

## **ISSUES IN ASSESSING THE APPLICATION OF NATURAL JUSTICE OTHER THAN IN A COURT SETTING**

1. The accused person should be fully acquainted and directly provided with the accusations made
  - the actual behaviour
  - the relevant times or dates
  - the place/s where the offending conduct occurred
  - in some but not all circumstances the names of the complainants
  
2. The accused person has a right to be heard in answer to the allegations
  - due notice – that is, given sufficient time to prepare for the response
  - the responses of the accused person are put to a witness to elicit agreement or disagreement
  - legal representation if this is permitted under the rules
  - (in a court of law procedures regarding evidence are followed)
  
3. The exercise of good faith
  - rules must be observed
  - there must be a lack of bias
  
4. Any penalty imposed must be in accordance with the rules and in proportion to the inappropriate behaviour
  - a submission regarding extenuating circumstances must be allowed
  
5. Confidentiality – not absolute confidentiality but a restricted publication of the issues
  
5. Records should be maintained in circumstances of confidentiality.

The above is a summary of part of an unpublished paper prepared by the Provincial Legal Committee of the Anglican Church entitled “The nature and application of the principles of natural justice within the Anglican Church.”

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