those who are caught in sin whenever possible (Galatians 6:1).

- B. That individuals who have never been accused of any crime, and have never had their guilt proven when it comes to the misdemeanors of which they have been accused, have been publicly named and shamed, and suffered greatly from the destruction of their reputations.
- C. That the church provides many resources to the PSD so that it can prosecute those who have been accused of misconduct, but provides no resources to ensure their lawful right of defence. In this way it has failed in its duty of care towards the pastors and other church members who have been accused.
- D. That the PSD receives significant funding and policy direction from the LCA's insurance company. This is of concern since it has the potential to skew the priorities of the PSD towards the agenda of the insurance company (ie to avoid an expensive lawsuit at all costs) and away from the priorities of the church such as justice, reconciliation, and the enactment of the Gospel.
- E. That the PSD lacks both legitimate authority and genuine accountability. It operates with principles and procedures that are derived neither from the spiritual authority of God's Word nor from the laws of the nation. Furthermore, since it has been set up by the church but operates at arm's length from the church, it is directly accountable to neither the church nor to any authority established by our Commonwealth or States.
- F. That the PSD has attempted to override the recommendations of parole boards, independent experts, and congregational risk management groups in cases where these other authorities are better placed to understand the individual circumstances than the PSD is. It has then pressured congregations that refuse to comply with its recommendations by threatening to cancel their insurance.
- G. That accused persons have been denied rights pertaining to due process, including the following:
  - 1. To know all the accusations against them
  - 2. To face their accusers (except in the case where the accuser is a minor)
  - 3. To fair representation
  - 4. To be presumed innocent until proven guilty
  - 5. To appeal any ruling against them to an independent tribunal.This is of concern since, as the Bible teaches us, false accusations do occur (Genesis 35; 1 Kings 21; Exodus 20:16; 23:1, 7; Deuteronomy 19:15–21; 1 Timothy 5:19). The above rights—which pertain to natural justice and Australian common law—are built into Australian law to protect the innocent from suffering the gross injustice of wrongful conviction. The price of ignoring such principles is that in our zeal to uphold justice we end up perpetrating injustice, and in our desire to protect innocent victims we end up creating new ones.
- H. That individuals have been pressured by the PSD to sign statements that they will not attend divine service, or will abide by such onerous restrictions that they give up attending. Furthermore, that this has taken place even though these individuals are not subject to any legal order from any civil authority that restricts their movements or their right to be present in public places. If such reports are true they are of concern for the following reasons:
  - 1. Preventing people from attending public worship is unprecedented in the history of the church. Even excommunicated persons are allowed to attend divine service to hear the Word of God (they are just not allowed to commune). The church welcomes everyone in this way because it is neither a police force nor a guild for the morally superior, but a hospital for sinners, and the more grievously a person has sinned the more he or she needs to hear God's Word of Law and Gospel.

2. God has established the civil authorities, including the courts and judicial system of the land, as his means for preserving justice, peace and public safety (Romans 13:1–4; 1 Peter 2:13–14). When the church tries to take over this responsibility for itself, and applies a different standard from that of the civil authorities, it subverts the God-given authority of the state. Furthermore, it undermines its own God-given role, which is to bring the Good News to sinners.
3. In Queensland at least, such measures may be in breach of the criminal code, which reads:  
 (1) A person (the first person) who threatens to cause a detriment to a second person with intent to prevent or hinder any person (the other person) other than the first person from doing any act which the other person is lawfully entitled to do, or with intent to compel the other person to do any act which the other person is lawfully entitled to abstain from doing, or with intent to cause public alarm or anxiety, commits a crime.  
 Maximum penalty—5 years imprisonment.  
 (Criminal Code 1899 – Sect 359 Threats [emphasis added])
4. Far from protecting public safety, there is evidence to suggest that measures that isolate known sex offenders and cut them off from the support of the community significantly increase their chance of reoffending.<sup>1</sup> This means that excluding such people from the fellowship of the church not only deprives them of God's Word, it also has the potential to endanger the general public.

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<sup>1</sup> <https://www.psychologytoday.com/blog/talking-about-trauma/201509/the-sex-offender-next-door-why-reintegration-helps>  
[https://www.researchgate.net/publication/254243496\\_From\\_prison\\_to\\_integration\\_Applying\\_modified\\_labeling\\_theory\\_to\\_sex\\_offenders](https://www.researchgate.net/publication/254243496_From_prison_to_integration_Applying_modified_labeling_theory_to_sex_offenders)  
[https://www.researchgate.net/profile/Niklas\\_Langstroem/publication/236246389\\_Risk\\_of\\_Sexual\\_Recidivism\\_in\\_Adolescents\\_Who\\_Offend\\_Sexually\\_correlates\\_and\\_assessment/links/00b49518586381fafa000000/Risk-of-Sexual-Recidivism-in-Adolescents-Who-Offend-Sexually-correlates-and-assessment.pdf](https://www.researchgate.net/profile/Niklas_Langstroem/publication/236246389_Risk_of_Sexual_Recidivism_in_Adolescents_Who_Offend_Sexually_correlates_and_assessment/links/00b49518586381fafa000000/Risk-of-Sexual-Recidivism-in-Adolescents-Who-Offend-Sexually-correlates-and-assessment.pdf), p7-8.  
[https://www.smart.gov/SOMAPI/sec1/ch8\\_strategies.html](https://www.smart.gov/SOMAPI/sec1/ch8_strategies.html)