THE ANGLICAN CHURCH OF AUSTRALIA

DIOCESE OF PERTH



CODE OF STATUTES

2026

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PART 1

THE CONSTITUTION
OF THE ANGLICAN CHURCH OF AUSTRALIA [1]

PART I

Chapter I. - FUNDAMENTAL DECLARATIONS

1. The Anglican Church of Australia,[2] being a part of the One Holy Catholic and Apostolic Church of Christ, holds the Christian Faith as professed by the Church of Christ from primitive times and in particular as set forth in the creeds known as the Nicene Creed and the Apostles' Creed.

2. This Church receives all the canonical scriptures of the Old and New Testaments as being the ultimate rule and standard of faith given by inspiration of God and containing all things necessary for salvation.

3. This Church will ever obey the commands of Christ, teach His doctrine, administer His sacraments of Holy Baptism and Holy Communion, follow and uphold His discipline and preserve the three orders of bishops, priests and deacons in the sacred ministry.

Chapter II. - RULING PRINCIPLES

4. This Church, being derived from the Church of England, retains and approves the doctrine and principles of the Church of England embodied in the Book of Common Prayer together with the Form and Manner of Making Ordaining and Consecrating of Bishops, Priests and Deacons and in the Articles of Religion sometimes called the Thirty-nine Articles but has plenary authority at its own discretion to make statements as to the faith ritual ceremonial or discipline of this Church and to order its forms of worship and rules of discipline and to alter or revise such statements, forms and rules, provided that all such statements, forms, rules or alteration or revision thereof are consistent with the Fundamental Declarations contained herein and are made as prescribed by this Constitution. Provided, and it is hereby further declared, that the above-named Book of Common Prayer, together with the Thirty-nine Articles, be regarded as the authorised standard of worship and doctrine in this Church, and no alteration in or permitted variations from the services or Articles therein contained shall contravene any principle of doctrine or worship laid down in such standard.

   Provided further that until other order be taken by canon made in accordance with this Constitution, a bishop of a diocese may, at his discretion, permit such deviations from the existing order of service, not contravening any principle of doctrine or worship as aforesaid, as shall be submitted to him by the incumbent and churchwardens of a parish.

   Provided also that no such request shall be preferred to the bishop of a diocese until the incumbent and a majority of the parishioners present and voting at a meeting of parishioners, duly convened for the purpose, shall signify assent to such proposed deviations. Such meeting shall be duly convened by writing, placed in a prominent position at each entrance to the church and by announcement at the morning and evening services, or at the service if only one, at least two Sundays before such meeting, stating the time and place of such meeting, and giving full particulars of the nature of the proposed deviation.

5. Subject to the Fundamental Declarations and the provisions of this chapter this Church has plenary authority and power to make canons, ordinances and rules for the order and good government of the Church, and to administer the affairs thereof. Such authority and power may be exercised by the several synods and tribunals in accordance with the provisions of this Constitution.

6. This Church will remain and be in communion with the Church of England in England and with churches in communion therewith so long as communion is consistent with the Fundamental Declarations contained in this Constitution.

PART II

THE GOVERNMENT OF THE CHURCH

Chapter III. - OF THE BISHOPS

7. A diocese shall in accordance with the historic custom of the One Holy Catholic and Apostolic Church continue to be the unit of organisation of this Church and shall be the see of a bishop.

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1 The change of name from Church of England in Australia was made by Canon 16, 1966 which came into effect on 24 August 1981, following enactments by the Parliaments of all States and Territories.

2 See Note 1 above.

8. There shall be a bishop of each diocese who shall be elected as may be prescribed by or under the constitution of the diocese, provided that the election shall as to the canonical fitness of the person elected be subject to confirmation as prescribed by ordinance of the provincial synod, or if the diocese is not part of a province then as prescribed by canon of General Synod.

During any vacancy in the office or incapacity of the bishop of any diocese or during his absence from the diocese for a period exceeding thirty days the authorities powers rights and duties conferred or imposed on him by this constitution shall be exercised by the person appointed by or under the constitution of the diocese to administer the affairs of the diocese.

General Synod may by canon confer upon a bishop of a diocese the title of Archbishop provided that such canon shall be carried by an affirmative vote of at least two-thirds of the members of each house and shall receive the approval of all the metropolitans.

9. There shall be a Metropolitan (to be called Archbishop) of each province of this Church who shall hold office as prescribed by any Act of Parliament or by the constitution of the province or by ordinance of the provincial synod.

During any vacancy in the office or incapacity of the metropolitan of any province, or during his absence from the province for a period exceeding thirty days the authorities powers rights and duties of the metropolitan under this Constitution shall be exercised by the senior diocesan bishop of the province at the time in the province able and willing to act, seniority being determined by the date of consecration.

10. There shall be a Primate of this Church who shall be elected and hold office as may be prescribed by canon of the General Synod.

During any vacancy in the office or incapacity of the Primate or during his absence from Australia for a period exceeding thirty days, the authorities powers rights and duties of the Primate under this Constitution shall be exercised by the Senior Metropolitan at the time in Australia able and willing to act, or if there is no metropolitan able and willing to act, then by the senior diocesan bishop at the time in Australia able and willing to act, seniority in every case being determined by the date of consecration.

11.[3] The members of the House of Bishops may apart from their meetings as a House of Bishops of the General Synod meet from time to time for the discharge of the functions assigned to a meeting of them under this Constitution.

12. Such a meeting of the said bishops shall be convened by the Primate on his own initiative or at the request in writing of not less than one-third of the bishops, and shall have power to regulate its own business.

13. The presence of at least one-half of the said bishops shall be necessary to constitute such a meeting of the bishops for the discharge of its functions under this Constitution.

14. A certificate signed by the Primate or metropolitan or bishop presiding in the absence of the Primate and purporting to state a decision of such a meeting of the bishops or the votes of individual bishops shall be evidence of the matters so stated.

CHAPTER IV. - OF GENERAL SYNOD

COMPOSITION AND PROCEDURE

15. General Synod shall consist of the House of Bishops, the House of Clergy and the House of Laity.

The three houses shall sit together in full Synod and shall deliberate and transact business therein and shall vote together unless a vote by houses is required by not less than five members of the House of Bishops or by ten members of the House of Clergy, or by ten members of the House of Laity.

In the event of a vote by houses being required, all questions shall be put first to the House of Laity, then to the House of Clergy, and finally to the House of Bishops and no question shall be deemed to be resolved in the affirmative by General Synod unless it is so resolved by a vote of the majority of those present in each of the three houses.

A house by a majority of its members voting may decide to consider separately any matter in debate whereupon further discussion of the matter shall be postponed until there has been an opportunity of separate consideration.

The person who holds office as General Secretary or Treasurer of the General Synod shall be entitled to attend the meetings of the General Synod and shall be entitled to propose motions and speak. However, unless such a person is otherwise a member of the General Synod, that person shall not be permitted to vote nor to be counted in a quorum.[4]

16.[5] The House of Bishops shall be composed of the Primate, metropolitans, the diocesan bishops and any bishop who becomes a member of General Synod pursuant to the provisions of subsection 17(8)(a)(i).

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3 Amended by Canon 16, 1998 which came into effect on 1 March 2000.

4 Paragraph inserted by Canon 17, 1995 which came into effect on 17 September, 1997.

5 Amended by Canon 16, 1998 which came into effect on 1 March 2000.

17.[6] (1) The House of Clergy shall be composed of clerical representatives of each diocese and any bishop, priest or deacon who becomes a member of General Synod pursuant to the provisions of Section 17(8)(a)(ii).

(2) The House of Laity shall be composed of lay representatives of each diocese and any lay person who becomes a member of General Synod pursuant to the provisions of Section 17(8).

(3) Clerical and lay representatives of a diocese shall be elected or appointed, and any vacancy in the place of a representative shall be filled at such time and in such a manner as may be prescribed by or under the constitution of the diocese.

(4) The number of representatives of a diocese shall be determined in accordance with the table annexed to this Constitution and shall be so determined on or as at each date on which the Primate shall sign and seal a mandate summoning the diocesan bishops to convene representatives to an ordinary session or a special session of the General Synod and shall remain fixed until the next such date.[7]

(5) Every bishop priest or deacon[8] shall be qualified to be a clerical representative of a diocese if he is resident therein at the date of his appointment and holds a licence from the diocesan bishop, provided however that the qualification of residence in the diocese shall not be necessary in the case of[9] a diocese having less than thirty-one clergymen resident and duly licensed to officiate therein.

(6) Every layman who is not under the age of eighteen[10] years and is a communicant of this Church shall be qualified to be a lay representative of a diocese, whether he does or does not reside therein.

(7) The bishop of each diocese shall certify and transmit to the Primate a list of names and addresses of the clerical and lay representatives of the diocese.

In the event of any change in the representation of a diocese the bishop shall certify and transmit to the Primate a supplementary list showing the change.

Any list or supplementary list so certified shall be evidence that a representative therein named is entitled to be such representative unless a subsequent list shows that he has ceased to be a representative.

(8)[11] (a) For every session of Synod the members of Synod shall include non-diocesan representatives being

(i) an Aboriginal bishop and a Torres Strait Islander bishop who shall be members of the House of Bishops;

(ii) an Aboriginal bishop, priest or deacon and a Torres Strait Islander bishop, priest or deacon who shall be members of the House of Clergy; and

(iii) an Aboriginal lay person and a Torres Strait Islander lay person who shall be members of the House of Laity.

(b) Non-diocesan representatives shall be appointed by the Primate on the recommendation of the body appointed by Canon for that purpose.

(c) The Primate shall cause non-diocesan representatives to be summoned or convened to a session of Synod as may be specified by Canon.

(d) A non-diocesan representative must be a communicant member of this Church who is otherwise qualified as may be specified by Canon.

(e) A non-diocesan representative shall be entitled to such vote in Synod as is permitted or authorised by the Constitution but such vote shall not be counted for the purpose of determining whether a canon or resolution has been assented to by a majority of all dioceses.

18. General Synod in such manner as it may deem proper may determine whether any person who claims to be a member of the Synod or of any house is entitled to be a member thereof and whether he has been duly and lawfully elected appointed or summoned to the Synod.

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6 "Whereas the General Synod recognises the unique historical status of the Aboriginal and Torres Strait Island people, and hence also, the unique relationship between indigenous and non-indigenous people, both within and without the Anglican Church of Australia." In accordance with Resolution 59/98 of General Synod, the Preamble to Canon 16, 1998 is printed here. S.17 was amended by this Canon which came into effect on 1 March 2000.

7 Words added by Canon 13, 1992 which came into effect on 25 June 1995.

8 Words "or deacon" added by Canon 22, 1985 and Bill 2, 1985 which came into effect on 1 July 1988.

9 Words deleted by Schedule Three of Canon 14, 1992 which came into effect on 31 July 1995.

10 Word "eighteen" substituted for "twenty-one" by Schedule One of Canon 14, 1992 which came into effect on 25 June 1995.

11 S.17(8) added by Canon 16, 1998 which came into effect on 1 March 2000.

19. (1) General Synod may proceed to the despatch of business notwithstanding the failure of any diocese to provide for its representation in the Synod and notwithstanding any failure to elect or appoint any non-diocesan representatives of Synod and notwithstanding a vacancy in the office of Primate or a metropolitan or a diocesan bishop.[12]

(2) No canon rule act or exercise of power of General Synod shall be vitiated by reason only of the fact that any person to be elected appointed or summoned to the Synod has not been elected appointed or summoned, or by reason only of any informality with respect of the election appointing or summoning.

20. The Primate or in his absence the Senior Metropolitan present, or if there is no metropolitan present, the senior diocesan bishop present shall be President of the House of Bishops and of General Synod, seniority in every case being determined by the date of consecration.

The President may take part in any discussion and vote on any question.

The President of the House of Bishops and of General Synod may, at any time during a meeting of that house, or of General Synod, call upon a metropolitan, or if there is no metropolitan present, the senior diocesan bishop present to preside, temporarily, at the meeting, whether or not the President is present at the meeting.[13]

21. Until General Synod otherwise prescribes the presence of at least seven members of the House of Bishops and at least fifteen members of the House of Clergy representing not less than seven dioceses and of at least fifteen members of the House of Laity representing not less than seven dioceses shall be necessary to constitute a meeting of General Synod for the exercise of its powers.

22. At each session of Synod the House of Clergy and the House of Laity shall elect its own chairman and such other officers as it considers necessary.

SESSIONS

23.[14] Until General Synod by canon otherwise prescribes:-

(a) Ordinary sessions of Synod shall be held at intervals not exceeding four years, and at such time and place as Synod may by resolution appoint or failing any such resolution then as the Standing Committee of Synod may by resolution appoint provided that the Standing Committee of Synod may on grounds of emergency or other special grounds by resolution defer the summoning of Synod for a period exceeding four years from the previous Synod but not exceeding twelve months from the date of such resolution and may do so from time to time provided further that Synod shall meet at least once in every six years.

(b) A special session of Synod shall be convened by the Primate at the request in writing of not less than one-half of the members of the House of Bishops or of one-third of the members of the House of Clergy or of one-third of the members of the House of Laity or upon a resolution of the Standing Committee.

Each request made by members of the House of Bishops, of the House of Clergy or of the House of Laity as aforesaid shall have attached thereto or incorporated therein the bills for canons, rules, statements and resolutions and specify any other business which those who make the request require the synod to consider at such special session.

(c) At least four months before the time for any ordinary or special session of Synod the Primate shall by mandate under his hand and seal (bearing the date on which the mandate was signed and sealed, as aforesaid) summon the diocesan bishops, and require them to convene the prescribed number of clerical and lay representatives of their respective dioceses at the appointed time and place.

(d) The procedure and powers of Synod in a special and an ordinary session shall be the same, provided that in a special session no business other than the business specified in the mandate the conduct of such business and matters of procedure shall be transacted.

(e) The mandate for a special session shall:

(i) be accompanied by a copy of the bills for canons, rules, statements and resolutions and specify any other business attached to or incorporated in the request for such special session, and

(ii) be accompanied by a schedule listing such business which the Primate or the Standing Committee decide should be considered at the special session.

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12 Words added by Canon 16, 1998 which came into effect on 1 March 2000.
13 Paragraph added by Canon 8, 1989 and Bill 4, 1989 which came into effect on 24 August 1989.
14 Words added to paragraphs (b), (c) and (d), and paragraph (e) inserted by Canon 13, 1992 which came into effect on 25 June 1995.

RECORDS AND SEAL

24. The proceedings of General Synod shall be duly recorded and be authenticated by the signature of the President.

Every canon of General Synod shall be printed in duplicate, and each duplicate shall be certified as correct by the President, the chairman of committees and the secretaries of the Synod, authenticated by the official seal, and filed in books.

25. (1) General Synod shall have an official seal, which shall be judicially noted.

The seal shall not be used to authenticate any canon rule resolution instrument or document or any copy thereof except upon a resolution of Synod or of the Standing Committee of Synod and by and in the presence of at least three members of the said Committee.

(2) Any canon rule resolution instrument or document authenticated by the official seal shall be admissible in evidence without further proof.

A document purporting to be a copy of any canon rule or resolution so authenticated and purporting to be certified by at least three members of the Standing Committee as a true copy shall be evidence of the canon rule or resolution and be admissible in evidence without further proof.

Chapter V. - OF THE POWERS OF GENERAL SYNOD

26. Subject to the terms of this Constitution Synod may make canons rules and resolutions relating to the order and good government of this Church including canons in respect of ritual, ceremonial and discipline and make statements as to the faith of this Church and declare its view on any matter affecting this Church or affecting spiritual, moral or social welfare, and may take such steps as may be necessary or expedient in furtherance of union with other Christian communions.

27.[15] (1) A canon shall be made by a bill passed by General Synod in accordance with the Synod's standing orders provided that -

(i) the bill shall have been circulated to each diocese and to each non-diocesan representative at least three months before the first day of the session of Synod at which the bill is to be presented, provided that the Standing Committee may allow a shorter period of notice but not less than one month and provided further that General Synod by an affirmative vote in each house of at least three-fourths of the members present may declare a bill to be a matter of urgency and permit it to be included in the agenda without previous notice,[16] and

(ii) a special bill shall follow the procedure prescribed in section 28.

(2) The authentication of a canon in accordance with section 24 is conclusive evidence that the requirements of this section have been complied with.

28.[17] (1) A bill (not being a bill for a canon to alter this Constitution) which deals with or concerns the ritual ceremonial or discipline of this Church shall follow the procedure of this section as a special bill unless, at any time before it votes on a motion that the bill do pass, Synod by votes of at least three-fourths of the members present in each house decides that it need not proceed as a special bill.

(2) In the case of any other bill (not being a bill for a canon to alter this Constitution) if, at any time before it votes on a motion that the bill do pass, not less than twenty-five members of General Synod petition the President that the bill should be treated as a special bill the President shall put to General Synod the motion that it be so treated and if General Synod so decides the bill shall be dealt with as a special bill.

(3) A special bill shall be dealt with as other bills are dealt with subject to the following qualifications -

(i) a motion that the bill do pass shall be deemed not to be agreed to unless it is agreed to by at least two-thirds of the members of each of the three houses present; upon such a motion being so agreed to the special bill shall stand as a canon provisionally made.

(ii) The provisional canon shall then be referred to the synod of each diocese for its consideration and each diocesan synod shall submit to the President within a period specified by canon or by the provisional canon its assent to or dissent from the provisional canon together with such report and recommendation as it may think fit.

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15 S.27 repealed and a new sec. 27 inserted by Canon 5, 1989 and Bill 2, 1989 which came into effect on 5 June 1995.

16 Words added by Canon 16, 1998 which came into effect on 1 March 2000.

17 S.28 repealed and a new sec. 28 inserted by Canon 5, 1989 and Bill 2, 1989 which came into effect on 5 June 1995.

(iii) If every diocesan synod reports that it assents to the provisional canon the President shall so declare and thereupon it shall be a canon duly passed otherwise the reports and recommendations received from the diocesan synods shall be presented to General Synod and the provisional canon shall be presented to the synod as if it were a bill.

(iv) If a subsequent motion that the bill do pass is agreed to by at least two-thirds of the members of each of the three houses present it shall be a canon duly passed unless General Synod, immediately before the vote is taken, by a majority of the three houses voting together shall resolve that it shall be a provisional canon only, whereupon the procedure given above shall again be followed.

28A[18] (1) In this section "**bill**" does not include a bill for a canon to alter this Constitution or a bill which deals with or concerns the ritual ceremonial or discipline of this Church.

(2) Subject to subsection (3) in addition to the procedure in section 27 (1), a canon may be made by a bill sent by the Standing Committee to each diocesan synod and if at least 3/4 of the diocesan synods of this Church including all Metropolitan Sees assent to it by ordinance and if all such assents be in force at the same time, the General Secretary shall certify that fact to the Primate in writing, and on that date the canon shall come into force.

(3) A bill for a canon which would impose a financial liability on a diocese may be made in the manner provided by subsection (2) only if all diocesan synods of this Church assent to it by ordinance and such assents are in force at the same time.

(4) A diocesan synod of a diocese may, by ordinance:

(a) delegate its power to assent to a bill under subsection (2) and (3) to the diocesan council of the diocese, and

(b) permit the diocesan council to assent to the bill in exercise of such delegated authority by ordinance or resolution.

(5) An assent to a bill given by a diocesan council by ordinance or resolution pursuant to a delegated authority given under subsection (4) shall be as effectual as if the synod of the diocese had assented to the bill by ordinance.

29.[19] (1) For the purposes of this section -

(a) "Act" means a canon, provisional canon, rule, resolution or statement made by General Synod notwithstanding that the canon, the provisional canon, the rule, the resolution or the statement is or may be in whole or in part void; and

(b) "Proposal" means any proposal that General Synod make a canon or a rule or a statement or that General Synod pass a resolution, being a proposal of which notice has been given to the General Synod in accordance with any requirements applicable thereto (notwithstanding that consideration may or may not have been given to the proposal by General Synod) but does not include an Act.

(2) A reference under this section to the Appellate Tribunal may be made by -

(a) twenty-five members of the General Synod; or

(b) one third of the members of the House of Bishops; or

(c) one third of the members of the House of Clergy; or

(d) one third of the members of the House of Laity; or

(e) the Primate.

(3) A reference under this section to the Appellate Tribunal shall:

(a) be in writing addressed to the President of the Appellate Tribunal;

(b) identify the Act or Proposal to which the reference relates;

(c) state the question which is or the questions which are to be considered by the Appellate Tribunal;

(d) be signed by the Primate or the other persons making the same; and

(e) except in the case of a reference by the Primate, be delivered to the Primate.

(4) The questions which may be stated in a reference under this Section to the Appellate Tribunal are:

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18 Inserted by Canon 12, 2010 which came into effect on 1 July 2014.

19 S.29 repealed and a new sec. 29 inserted by Canon 1, 1987 and Bill 1, 1987 which came into effect on 1 July 1992.

Is any part of the Act or Proposal identified in the reference inconsistent with the Fundamental Declarations or the Ruling Principles?

Does any part of the Act or Proposal identified in the reference deal with or concern or affect the ritual ceremonial or discipline of this Church?

(5) If a reference is made under this section to the Appellate Tribunal in relation to a Proposal, the Proposal may become an Act thereafter but the Act shall have no effect prior to the date on which the Appellate Tribunal delivers to the Primate its answer to the question or questions in the reference.

(6) Subject to sub-section (7) the Appellate Tribunal shall:

(a) give its opinion or determination with respect to a reference made to it under this section;

(b) where a question is answered in the affirmative -

(i) incorporate in the answer particulars of each part of the Act or Proposal which caused the question to be so answered, and

(ii) where the question concerns inconsistency identify the part or parts of the Fundamental Declarations and Ruling Principles with which that part of the Act or Proposal is inconsistent;

(c) provide reasons for its decision; and

(d) deliver to the Primate its answers and the reasons for its decision.

(7) (a) The Appellate Tribunal shall in no case provide an answer in the negative except with the concurrence of at least four members, and where the question involves any question of faith ritual ceremonial or discipline shall not provide an answer in the negative except with the concurrence of at least two bishops and two lay members of the Tribunal; and

(b) if the Appellate Tribunal is unable to provide an answer to a question in either the affirmative or the negative the President shall so report to the Primate and advise him in writing of the reasons for that inability.

(8) The Appellate Tribunal may, with its answers and reasons:

(a) where it provides an answer in the affirmative, specify a change or changes to the Act or Proposal which, if adopted or incorporated therein, as the case may require, would permit a similar question or similar questions relating thereto to be answered in the negative, and

(b) add such comment or opinion as the members deem may be of value to the General Synod.

(9) Notwithstanding the provisions of sub-section (10) and sub-section (11) of this section and sub-section (2) of Section 73, a decision of the Appellate Tribunal given in an answer pursuant to this section shall be final.

(10) An Act which is inconsistent with the Fundamental Declarations and an Act, other than a canon to alter the Ruling Principles, which is inconsistent with the Ruling Principles shall to the extent of the inconsistency, be void.

(11) An Act which deals with concerns or affects the ritual ceremonial or discipline of this Church and which has not been made in accordance with the requirements of this Constitution shall, to the extent to which it so deals concerns or affects, be void.

30. Subject to sections 28A and 29[20] and unless the canon itself otherwise provides, a canon duly passed by General Synod shall come into force on and from a date appointed by the President, being not later than one calendar month from the date upon which the canon was passed. The canon as on and from the appointed date shall apply to every diocese of this Church and any ordinance of any diocesan synod inconsistent with the canon shall to the extent of the inconsistency have no effect.

Provided that:-

(a) Any canon affecting the ritual, ceremonial or discipline of this Church shall be deemed to affect the order and good government of the Church within a diocese, and shall not come into force in any diocese unless and until the diocese by ordinance adopts the said canon.

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20 Inserted by Canon 12, 2010 which came into effect on 1 July 2014.

(b) If General Synod declares that the provisions of any other canon affect the order and good government of the Church within, or the church trust property of a diocese, such canon shall not come into force in any diocese unless and until the diocese by ordinance adopts the said canon.

(c) If General Synod should not so declare the synod of a diocese or the diocesan council may declare its opinion that the provisions of the said canon affect the order and good government of the Church within or the church trust property of such diocese and notify the President within one month thereafter and then the following provisions shall apply:-

(i) If the said diocesan synod or council declare its opinion as aforesaid within a period of two years from the date of the passing of the said canon and the Standing Committee advises the President that it agrees with the said opinion the canon shall not and shall be deemed not to have come into force in such diocese unless and until it is adopted by ordinance of the diocesan synod;

(ii) If the said diocesan synod or council declare its opinion at any time after the expiration of the said period of two years and the Standing Committee advises the President that it agrees with the said opinion the said canon shall cease to apply to the said diocese as from the date of the said declaration and shall not after such date again come into force in such diocese unless and until it is adopted by ordinance of the diocesan synod;

(iii) If the Standing Committee in either case should not so advise the President he shall refer the question raised by the said opinion to the Appellate Tribunal for its determination and unless the Appellate Tribunal determines the question in the negative the canon shall be deemed not to have come into force in the said diocese in the first case or to have force or effect in the said diocese after the date of the said declaration in the second case until the diocesan synod by ordinance adopts the said canon.

(d) Any canon adopted as aforesaid by a diocesan synod may by ordinance be excluded at a subsequent date.

(e) This section shall not apply and shall be deemed never to have applied to a canon to alter this Constitution.[21]

31.[22] Repealed.

32.[23] (1) Synod shall not make any canon or rule imposing any financial liability on any diocese except in accordance with this section.

(2) Synod may by canon or rule provide for the costs charges and expenses in or in connection with -

(a) The carrying into effect of this Constitution;

(b) The holding of synod and the conduct of its business;

(b1) The implementation of and giving effect to any canon rule or resolution of Synod;

(c) The meetings and the conduct of the affairs of the Standing Committee and any other committee, board or commission established by Synod;

(d) The sittings of the Appellate Tribunal to hear and determine any appeal question or matter made or referred to it and the sittings of the Special Tribunal to hear and determine any charge brought before it;

(e) The maintenance of the registry of the Primate, and primatial travelling expenses;

(f) The election or appointment of the corporate trustees and the administration of the affairs of the body corporate.

Provided that in respect of the calendar year next following an ordinary session of Synod such canon or rule shall not impose any financial liability on the dioceses pursuant to paragraphs (a), (b1), (c) and (e) which in the aggregate exceeds an estimate of the costs charges and expenses for that year in connection with those matters approved by Synod.

(3) Notwithstanding subsection (2), Synod may make any canon or rule imposing a financial liability on any diocese of this church in respect of matters not included in subsection (2) but such liability shall only be incurred by that diocese if by ordinance it assents to the same.

(4) Subject to this section, Synod may by canon or rule provide for the levying of assessments on dioceses of this Church, the method of calculating such assessments and their apportionment between the said dioceses.

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21 Proviso (e) added by Canon 22, 1985 which came into effect on 1 July 1988. No alteration to section 30 was made by Bill 2, 1985. The proviso was also added by Canon 1, 1987 and Bill 1, 1987 which came into effect on 1 July 1992.

22 S.31 repealed by Canon 1, 1987 and Bill 1, 1987 which came into effect on 1 July 1992.

23 S.32 substantially altered by Canon 2, 1989 and Bill 1, 1989 which came into effect on 23 August 1989.

(5) Subject to the provisions of any canon rule or resolution of Synod the Standing Committee is empowered to determine or approve the amounts to be expended in respect of any of the matters for which Synod may, in accordance with this section, impose a financial liability on a diocese.

33. (1) General Synod may make rules prescribing anything necessary or convenient for carrying out and giving effect to any canon or for controlling and regulating the administration of its affairs, and in particular may make rules prescribing -

(a) The procedure for any election or appointment to be made by or under the authority of Synod to any office;

(b) The authorities powers rights and duties of any officer committee board or commission of Synod.

A rule shall be made by resolution after notice has been duly given in accordance with the standing orders.

(2) General Synod may regulate the conduct of its business under standing orders or otherwise as it may deem proper.

Chapter VI. - COMMITTEES BOARDS AND COMMISSIONS

34. There shall be a Standing Committee of General Synod which shall consist of so many members not less than ten as may be prescribed by any rule of Synod.

The members of the Committee shall be elected or appointed and shall hold office as may be prescribed by any rule of the Synod.

The seal books and records of General Synod shall be in the care and control of the Standing Committee.

The functions, duties and powers of the Standing Committee shall be those prescribed by canon or rule of Synod (whether made before or after the commencement of this paragraph).[24]

35. General Synod shall appoint such boards of assessors as may be required for the purposes of this Constitution and may appoint any committee board or commission that it may deem proper for carrying out or giving effect to any canon rule or resolution of Synod, and the following provisions of this section shall apply to a board of assessors as well as to any such committee board or commission.

The power to appoint under this section may be exercised by the General Synod itself, or may be exercised by the Standing Committee.[25]

Unless otherwise provided by any canon or rule of Synod -

(a) The committee board or commission may include or consist of persons who are not members of Synod;

(b) The members of the committee board or commission shall be elected or appointed and shall hold office as may be determined by resolution of Synod but shall not, unless the resolution so provide, cease to be members of the committee board or commission by reason only of ceasing to be members of Synod;

(c) The committee board or commission shall have such powers and duties as may be conferred or imposed by resolution of Synod;

(d) The committee board or commission may, if Synod by resolution so directs, continue to exist and to exercise and perform its powers and duties, until the expiration of the first week of the next following ordinary session of Synod.

CHAPTER VII - THE PROVINCES AND PROVINCIAL SYNODS

PROVINCES

36. A province of the Church of England in the Dioceses of Australia and Tasmania shall subject to this Constitution continue as at the date on which this Constitution takes effect, until altered in accordance therewith.

37. A new province may be formed by any four or more dioceses associating for that purpose, provided that the formation of the province is approved by ordinance of the diocesan synod of each of such dioceses, and ratified by canon of General Synod. Nevertheless General Synod may upon a petition preferred to it by less than four dioceses declare that such petitioning dioceses may proceed under this section and the same shall then apply to them accordingly.

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24 Paragraph added by Canon 2, 1989 and Bill 1, 1989 which came into effect on 23 August 1989.

25 Sentence added by Canon 6, 1998 which came into effect on 1 March 1998.

38. A province may be altered in accordance with the constitution of the province either by an increase or by a decrease in the number of dioceses forming the province, provided that the alteration shall not take effect until ratified by canon of General Synod.

PROVINCIAL SYNODS

39. The constitution of each province of the Church of England in the dioceses of Australia and Tasmania shall subject to this Constitution continue as at the date on which this Constitution takes effect, until altered in accordance with the provisions of this Constitution.

40. The constitution of a new province may provide either for a provincial synod or for a provincial council, and in either case may contain such provisions as the diocesan synod of each of the dioceses to be included in the province may think fit, provided that the constitution shall not take effect until ratified by canon of the General Synod.

41. The constitution of a province may be altered in accordance therewith, or with the consent of all the dioceses of the province given by ordinance of the synod of each diocese, provided that the alteration shall not take effect until ratified by canon of General Synod.

This section extends to altering the constitution of a province by substituting a provincial council for a provincial synod, or by substituting a provincial synod for a provincial council.

42. A provincial synod or a provincial council shall have such powers for the order and good government of this Church, within the province as may be prescribed by the constitution of the province.

CHAPTER VIII. - THE DIOCESES AND DIOCESAN SYNODS

DIOCESES

43. A diocese of the Church of England in Australia and Tasmania shall subject to this Constitution continue as at the date on which this Constitution takes effect, until altered in accordance therewith.

44. (1)[26] A new diocese may be formed in any of the following ways, that is to say -

(a) by separation of territory from a diocese;

(b) by the union of two or more dioceses or parts of dioceses.

(c) out of territory in Australia which is not part of any diocese, and either out of such territory alone or out of such territory together with any diocese or part of a diocese.

(2) Where a new diocese is formed by separation of territory from a diocese or by the union of two or more dioceses or parts of dioceses, the proposal to form the new diocese may be initiated by the diocese or dioceses concerned or by the province, if any, in which the diocese or dioceses are included but the new diocese shall not be formed unless such diocese or dioceses and province, if any, agree by ordinance of their respective synods that the new diocese shall be formed, and General Synod by canon ratify the formation of the new diocese.

(3) In any other case the proposal to form a new diocese may be initiated in General Synod, but where any diocese or part of a diocese is to be included, the new diocese shall not be formed unless the synod of the diocese and the synod of the province in which the diocese is included concur by ordinance and the new diocese shall be deemed to be formed as General Synod may by canon determine.

(4) Upon the formation of a new diocese any church trust property allocated to the new diocese by ordinance of the synod of any diocese concerned, and any church trust property allocated to the new diocese by canon of General Synod in any case where a diocese is not concerned, shall by virtue of the ordinance or canon, as the case may be, and without any other assurance in the law, be held by and be vested in the trustees then or thereafter appointed for the purpose and upon and subject to the trusts affecting the same, but for the use benefit and purposes of this Church within the new diocese.

45. (1) A diocese may by ordinance surrender the whole or any part of its territory to any other diocese, and that other diocese may by ordinance accept the territory so surrendered. Provided however a diocese which has been formed by the separation of territory from a diocese or dioceses shall not surrender such territory to any diocese other than the diocese from which the territory was last separated without the consent of such last-mentioned diocese given by an ordinance of the synod thereof.

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26 S.44(1) amended by Schedule Three of Canon 14, 1992 which came into effect on 31 July 1995.

The surrender and acceptance may be made upon such terms and conditions, including the allocation of church trust property as may be agreed upon by ordinances made by the dioceses concerned.

(2) A diocese may by ordinance alter its boundaries so as to include territory which is not part of any diocese or so as to exclude territory otherwise than by surrender to another diocese.

(3) Any surrender or alteration under this section shall not take effect until ratified by or under canon of General Synod.

46. General Synod may by canon admit to the synod any diocese the territory of which is partly or wholly outside Australia and may upon such admission impose such terms and conditions, including the extent of representation in the House of Clergy and in the House of Laity, as the Synod thinks fit.

DIOCESAN SYNODS

47. The constitution of each diocese of the Church of England in Australia and Tasmania shall subject to this Constitution continue as at the date on which this Constitution takes effect, until altered in accordance therewith.

48. The constitution of a new diocese shall provide for the election or appointment of the first bishop of the diocese and shall contain such other provisions as may be deemed necessary or convenient, whether set forth expressly or adopted by reference to the provisions set forth in a canon of General Synod, or adopted by reference to the provisions of the constitution of any other diocese, and whether so adopted with or without modifications and additions.

The constitution of the new diocese shall not take effect until ratified by or under canon of General Synod.

49.[27] In a diocese in which less than ten priests are licensed if there be no diocesan synod and until General Synod by or under any canon otherwise prescribes there shall be a diocesan council with such constitution as General Synod thinks fit.

If in any diocese in which there is no provision for a synod the office of the bishop become vacant, the office shall be filled as prescribed by canon of General Synod, or if there is no such canon, then in accordance with the provisions under which the last election or appointment was made.

If in any diocese there is no synod or diocesan council the General Synod may by canon appoint a synod or council.

50. The constitution of a diocese may be altered in accordance therewith or as the synod of the diocese may by ordinance determine in accordance with any canon of General Synod.

51. Subject to this Constitution a diocesan synod may make ordinances for the order and good government of this Church within the diocese, in accordance with the powers in that behalf conferred upon it by the constitution of such diocese.

CONSENT OF DIOCESE TO ALTERATION

52. (1) Notwithstanding any provision to the contrary contained in this Constitution or anything done thereunder General Synod shall not without the assent by ordinance of the diocese concerned alter or permit the alteration of -

(a) The constitution or boundaries of a diocese or any of the powers rights or duties of the synod of a diocese or of any diocesan society council board agency or authority, including the powers rights and duties relating to church trust property and the rights of a diocese with regard to the election of its bishop;

(b) The qualifications or mode of election of the representatives of a diocese in General Synod;

(c) The status of any diocese as a metropolitan see or the title to or tenure of office of any metropolitan.

(2) Except with its own assent by ordinance no metropolitan see shall cease to be a metropolitan see or to have associated with it three dioceses.

Chapter IX. - THE TRIBUNALS

53. There shall be a diocesan tribunal of each diocese, the Special Tribunal and the Appellate Tribunal, and there may be a provincial tribunal of any province.

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27 S.49 amended by Schedule Three of Canon 14, 1992 which came into effect on 31 July 1995.

54. (1)[28] A diocesan tribunal shall be the court of the bishop and shall consist of a president appointed by the bishop and not less than two other members as may be prescribed by ordinance of the synod of the diocese.

The bishop is ineligible to be a member of the diocesan tribunal. A person who is a member of the diocesan tribunal shall cease to hold that office on becoming the bishop.

The president shall be a person qualified to be a lay member of the Appellate Tribunal in accordance with the provisions of section 57 (1) of this Constitution and will cease to hold office as prescribed by ordinance of the synod of the diocese. The members other than the president shall be elected in such manner, hold office for such period, have such qualifications and be subject to such disqualifications, and vacancies shall occur and be filled in such manner, as may be prescribed by ordinance of the synod of the diocese.

In any province the provincial synod if so requested by the synod of a diocese may by ordinance of the provincial synod prescribe any matter directed or permitted by this section to be prescribed by ordinance of the synod of the diocese, provided that the synod of the diocese may at any time otherwise prescribe.

(2) A diocesan tribunal shall in respect of a person licensed by the bishop of the diocese, or any other person in holy orders resident in the diocese, have jurisdiction to hear and determine charges of breaches of faith ritual ceremonial or discipline and of such offences as may be specified by any canon ordinance or rule.

(2A)[29] A diocesan tribunal shall also have and always be deemed to have had jurisdiction to hear a charge relating to an offence of unchastity, an offence involving sexual misconduct or an offence relating to a conviction for a criminal offence that is punishable by imprisonment for twelve months or upwards in respect of a member of clergy if:-

(a) the act of the member of clergy which gave rise to the charge occurred in the diocese;

(b) the member of clergy was licensed by the bishop of the diocese or was resident in the diocese within two years before the charge was laid; or

(c) the member of clergy is in prison as a convicted person at the time the charge was laid, but within two years before such imprisonment was licensed by the bishop of the diocese or was ordinarily resident therein.

(2B) Where a person has been found guilty of an offence by a diocesan tribunal in the exercise of its jurisdiction under sub-section (2A), the bishop of the diocese shall consult as to penalty with the bishop of the diocese by whom the person is licensed or in which the person resides at the time of the finding and no penalty may be imposed to which the latter bishop does not express concurrence.

(3) A person appointed by the bishop of a diocese or any five adult communicant members of this Church resident within the diocese may promote a charge against any person licensed by the bishop of the diocese or against any other person in holy orders resident in the diocese in respect of breach of faith ritual or ceremonial either before the diocesan tribunal or before the provincial tribunal in its original jurisdiction. Provided that if a charge be preferred against an incumbent of a parish with reference to an offence alleged to have been committed within that parish the aforesaid communicants shall be bona fide parishioners of that parish.

Provided further that before any charge relating to faith ritual or ceremonial be heard by the tribunal it shall be referred to a board of enquiry appointed by ordinance of the diocesan synod and may proceed to a hearing if the said board allows it as a charge proper to be heard.

(4) In matters involving any question of faith ritual ceremonial or discipline an appeal shall lie from the determination of a diocesan tribunal to the Appellate Tribunal, provided that in any province in which there is a provincial tribunal and an appeal thereto is permitted by ordinance of the diocesan synod, an appeal may lie in the first instance to the provincial tribunal, and provided that in any such case an appeal shall lie from the determination of the provincial tribunal to the Appellate Tribunal.

In other matters an appeal shall lie in such cases as may be permitted by ordinance of the diocesan synod from a determination of the diocesan tribunal to the provincial tribunal, if any, or to the Appellate Tribunal, and from a determination of the provincial tribunal to the Appellate Tribunal.

55. (1)[30] A provincial tribunal shall consist of a president who shall be appointed by the metropolitan and not less than two other members as may be prescribed by ordinance of the synod of the province.

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28 Amended by Canon 4, 2014 which came into effect on 1 July 2019.

29 Sub-sections (2A) and (2B) added by Canon 10, 1998 as amended by Canon 8, 2001 both of which came into effect on 16 June 2003.

30 Amended by Canon 5, 2014 which came into effect on 1 July 2019.

The metropolitan and any other bishop of the province is ineligible to be a member of the provincial tribunal. A person who is a member of the provincial tribunal shall cease to hold that office on becoming the metropolitan or other bishop of a diocese of the province.

The president shall be a person qualified to be a lay member of the Appellate Tribunal in accordance with the provisions of s.57(1) of this Constitution and will cease to hold office as prescribed by ordinance of the synod of the province. The members other than the president shall be elected in such manner, hold office for such period, have such qualifications and be subject to such disqualifications and vacancies shall occur and be filled in such manner, as may be prescribed by ordinance of the synod of the province.

(2) A provincial tribunal shall have jurisdiction to hear and determine appeals from any determination of any diocesan tribunal of the province in any case in which an appeal lies there from to the provincial tribunal.

Every appeal to a provincial tribunal shall be by way of re-hearing.

(3) A provincial tribunal shall, in respect of a person licensed by the bishop of a diocese within the province, have original jurisdiction to hear and determine charges of breaches of faith ritual ceremonial or discipline, and of such offences as may be specified by any canon ordinance or rule, provided that such original jurisdiction shall not be exercised except as prescribed by ordinance of the synod of the diocese.

(4) An appeal shall lie to the Appellate Tribunal from a determination of a provincial tribunal in its original jurisdiction.

56.[31] (1) Subject to this section, the Special Tribunal shall consist of three persons being:

(a) a person qualified to be a lay member of the Appellate Tribunal who shall be the President of the Special Tribunal;

(b) a diocesan bishop; and

(c) a priest of at least seven years' standing.

(2) No person by or against whom proceedings in the Tribunal are brought shall be a member of the Special Tribunal.

(3) Members of the Special Tribunal shall be elected by or shall be appointed from a panel of persons elected by General Synod as prescribed by canon.

(4) The period of office of members of the Tribunal shall be as prescribed by canon.

(5) Until the Synod shall by canon otherwise prescribe:

(a) the members of the Special Tribunal shall be appointed by the Primate on the nomination of the Standing Committee to hold office for up to five years;

(b) in the absence of a member from Australia or in the event of the inability of a member to act, the Primate may appoint a person eligible to be appointed as that member to act in place of that member during the absence or inability. Such acting member shall continue to act in respect of any charge whose hearing commences whilst he or she is Acting President or member.

(6) [32] The Special Tribunal shall have jurisdiction to hear and determine charges against:

(a) any member of the House of Bishops; and

(b) any bishop assistant to the Primate in his capacity as Primate

of breaches of faith, ritual, ceremonial or discipline and of such offences as may be specified by canon.; and

(c) any former member of the House of Bishops and any former bishop assistant to the Primate in the Primate's capacity as Primate of such offences as may be specified by canon in respect of conduct while a member of the House of Bishops or assistant to the Primate.

(7) An appeal shall lie from the determination of the Special Tribunal to the Appellate Tribunal, subject to any limitation as may be prescribed by canon.

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31 S.56 extensively amended by Canon 14, 2001 which came into effect on 16 June 2003.

32 Amended by Canon 6, 2017 which came into effect on 1 November 2019.

(8) The provisions of this section and of sections 60 and 61 as in force before the date of the coming into effect of the Constitution Alteration (Special Tribunal) Canon 2001 shall continue to apply to any proceedings commenced in the Special Tribunal before that date.[33]

57. (1) The Appellate Tribunal shall consist of seven members three of whom shall be diocesan bishops and four of whom shall be laymen.

The members shall be appointed by the General Synod as follows, that is to say, a bishop and a layman on the nomination of the House of Bishops, a bishop and a layman on the nomination of the House of Clergy and a bishop and two laymen on the nomination of the House of Laity.

A president and deputy president shall as often as may be necessary be chosen from among the lay members of the tribunal by the House of Bishops, or, if General Synod be not in session, by a meeting of the members of the House of Bishops.

A layman shall not be a member unless he is qualified to be a lay representative of a diocese, and is or has been a Justice of the High Court of Australia, a Justice of the Supreme Court of a State or Territory of Australia or a Justice or Judge of a Court prescribed by canon of the General Synod or is or has been a practising barrister or solicitor, of at least ten years' standing of the Supreme Court of a State or Territory.[34]

(1A)[35] Despite s 57(1), the General Synod may by canon provide for –

(a) a member of the tribunal whose office is to be vacated, but who is participating in the disposition of an appeal, question or matter made or referred to the tribunal where that appeal, questions or matter will not be disposed of before the date on which the member's office is to be vacated, continuing as a member of the tribunal for the purposes only of participating in and concluding that appeal, question or matter even though the office of that member will for all other purposes be vacated on that date;

(b) the appointment of a qualified person to take the place of a member who is unable to participate in the disposition of an appeal, question or matter (whether because that member's office is vacant, or the member is disqualified or for some other reason) for the purposes only of participating in the disposition of that appeal, question or matter; and

(c) a person referred to in paragraph (b) who is participating in the disposition of an appeal, question or matter made or referred to the tribunal continuing to participate in the disposition of that appeal, question or matter until it is concluded.

(1B)[36] A person participating in the disposition of an appeal, question or matter by virtue of a canon of the General Synod made under sub-section (1A) is not a member of the tribunal for the purposes of the first sentence in sub-section (1).

(2) The members of the tribunal shall be nominated and appointed in such manner, hold office for such period and be subject to such disqualifications, and vacancies shall occur and be filled in such manner, as may be prescribed by or under canon of General Synod.

No party to an appeal shall be a member of the tribunal for any purpose of the appeal.[37]

The Appellate Tribunal shall have jurisdiction to hear and determine appeals from any determination of the Special Tribunal and from any determination of any diocesan or provincial tribunal in any case in which an appeal lies there from to the Appellate Tribunal**.**

Every appeal to the Appellate Tribunal shall be by way of re-hearing.

Any person charged before a diocesan tribunal and aggrieved by any sentence recommended by it who has no right of appeal under this Constitution or under an ordinance of the diocesan synod may petition the metropolitan of the province or, if the diocese be not part of a province, the Primate that his case be reviewed and the metropolitan or Primate as the case may be may refer the same to the Appellate Tribunal for review and any case so referred shall be heard and determined as an appeal provided however that no such petition may be presented in respect of an order for costs only.

(3) Unless otherwise prescribed by canon of General Synod, the Appellate Tribunal may hear and determine any appeal question or matter made or referred to it although all the members thereof be not present at such hearing or determination, provided that there be present at least two bishops and three laymen. And provided further that if during the hearing of any appeal a member attending the tribunal should die or become unable to continue with the hearing the appeal may proceed so long as the president two bishops and one other lay member or the deputy president two bishops and one other lay member be present provided further that if the number of those present on any appeal should be evenly

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33 The Constitution Alteration (Special Tribunal) Canon 2001 came into effect on 16 June 2003.

34 Words inserted by Schedule Two of Canon 14, 1992 which came into effect on 25 June 1995.

35 Added by Canon 2, 2017 which came into effect on 1 December 2019.

36 Added by Canon 2, 2017 which came into effect on 1 December 2019.

37 Amended by Canon 2, 2017 which came into effect on 1 December 2019.

divided on any question of evidence or procedure the president (or in his absence the deputy president) shall have a casting as well as a deliberate vote.

58. (1) Before determining any appeal or giving an opinion on any reference the Appellate Tribunal shall in any matter involving doctrine upon which the members are not unanimous upon the point of doctrine and may, if it thinks fit, in any other matter, obtain the opinion of the House of Bishops, and a board of assessors consisting of priests appointed by or under canon of General Synod.

(2) In any case where the House of Bishops is consulted under this section, the House of Bishops shall aid the tribunal with such information in writing as it thinks proper, provided that if all members of the House of Bishops do not concur each of the members at the time in Australia may aid the tribunal with such information in writing as he thinks proper. For the purposes of this sub-section the House of Bishops shall not include the bishops who are members of the Appellate Tribunal.

59. (1) In all appeals and references to the Appellate Tribunal in any matter involving any question of faith ritual ceremonial or discipline the concurrence of at least two bishops and two laymen and in any other matter the concurrence of at least four members, shall be necessary for the determination of an appeal or the giving of an opinion upon a reference.

(2) General Synod may by canon prescribe any matter incidental to the exercise of any jurisdiction vested by this constitution in the Special Tribunal or in the Appellate Tribunal including the power to award costs.

(3) Unless otherwise prescribed by or under any canon of General Synod, the procedure with respect to hearings and determinations of the Special Tribunal, and with respect to appeals or references to the Appellate Tribunal shall be regulated in such manner as the tribunal thinks fit.

(4) The person who brings a charge before a diocesan or provincial tribunal or before the Special Tribunal if dissatisfied with its determination or recommendation and the person so charged if dissatisfied with the recommendation or sentence pronounced upon such recommendation may within twenty-eight days or within such further time as the president of the Appellate Tribunal may in writing allow after the making of the determination recommendation or the pronouncing of the sentence as the case may be, institute an appeal to the Appellate Tribunal by lodging a notice of appeal in the registry of the Primate and in the registry of the bishop of the diocese or metropolitan concerned and in the case of any sentence or deprivation of or suspension from office the bishop or metropolitan who has pronounced such sentence may thereupon if he sees fit intermit the operation of such sentence.

60. (1)[38][39] Subject to sub-section (1A), a tribunal shall make such recommendation as it thinks just in the circumstances, but shall not recommend any sentence other than one or more of the following:

(a) deposition from orders;

(b) prohibition from functioning;

(c) removal from office;

(d) rebuke.

Except as otherwise provided herein such recommendation shall be made to the bishop of the diocese concerned.

The recommendation of the Special Tribunal, or of the Appellate Tribunal on an appeal from the Special Tribunal, shall be made to the Primate, provided that if the Primate be a party to the appeal or is disqualified from acting or considers that he should disqualify himself from acting, the recommendation shall be made to the metropolitan or bishop who would exercise the authorities powers rights and duties of the Primate, if the office were then vacant.

(1A)[40] Where the tribunal is satisfied that the person so charged has been convicted under the laws of the Commonwealth, State or Territory or under the laws of some other country that are equivalent to a law of the Commonwealth or of a State or Territory of a sexual offence relating to a child committed while a member of the clergy, it must recommend a sentence of deposition from orders.

(1B)[41] For the purposes only of sub-section (1A), "**sexual offence relating to a child**" means-

(a) sexual activity by a persona against, with or in the presence of a child, or

(b) the possession, production or distribution of any form of child pornography.

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38 S.60 (1) amended by Canon 14, 2001 which came into effect on 16 June 2003.

39 Amended by Canon 8, 2022 which came into effect on 10 March 2025.

40 Added by Canon 8, 2022 which came into effect on 10 March 2025.

41 Added by Canon 8, 2022 which came into effect on 10 March 2025.

(2)[42] The person to whom the recommendation is made shall give effect thereto, provided that if any sentence is recommended, other than a sentence of deposition from orders recommended under sub-section (1A), he may consult with the tribunal and in the exercise of his prerogative of mercy (a) mitigate the sentence or (b) suspend its operation or (c) mitigate the sentence and suspend its operation. In each case he shall pronounce the sentence recommended even though he mitigate or suspend it. Provided that if the operation of a sentence or mitigated sentence has been suspended and remains suspended for a period of two years such sentence shall thereafter have no operation.

(3) If in any case the Appellate Tribunal is precluded from determining the appeal, either because the members present at the hearing are equally divided or because there is no such concurrence as is required by this Constitution, the provisions of this sub-section shall have effect, that is to say:-

(a) where any recommendation adverse to the person charged made by a diocesan or a provincial tribunal or by the Special Tribunal, or

(b) where any sentence pronounced against him would but for this sub-section continue in force,

the person to whom the recommendation was made or who pronounced the sentence shall in consultation with the Appellate Tribunal**.** review the recommendation or sentence, and after such review may give effect or abstain from giving effect to the recommendation, or may confirm, mitigate or annul the sentence and may give or abstain from giving directions for restoration of office rights and emoluments as he shall think proper and for such compensation where compensation is available as in the circumstances he may deem to be fair and reasonable.

(4)[43] Subject to sub-section (1A), the provisions of this Constitution with respect to an appeal from the determination of a tribunal shall extend to and authorise an appeal from the recommendation or sentence but shall not extend to a ruling of a tribunal of an interlocutory nature.

61.[44] (1) Where a charge has been promoted before a tribunal against any person licensed by the bishop of a diocese, the bishop with the concurrence of the diocesan council may suspend such person from the duties of his office until the determination of the charge or for some lesser time, and may make such arrangements for the performance of the duties of the office as may be authorised by any canon ordinance or rule or in the absence of such canon ordinance or rule as the bishop may deem proper.

(2) The bishop of a diocese may suspend a person referred to in Section 54(2) from the duties of his office where –

(a) the bishop or some other person authorised by ordinance proposes to promote a charge against the person;

(b) the charge will not allege a breach of faith, ritual or ceremonial; and

(c) the charge relates to an offence that is punishable by imprisonment for twelve months or upwards of which the person has been charged or convicted or in respect of which the bishop has received a report from a lay person qualified to be a member of the Appellate Tribunal stating that there is a prima facie case of the person having committed the offence.

(3) Suspension under subsection (2) must be by written instrument signed by the bishop, served on the person to be suspended, and which states –

(a) the intention of the bishop or any other authorised person to promote the charge;

(b) the conduct complained of; and

(c) the period of suspension.

The period of suspension may not exceed 28 days from the date of service on the person to be suspended. Where –

(d) a person has been suspended under subsection (2);

(e) the period of suspension has elapsed; and

(f) a charge has not been promoted during the period of suspension;

no further suspension is possible under subsection (2) in relation to the conduct specified in the instrument.

(4) If during the period of suspension referred to in subsection (2) the bishop or other authorised person promotes the charge the suspension of the person shall continue until the first meeting of the diocesan council thereafter.

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42 Amended by Canon 8, 2022 which came into effect on 10 March 2025.

43 Amended by Canon 8, 2022 which came into effect on 10 March 2025.

44 S.61 extensively amended by Canon 13, 2001 and further amended by Canon 14, 2001 both of which came into effect on 16 June 2003.

(5) The bishop of a diocese may revoke the suspension of a person suspended by him under this section and may do so at any time during the period of suspension.

(6) Suspension of a person from the duties of office under this section does not deprive that person of the emoluments appertaining to that office.

61A.[45][46] (1) Subject to sub-section (2), where a charge has been promoted against the bishop of a diocese, the President of the Special Tribunal with the concurrence of the Diocesan Council, meeting when the bishop is not present, may, after considering any submission from the bishop, suspend the bishop from the duties of office until the determination of such charge or for some lesser time.

(2) Where a charge which involves a sexual offence relating to a child has been promoted in the Special Tribunal against a person referred to in section 56(6), the President of the Special Tribunal must suspend the person from the duties of office until the determination of the charge.

(3) If a person is suspended under sub-section (1) or (2) and that suspension is from a paid office, or if the person voluntarily stands aside from performing the duties of office, the person shall be deemed to be on paid leave and to be absent from the State or Territory in which the duties of office would otherwise be performed.

62.[47] (1) For the purpose of securing the attendance of witnesses and the production of documents and for the examination of witnesses on oath or otherwise a tribunal shall be deemed to be an arbitrator within the meaning of any law in force in the State or Territory in which the tribunal sits and shall have power to administer an oath to or take an affirmation from any witness and for the same purpose any party to a proceeding before a tribunal or any person permitted by a tribunal to submit evidence to it shall be deemed to be a party to a reference or submission to arbitration within the meaning of any such law.

(2) In any proceeding before a tribunal, the tribunal shall admit as evidence that a person charged has been convicted of an offence, and proof of such conviction shall be evidence of the facts giving rise to such conviction. This provision shall not apply if such conviction has been quashed or set aside or in respect of which a pardon has been given.

(3) In any proceedings before a tribunal, the transcript of any criminal proceedings in which the member of clergy the subject of a charge before the tribunal was a party shall be admitted as evidence in the same way as if the persons whose evidence appears in the transcript had given evidence in person before the tribunal. Provided that, the tribunal may exclude the whole or any part of such evidence should it consider that admission of the same would be likely to cause a serious injustice to the member of clergy charged.

63. (1) Wherever a question arises under this Constitution and in the manner provided and subject to the conditions imposed by this Constitution the question is referred for determination or for an opinion to the Appellate Tribunal the tribunal shall have jurisdiction to hear and determine the same or to give its opinion as the case may require provided that if provision is not otherwise made under this Constitution for the reference of such question to the tribunal the Primate may and shall at the request of General Synod by resolution or at the written request of twenty-five members thereof or at the request by resolution of the provincial or diocesan synod affected refer the question to the tribunal which shall have jurisdiction as aforesaid.

(2) The tribunal may direct that any synod person or class of persons or association claiming to be interested in the question shall be notified of the hearing and be entitled to appear or be represented thereat.

CHAPTER X. - THE CORPORATE TRUSTEES

64. (1) There shall be a body corporate to be known as "The Anglican Church of Australia Trust Corporation"[48] and in this section referred to as the corporate trustees.

The body corporate shall be deemed to be constituted as soon as this constitution takes effect.

(2) The corporate trustees shall have perpetual succession and a common seal, may sue and be sued in and by their corporate name, and may acquire and hold any real and personal property or any estate or interest therein.

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45 S.61A inserted by Canon 14, 2001 which came into effect on 16 June 2003.

46 S.62A amended by Canon 7, 2022 which came into effect on 10 March 2025.

47 S.62 amended by the addition of sub-sections (2) and (3) by Canon 10, 1998 as amended by Canon 8, 2001 both of which came into effect on 16 June 2003.

48 The name of the Corporation was changed from The Church of England in Australia Trust Corporation by Canon 16, 1966 which came into effect on 24 August 1981.

(3) The corporate trustees shall consist of seven or such less number of persons as may be prescribed by canon of the General Synod, and such persons shall be elected or appointed and hold office, and may be removed therefrom, as may be prescribed by canon of the General Synod.

(4) The corporate trustees may be appointed to be the trustees of any church trust property, whether the appointment is made by a person giving or settling property by will or otherwise or by a person entitled under the trust instrument, if any, or by law to appoint a trustee, provided that where the property is under the control of the synod of a diocese or is held exclusively for the benefit of or in connection with a diocese or any part thereof the appointment shall not be made unless the consent of the synod of the diocese is first obtained, and provided that where the property is not under such control or is not so held but is under the control of any society council board agency or authority, whether a body corporate or otherwise, the appointment shall not be made unless the consent of the society council board agency or authority is first obtained.

(5) Nothing contained in this section or done thereunder shall remove any church trust property from the control of any diocesan synod or from the control of any such society council board agency or authority.

CHAPTER XI. - THE ALTERATION OF THIS CONSTITUTION

65. This Constitution shall not be altered except in accordance with the provisions of this chapter.

66. This Church takes no power under this Constitution to alter sections one, two and three and this section other than the name of this Church.

67.[49] (1) Subject to the provisions hereinafter mentioned other sections of this Constitution may be altered by canon of General Synod subject to the following conditions:-

(a) (i) A bill for a canon to alter the provisions of this Constitution mentioned at the foot of this clause which does not deal with or concern or affect the ritual ceremonial or discipline of this Church shall be a canon duly made if it has been passed by a vote of at least two thirds of the members of each house and it has been assented to by a majority of all dioceses of which two at least shall be metropolitan sees. For the purposes of this sub-paragraph (a)(i) a diocese shall be deemed to have assented to a bill if a majority of its lay representatives and a majority of its clerical representatives and the bishop thereof have voted in favour of its passing.

(ii) Any other bill for a canon to alter the provisions of this Constitution mentioned at the foot of this clause shall be a canon duly made if passed by a vote of a majority of the members of each house but the canon shall not come into effect until at least three quarters of the diocesan synods of this Church including all the metropolitan sees have assented to it by ordinance and all such assents be in force at the same time.

(iii) A bill of the kind referred to in sub-paragraph (i) shall be a canon duly made and shall come into effect if it is passed and assented to in the manner prescribed by sub-paragraph (ii).

Sections 11-14, inclusive; 18-25, inclusive; 27; 32-35, inclusive; 64(1)(2) and (3); 68-70, inclusive; 75.

(b) A bill for a canon to alter the name of this Church or the provisions of this Constitution mentioned at the foot of this clause shall be a canon duly made if passed by a vote of a majority of the members of each house but the canon shall not come into effect unless and until every diocesan synod of this Church has assented to it by ordinance and all such assents be in force at the same time.

Sections 64 (4) (5); 67 (1)(b).

(c) A bill for a canon to alter the provisions of this Constitution mentioned at the foot of this clause or to add a new section to this Constitution (not being a new section that alters a provision referred to in paragraph (a) or paragraph (b) of this sub-section) shall be a canon duly made if passed by a vote of a majority of the members of each house but the canon shall not come into effect unless and until at least three quarters of the diocesan synods of this Church including all of the metropolitan sees have assented to it by ordinance and all such assents be in force at the same time.

Sections 4-10, inclusive; 15-17, inclusive; 26; 28-30, inclusive; 36-63, inclusive; 65; 67 (1) (a) and (c); 71-74, inclusive; the Table annexed to the Constitution.

(2) Upon a canon to alter the Constitution being duly made in accordance with this Section and upon the President determining that there is no condition, or that no condition remains, to which the coming into effect is subject the President shall appoint a date, being not earlier than three months nor later than six months from the date upon which he so determines, on which the canon shall come into effect; the date appointed shall be notified in the Commonwealth of Australia Gazette and in the Government Gazette of each State.

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[49] S.67 repealed and a new sec. 67 inserted by Canon 1, 1987 and Bill 1, 1987 which came into effect on 1 July 1992. S.67 again repealed and a new sec. 67 inserted by Canon 5, 1989 and Bill 2, 1989 which came into effect on 5 June 1995.

(3) Where a member of synod is administering a diocese during a vacancy in the see or during the absence or incapacity of the bishop of the diocese, the bishop shall be deemed, for the purpose of sub-paragraph (1)(a)(i), to have voted in favour of the passing of the bill if the member so administering the diocese has voted in favour of the passing of the bill.

(4) Where:

(a) the only lay or clerical representative of a diocese is absent from Synod;

(b) one or more lay or clerical representatives are absent from the Synod and only one-half of the number of lay or clerical, as the case may be, representatives have voted in favour of the passing of the bill;

a majority of the lay or clerical, as the case may be, representatives shall be deemed, for the purpose of sub-paragraph (1)(a)(i), to have voted in favour of the passing of the bill if a majority of all the representatives of the diocese present have voted in favour of the passing of the bill.

CHAPTER XII. - THE OPERATION OF THIS CONSTITUTION

68. (1) This Constitution shall take effect on and from a day to be appointed in accordance with this section.

The day shall not be appointed until the Parliaments of five States have passed Acts for giving effect to this Constitution.

The day shall be appointed by a deed signed by the diocesan bishops of not less than eighteen dioceses of the Church of England in Australia and Tasmania declaring that their respective dioceses have assented to this Constitution.

The bishops signing the deed shall include at least two metropolitans.

(2) The day appointed shall be notified in the Commonwealth Gazette by one or more of the metropolitans by whom the deed appointing the day is signed and shall also be notified in the Government Gazette of each State concerned by any one or more of the diocesan bishops by whom the deed appointing the day is signed.

A copy of the Commonwealth Gazette containing a notification of the appointed day which purports to be signed by one or more of the metropolitans shall be conclusive evidence that the day has been duly appointed in accordance with this section.

(3) The diocesan bishops signing the deed or such of them as shall still be in office shall be a commission for convening the first session of General Synod, and notwithstanding any other provision of this Constitution the commission may do or cause to be done anything necessary or convenient for the convening and holding of the session.

The commission shall appoint the place for the session and the time which shall be not later than twelve months after the day on which this Constitution takes effect, and shall at least three months before the time for the session in such manner as the commission deems proper summon the diocesan bishops of the dioceses to which this Constitution applies, and require them to convene the prescribed number of clerical and lay representatives of their respective dioceses at the appointed time and place.

69. (1) Subject to all necessary parliamentary enactments this Constitution shall apply to every diocese of the Church of England in Australia and Tasmania which assents to the constitution, whether before or after this Constitution takes effect, and to every diocese formed or admitted to General Synod under this Constitution. The assent of a diocese shall be given by an ordinance of its synod or if there be no synod or diocesan council by a certificate of its bishop.

(2) Where all the dioceses of any province so assent to this Constitution, it shall apply to the province as well as to each diocese.

If four or more dioceses of a province assent such dioceses shall constitute a province under this Constitution.

(3) If any diocese in Australia does not assent to this Constitution such diocese shall not by reason only of that fact cease to be in fellowship or communion with this Church or with the Church of England in the dioceses of Australia and Tasmania, but may have association with this Church on such terms and conditions as may be agreed upon by ordinance of the diocesan synod of the diocese and by canon of General Synod.

70. This Constitution and all canons and rules passed and made hereunder shall be binding on the bishops clergy and laity as members of this Church and for all purposes connected with or in any way relating to church trust property.

71. (1) Every consensual compact and every enactment in force in the Church of England in the dioceses of Australia and Tasmania, or in any province or diocese which has become or becomes a province or diocese to which this Constitution applies shall insofar as they are not inconsistent with this Constitution, continue in force in this Church or in the province or diocese, until altered under this Constitution or under the constitution of the province or diocese.

This sub-section extends to any determination rule or regulation made by the Synod known as the General Synod of the Church of England in the dioceses of Australia and Tasmania, any constitution act canon or ordinance made by the provincial synods of New South Wales, Victoria, Queensland, and Western Australia respectively, and any constitution act canon ordinance rule or regulation made by the diocesan synod of any diocese in Australia.

Nothing in this Constitution shall authorise the synod of a diocese or of a province to make any alteration in the ritual or ceremonial of this Church except in conformity with an alteration made by General Synod.

(2) The law of the Church of England including the law relating to faith ritual ceremonial or discipline applicable to and in force in the several dioceses of the Church of England in Australia and Tasmania at the date upon which this Constitution takes effect shall apply to and be in force in such dioceses of this Church unless and until the same be varied or dealt with in accordance with this Constitution.

72. Where any question arises as to the faith ritual ceremonial or discipline of this Church or as to the authorities powers rights and duties of bishops priests and deacons of this Church, or of any officer or member thereof, nothing in this Constitution shall prevent reference being made to the history of the Church of England in England to the same extent as such reference might have been made for the purposes of the Church of England in the dioceses of Australia and Tasmania immediately before the day on which this Constitution takes effect.

73. (1) In determining any question as to the faith ritual ceremonial or discipline of this Church any tribunal may take into consideration but shall not be bound to follow its previous decisions on any such questions or any decision of any judicial authority in England on any questions of the faith ritual ceremonial or discipline of the Church of England in England.

(2) A determination of any tribunal which is inconsistent or at variance with any decision of such a judicial authority in England shall have permissive effect only and shall not be obligatory or coercive.

(3) A determination of a provincial tribunal shall be binding upon a diocesan tribunal in the province and a determination of the Appellate Tribunal shall be binding upon the Special Tribunal the provincial tribunal and the diocesan tribunal provided however that the synod of a diocese may by ordinance direct that a diocesan tribunal shall not follow or observe a particular determination of the Appellate or provincial tribunal which has permissive effect only.

74. (1)[50] In the constitution unless the context or subject matter otherwise indicates -

"**Alteration**" includes repeal, and "**alter**" and "**altered**" have a meaning corresponding with that of alteration.

"**Australia**" includes the Commonwealth of Australia and any Territory under the control of the Commonwealth of Australia whether by trusteeship or otherwise.

"**Canonical fitness**" means, as regards a person, that:

(a) the person has attained at least 30 years of age;

(b) the person has been baptised; and

(c) the person is in priests' orders.[51]

"**Canonical Scriptures**" means the canonical books as defined by the sixth of the Thirty-nine Articles.

"**Ceremonia**l" includes ceremonial according to the use of this Church, and also the obligation to abide by such use.

"Child" means a person under the age of 18.[52]

"**Church trust property**" means property held in trust for or on behalf of or for the use of this Church and includes property held for the benefit of or in connection with any diocese or parish or otherwise.

"**Diocesan bis**hop" means the bishop of a diocese.

"**Diocesan council**" in a diocese where there is a synod means -

(a) the body exercising powers and functions of the synod on its behalf when it is not in session, or

(b) where there is no such body, the body constituted or determined by the relevant synod to be the diocesan council. [53]

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50 Definition of "Missionary diocese" deleted by Schedule Three of Canon 14, 1992 which came into effect on 31 July, 1995.

51 Definition substituted for previous definition by Canon 9, 1989 and Bill 5, 1989 which came into effect on 5 June 1995.

52 Definition inserted by Canon 7, 2022 and Canon 8, 2022 which came into effect on 10 March 2025.

53 Definition inserted by Canon 1, 2010 which came into effect on 1 March 2016.

"**Diocesan synod**" and "**synod of a diocese**" include a diocesan council where there is no diocesan synod.

"**Diocese**" means a diocese of this Church.

* * * [54]

"**Doctrine**" means the teaching of this Church on any question of faith.

"**Faith**" includes the obligation to hold the faith.

"**General Synod**" or "**Synod**" means the General Synod under this Constitution.

"**Incumbent**" includes the minister in charge of a parish, a parochial district or similar pastoral division.[55]

"**Licence**" means a licence under seal of the bishop of a diocese, and "**licensed**" has a meaning corresponding with that of licence.

"**Member of this Church**" means a baptised person who attends the public worship of this Church and who declares that he is a member of this Church and of no church which is not in communion with this Church.[56]

"**Metropolitan**" includes the bishop exercising the authorities powers rights and duties of the metropolitan.

* * * [57]

"**Month**" means a calendar month, that is, a period commencing at the beginning of a day of one of the twelve months of the year and ending immediately before the beginning of the corresponding day of the next month or, if there is no such corresponding day, ending at the expiration of the next month.[58]

"**Ordinance**" includes any act canon constitution statute legislative measure or provision of a provincial or diocesan synod or of the competent authority in or with respect to a missionary diocese.

"**Parish**" includes any parochial district or similar pastoral division constituted by or under ordinance of the synod of a diocese.

"**Parishioner**" means a member of this Church who is entitled to vote at a meeting of a parish for the election of churchwardens, or who if no such meeting is provided for is at least eighteen years of age.[59]

"**Primate**" includes the metropolitan or bishop exercising the authorities powers rights and duties of the Primate.

"**Printing**" shall include typing, duplicating or any other method of producing facsimile copies.

"**Provincial synod**" includes a provincial council.

"**Ritual**" includes rites according to the use of this Church, and also the obligation to abide by such use.

"**See**" means a see of this Church.

[60]**"Sexual offence relating to a child** means –

(a) sexual activity by a person against, with or in the presence of a child, or

(b) the possession, production or distribution by a person of any form of child pornography-

in respect of which-

(c) the person has been convicted under the laws of the Commonwealth, State or Territory; or

(d) a court, commission or tribunal of the Commonwealth, a State or a Territory has made an adverse finding of fact in relation to that person; or

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54 Definition "Discipline" deleted by Canon 18, 1998 which came into effect on 14 April 2003 – see new section 74 (9).
55 Definition inserted by Canon 9, 1995 which came into effect on 1 May 1997.
56 Altered by Canon 12, 1985 and Bill 1, 1985 which came into effect on 1 July 1988.
57 Definition of "Missionary diocese" deleted by Schedule Three of Canon 14, 1992 which came into effect on 31 July, 1995.
58 Added by Canon 2, 1998 which came into effect on 14 May 2001.
59 Word "eighteen" substituted for "twenty-one" by Schedule One of Canon 14, 1992 which came into effect on 25 June 1995.
60 Definition inserted by Canon 7, 2022 which came into effect on 10 March 2025.

(e) the person has been convicted in some other country under the laws of that country that are equivalent to a law of the Commonwealth or of a State or Territory; or

(f) the person has not been tried by a court of competent jurisdiction and which if proved-

(i) if alleged to have been committed within Australia, would constitute a criminal offence in the State or Territory in which it is alleged to have occurred; and

(ii) if alleged to have been committed in a country other than Australia, would if committed in Australia constitute a criminal offence under a law of the Commonwealth or of a State or Territory.

"**State**" means a State of the Commonwealth of Australia.

"**This Church**" means the Anglican Church of Australia.[61]

"**This Constitution**" or "**the Constitution**" means the Constitution of this Church.

"**Voting by houses**" means the procedure whereby three distinct votes are taken, that is to say, a vote of the House of Laity, a vote of the House of Clergy, and a vote of the House of Bishops.

(2) In this Constitution "**the Book of Common Prayer**" means the Book of Common Prayer as received by the Church of England in the dioceses of Australia and Tasmania before and in the year of our Lord one thousand nine hundred and fifty-five, that is to say, the book entitled "The Book of Common Prayer and Administration of the Sacraments and other rites and ceremonies of the Church according to the use of the Church of England together with the Psalter or Psalms of David pointed as they are to be sung or said in churches and the form or manner of making ordaining and consecrating of bishops, priests and deacons," and generally known as the Book of Common Prayer 1662.

(3) In this Constitution "the doctrine and principles of the Church of England embodied in the Book of Common Prayer" and the "articles of religion" sometimes called the "**Thirty-nine Articles**" means the body of such doctrine and principles.

(4) In this Constitution, unless the context or subject matter otherwise indicates, any reference to faith shall extend to doctrine.

(5) In this Constitution "**decision of any judicial authority**" shall include any judgment order decree sentence or order in council and the reasons report or recommendation therefor, and "**judicial authority**" shall include any court judge tribunal body or person having either secular or ecclesiastical jurisdiction whether before or after the date on which this Constitution takes effect, and without affecting the generality of any other provision of this Constitution it is hereby declared that "**judicial authority**" shall include the Court which was commonly called the High Court of Delegates, the King's Majesty in Council to which the powers of that Court were transferred, and the Judicial Committee of the Privy Council.

(6) In the case of lay but not clerical persons words in this Constitution importing the masculine shall include the feminine.

(7) This Constitution shall, unless the context or subject matter otherwise indicate, be construed as if the Acts Interpretation Act 1901-1948 of the Parliament of the Commonwealth of Australia applied to this Constitution.

(8) Where any period of time, dating from a given day, act or event is prescribed or allowed for any purpose by this Constitution or by any canon made under this Constitution, the time shall, unless the contrary intention appears, be reckoned exclusive of such day or of the day of such act or event. Where the last day of any period prescribed or allowed for the doing of anything falls on a Saturday, on a Sunday or on a day which is a public or bank holiday in the place in which the thing is to be done or may be done, the thing may be done on the first day following, which is not a Saturday, a Sunday or a public or bank holiday in that place.[62]

(9)[63] In this Constitution "**discipline**" means

(a) in Chapters II to VII and X to XII the obligation to adhere to, to observe and to carry out (as appropriate):

(i) the faith, ritual and ceremonial of this Church; and

(ii) the other rules of this Church which impose on the members of the clergy obligations regarding the religious and moral life of this Church; and

(b) in Chapter IX, as regards a person in Holy Orders licensed by the bishop of a diocese or resident in a diocese both:

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61 See footnote 1.

62 Added by Canon 2, 1998 which came into effect on 14 May 2001.

63 Added by Canon 18, 1998 which came into effect on 14 April 2003.

(i) the obligations in the ordinal undertaken by that person; and

(ii) the ordinances in force in that diocese.

(10)[64] In this Constitution a reference to an Aboriginal person is a reference to a person of the Aboriginal race of Australia; and a reference to a Torres Strait Island person is a reference to a person who is a descendent of the indigenous inhabitants of the Torres Strait Islands.

[64] Added by Canon 16, 1998 which came into effect on 1 March 2000.

75. This Constitution is divided into the following parts and chapters: -

PART I.

Chapter I. - FUNDAMENTAL DECLARATIONS (Sections 1-3).

Chapter II. - RULING PRINCIPLES (Sections 4-6).

PART II. - THE GOVERNMENT OF THE CHURCH

Chapter III. - OF THE BISHOPS (Sections 7-14).

Chapter IV. - OF THE GENERAL SYNOD (Sections 15-25).

Chapter V. - OF THE POWERS OF GENERAL SYNOD (Sections 26-33).

Chapter VI. - COMMITTEES, BOARDS AND COMMISSIONS (Sections 34-35).

Chapter VII. - THE PROVINCES AND PROVINCIAL SYNODS (Sections 36-42).

Chapter VIII. - THE DIOCESES AND DIOCESAN SYNODS (Sections 43-52).

Chapter IX. - THE TRIBUNALS (Sections 53-63).

Chapter X. - THE CORPORATE TRUSTEES (Section 64).

Chapter XI. - THE ALTERATION OF THIS CONSTITUTION (Sections 65-67).

Chapter XII. - THE OPERATION OF THIS CONSTITUTION (Sections 68-75).

THE TABLE ANNEXED TO THE CONSTITUTION

CLERICAL AND LAY REPRESENTATIVES IN GENERAL SYNOD

1. The number of clerical and lay representatives respectively of each diocese shall be in proportion to the number of clergy[1] of the diocese and shall be determined by dividing that number by a quota, namely, twenty, and if on the division there is a remainder of ten or more the diocese shall be entitled to one more clerical and one more lay representative.

2. Notwithstanding any other provision in this table each diocese shall be entitled to at least one clerical and one lay representative.

3.[2] In this Table 'clergy' means the number of persons in the Order of Bishop, Priest or Deacon ordinarily resident in the diocese who are:-

   (a) incumbents, whether full or part time, stipendiary, part stipendiary or non-stipendiary;

   (b) clergy engaged on a full time basis or substantially full time basis in providing services for or in connection with The Anglican Church of Australia or any part thereof and paid a stipend or other remuneration for such services who are not incumbents, whether attached to a parish or otherwise.

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[1] Changed from "clergymen" by Canon 9, 1995 which came into effect on 1 May, 1997.

[2] Clause 3 amended by Canon 9, 1995 which came into effect on 1 May, 1997.

NOTES ON THE CONSTITUTION

1. The Constitution of the Church of England in Australia was approved by the General Synod of the Church of England in Australia and Tasmania on 6 October 1955, and revised by the Continuation Committee appointed at the time, which was authorised to make such corrections of a non-contentious character as might seem to it necessary or desirable. The Chairman of Committees signed the final form of the text on 7 February 1956. This text was submitted to the dioceses for their assent, and it also formed the schedule to the New South Wales Act No. 16, 1961. The Constitution came into effect pursuant to section 68 on 1 January 1962.

2. The text printed here follows the official N.S.W. version, with very minor style changes such as the standardisation of upper and lower case.

3. The alteration of the name of the Church from *The Church of England in Australia* to *The Anglican Church of Australia* came into effect on 24 August 1981.

4. Appendix 1 immediately following lists the alterations to the Constitution which had come into effect as at 1 July 2022. These alterations are incorporated in the text of the Constitution. Footnotes to the text draw attention to these alterations.

5. Canons and Bills for the alteration of the Constitution which have not come into effect are listed in Appendix 2 immediately following Appendix 1. The text of those Canons and Bills is set out immediately following Appendix 2.

6. In 1981 the General Synod passed two Bills to alter the Constitution. These Bills required the assent of at least three-fourths of the diocesan synods including the synods of all the metropolitan sees in order to come into effect. When they were considered by the diocesan synods, some synods acted on legal advice that the Constitution could be altered only by Canons and not by Bills. Other diocesan synods acted on advice that Bills were the proper way to alter the Constitution. To ensure that alterations made at the 1985, 1987 and 1989 sessions of General Synod would not be rejected by diocesan synods on the same grounds, General Synod legislated for changes to the Constitution by passing both a Canon and a Bill, each making the same changes.

7. Alterations to the Constitution passed by General Synod in 1987 came into effect on 1 July 1992, prior to the 1992 session of the General Synod. One effect of these alterations was to make it clear that alterations to the Constitution would in future be made by Canon.

8. One of the Bills passed in 1981 [Bill 2, 1981] was further dealt with in Canon 1, 1987 and Bill 1, 1987, which came into effect on 1 July 1992. Sec. 2 of the Canon and of the Bill of 1987 provide together a method for Bill 2, 1981 to be brought into effect without a matching Canon.

CONSTITUTION OF THE

PROVINCE OF WESTERN AUSTRALIA 1914 – 1986

SHORT TITLE

1. This canon may be cited as the Constitution of the Province of Western Australia 1914[1].

COMMENCEMENT DATE

2. This canon shall come into operation on the date on which it is ratified by canon of General Synod under the provisions of the Constitution of The Anglican Church of Australia and the Constitution of the Province of Western Australia 1914-1975.

DEFINITIONS

3. In this canon unless the contrary intention appears:-

"**the Church**" means The Anglican Church of Australia;

"**communicant**" means member of the Church who shall have received the Holy Communion not less than three times within the preceding year and who is aged 18 years or older;

"**the Council**" means the Provincial Council of the Province;

"**diocese**" means a diocese within the Province;

"**dioceses**" means the dioceses forming the Province;

"**Former Constitution**" means the Constitution of the Province of Western Australia 1914-1975;

"**the Metropolitan**" means the person duly appointed Metropolitan under the provisions of this Constitution and his successors in office, and, except when otherwise provided, or when the context otherwise indicates, the Senior Bishop in the event of the death of the Metropolitan, or of his resignation, absence, incapacity, suspension pending trial, or of his then being under judicial sentence or if by reason of any other cause the Metropolitan See be vacant;

"**President**" means the Metropolitan acting as President of the Council;

"**the Province**" means the Province of Western Australia; and

"**the Senior Bishop**" means the senior diocesan Bishop of the Province by order of consecration, resident in Western Australia, and in the case of his unwillingness to act or of his absence, incapacity, suspension pending trial, or of his then being under judicial sentence the diocesan Bishop next in seniority to him in the Province by order of consecration, resident in Western Australia.

In so far as the context may require words of the masculine gender in this canon shall be construed as including the feminine gender and words of the feminine gender shall be construed as including the masculine gender.

REPEAL

4. The provisions of the Former Constitution to the extent they are inconsistent with the provisions of this canon are repealed.

THE PROVINCE

5. The Province shall consist of the dioceses which have their sees within the State of Western Australia.

THE METROPOLITAN

6. The Archbishop of the Diocese of Perth shall be Metropolitan of the Province.

7. During any vacancy in the office or incapacity of the Metropolitan or during his absence from the Province for a period exceeding thirty days the authorities, powers, rights and duties of the Metropolitan under this Constitution shall be exercised by the Senior Bishop.

THE COUNCIL

8. There shall be a Provincial Council of the Province of which shall-

(a) be called the Provincial Council of the Province of Western Australia, and

(b) replace the Provincial Synod in the Province.

9. (1) The Council shall consist of –

(a) (i) the Metropolitan;

(ii) the other diocesan Bishops of the Province;

(iii) the secretaries of each of the dioceses;

[1] Title amended 2010 - Canon No 1 of 2009, ratified General Synod 2010

(iv) the lay trustees of the Province;

who shall hold office ex officio; and,

(b) Two clerical and two lay representatives of each diocese.

(2) Clerical representatives shall be in priest's orders and licensed therein.

(3) Lay representatives shall be communicants.

(4) (a) Clerical and lay representatives of a diocese shall be elected or appointed for such periods, at such times and in such manner, and

(b) any vacancy however caused in the seat of a representative shall be filled in such manner as may from time to time be prescribed by or under the constitution of the dioceses.

10. Upon the election or appointment of a representative of a diocese the Secretary of the diocese shall forward to the Secretary of Council full particulars of:

(a) the name and address of the representative; and

(b) any change in such name and address upon having notice thereof.

11. (1) The Council shall subject to the canons of the General Synod of the Church have the power to: -

(a) legislate by canon upon and in respect of the following matters concerning the order and good government of the Church in the Province:

(i) the constitution of an appellate tribunal;

(ii) the taking of measures for promoting intercommunion with other branches of the Holy Catholic Church in the Province, so far as is consistent with the principles doctrine law and order of the Church;

(iii) the regulation of the relations of the Church with other Christian organisations so far as is consistent with the principles doctrine law and order of the Church;

(iv) the promotion of mission at home and overseas;

(v) the promotion of religious and secular education;

(vi) the education and training of candidates for Holy Orders;

(vii) the holding and administration of real and personal property;

(viii) the assessment of the dioceses for all costs, charges and expenses from time to time of and incidental to the carrying into effect of the Constitution and Canons of the Council the Registry of the Province of each Session of the Council and for the payment by each diocese of the proportion thereof as shall from time to time be determined; and

(ix) any other matter referred to the Council by the diocesan synods.

(b) make rules prescribing anything necessary or convenient for carrying out and giving effect to any Canon or for controlling and regulating the administration of its affairs, and in particular may make rules prescribing -

(i) the procedure for any election or appointment to be made by under the authority of the Council to any office; and

(ii) the authorities, powers, rights and duties of any Officer committee board or commission of the Council.

A rule shall be made by resolution after notice has been duly given in accordance with the standing orders;

(c) regulate the conduct of its business under standing orders or otherwise as it may deem proper;

(d) deliberate upon and make statements upon all matters affecting the interests of the Church in the Province;

(e) make such enquiries as it deems requisite;

(f) communicate with and make such petitions and representations as it deems fit to the Government and other bodies and persons or any of them;

(g) take such action with reference to State and public affairs as it considers desirable;

(h) confer with and cooperate with other Christian bodies on such subjects and at such times as it deems fit;

(i) from time to time appoint representatives of the Province to ecumenical bodies;

(j) exercise such powers and perform such functions as may from time to time be committed to it by ordinance by each diocese;

(k) provide from the funds available to it for costs, charges and expenses of or in connection with the holding of meetings, the performance of its functions and the exercise of its powers and when it deems fit to levy each diocese on an equitable basis agreed upon from time to time by ordinance by each diocese for the costs charges and expenses

aforesaid not otherwise provided for;

(l) exercise such powers and perform such functions as are powers or functions of or are conferred on a provincial synod or a provincial council by or under the Constitution of The Anglican Church of Australia or by General Synod; and

(m) from time to time revoke or amend any resolution, determination, decision, rule or canon made by the Council or the former Synod of the Province.

(2) Subject to section 11(1)(l) nothing in sub-section (1) shall operate to restrict or limit the authority, functions or powers of a diocesan synod unless in a particular case that diocesan synod otherwise expressly provides.

COMMITTEES

12. The Council may appoint:

(a) from among its own members a Standing Committee of the Council; and

(b) and revoke the appointment of other committees comprising such persons as the Council determines,

and subject to the Constitution of The Anglican Church of Australia may delegate to any such committee such of the powers and functions of the Council as it thinks fit.

MEETINGS OF THE COUNCIL

13. The Metropolitan shall convene the Council at least once in every two years and shall also convene the Council whenever requested in writing to do so by any diocesan Bishop or by a majority of the representatives for the time being of any diocese.

14. The Council shall meet in Perth or such other place as the Metropolitan at any particular time shall determine. Except with the concurrence of the Metropolitan and of the diocesan Bishops the Council shall be convened by notice in writing posted in the case of ex officio members to the member's official address and in the case of elected members to the address of the member most recently notified to the Secretary pursuant to Clause 10 hereof. The notice shall specify the date hour and place appointed for the meeting. No meeting or resolution or other action of the Council shall be vitiated by reason only that any person to be elected appointed or summoned has not been elected appointed or summoned or by reason only of any informality with respect to the electing appointment or summoning.

15. Minutes shall be kept of the proceedings at all meetings of the Council and such minutes and all other records (if any) concerning the Province shall be kept at such place as the Metropolitan may from time to time direct.

16. At every meeting of the Council the President shall if willing preside but he shall have the right to appoint another diocesan Bishop of the Province to preside for any period during which he does not wish to do so.

17. [1]No business shall be transacted at any meeting of the Council unless eleven members of the Council including one clerical and one lay representative of each diocese being either an ex officio or elected member of the Council, and one diocesan Bishop of the Province are present.

18. (1) The business to be transacted at a meeting of the Council shall be discussed and voted upon by the members present sitting and voting together.

(2) No question before the Council shall be deemed to be resolved –

(a) unless it be resolved in the affirmative by a vote of the majority of the members present; or

(b) where the Council resolves that a question be resolved by a vote by Orders unless it be resolved in the affirmative by -

(i) a vote of the majority of the diocesan Bishops present;

(ii) a vote of the majority of the clerical representatives present; and

(iii) a vote of the majority of the lay representatives present.

19. The President with the concurrence of the Council may permit observers to be present at any meeting of the Council

OFFICERS

20. (1) The Diocesan Secretary of the Diocese of Perth shall be the secretary of the Council.

(2) The Council may –

(a) from time to time appoint and revoke the appointment of such other officers as it determines;

(b) prescribe the duties of the secretary of the Council and such other officers;

(c) authorise the opening the closing and conduct of bank accounts; and,

(d) generally regulate its affairs and the affairs of any committee appointed by it in such manner and in all aspects as it shall think fit.

DIOCESAN BISHOPS

[1] Amended 1986

21. During any vacancy in the office or incapacity of the diocesan Bishop of any diocese or during the absence from his diocese of a diocesan Bishop of the Province for a period exceeding thirty days the authorities, powers, rights and duties (including membership of the Council) conferred or imposed on him by his constitution other than the authorities, powers, rights and duties appertaining to the office of Metropolitan shall be exercised by the person appointed by or under the constitution of his diocese to administer the affairs thereof but nothing in this section confers on a person who is not a Bishop a right under section 18 to vote as a Bishop.

CANONS

22. All canons shall be numbered in regular arithmetical series each year beginning with the number one in the order in which they were passed and shall be distinguished by a short title and be described as of the year in which they were passed.

23. All canons shall be forthwith promulgated by the President of the Council by notice in writing under his hand and seal, addressed to the Provincial Bishops, and shall, when so promulgated, be binding thereafter upon all the dioceses in the Province unless objected to by a motion carried in the next session of the synod of any diocese of the Province when it shall cease to be binding on that diocese.

SEE OF PERTH[1]

24. (a) Whenever the See of Perth shall become vacant a new Archbishop shall be appointed in accordance with the provisions of the Archbishop's Statute 2016.

(b) Before the first meeting of the Archbishop election committee is held, each of the diocesan Bishops of the Province shall be invited by the Administrator of the Metropolitan Diocese to submit in writing names of persons he thinks should be considered for the appointment by a date by which such nominations must be received.

(c) On receipt of the confirmation of canonical fitness, the Administrator of the Diocese of Perth shall inform the diocesan Bishops of the Province of Western Australia of the name of the elected person.

(d) When an election has been confirmed as required the person so elected (subject to their consecration if necessary) shall be the Metropolitan and Archbishop of the Metropolitan See and shall be entitled to exercise the functions of such Metropolitan as from the date of their enthronement in the Cathedral Church of the Metropolitan See.

DIOCESES

25. Whenever the formation of a new diocese by the division of a diocese into two or more diocese has been ratified by the Council, each of the dioceses affected thereby shall be subject to the Constitution and canons of the Province and also to the statutes of the diocese so divided except as local circumstances may prevent, unless and until the said statutes shall be amended, altered or repealed by the diocesan synod of the new diocese.

26. Whenever the formation of a new diocese out of two or more existing dioceses has been ratified by the Council, the new diocese shall be subject to the Constitution and canons of such of the said existing dioceses as shall be specified in the order of ratification until the same shall be altered by the synod of the new diocese.

DIOCESAN SYNODS

27. Whenever in this Constitution, the words “diocesan synod” occur, in a diocese where no diocesan synod is yet formed, the Bishop shall have all the power and rights thereof.

ALTERATIONS

28. Subject to the Constitution of The Anglican Church of Australia:

(a) the Province may be altered by an increase or a decrease in the number of dioceses; and

(b) this Constitution may be altered in any respect whatsoever by a canon for that purpose which firstly shall be approved by Council then by resolution thereof communication by the President to each of diocesan synods in the Province through their Bishop then at their next ordinary or special meeting assented to by at least two-thirds of the dioceses and finally adopted at the next succeeding meeting of the Council by a vote by orders in the affirmative.

CONSOLIDATION

29. When this Constitution or any canon of the Council is amended it shall be printed as amended and the sections of the amended Constitution or canon renumbered consequential to any repealed or additional section or sections.

TRANSITIONAL

30. All persons things and circumstances appointed or created and all ordinances made by or under the Former Constitution as existing immediately before the coming into force of this canon shall under and subject to this canon continue to have the same status operation and effect as it would have had if the Former Constitution had remained in full force and effect and as if the Council and the Standing Committee of the Council were respectively one and the same with the Provincial Synod and the Standing Committee of Provincial Synod constituted by and under the Former Constitution.

[1]Amended 2019

THE CONSTITUTION ACT OF THE DIOCESE OF PERTH 1871[1]

WHEREAS from its establishment this Constitution has commenced: -

In the Name of the Father, Son, and Holy Ghost, Amen.

Whereas it is desirable that the Members of the Church of England in the Colony of Western Australia, should be associated together by voluntary compact as a Branch of the said Church, for the ordering of the affairs, the management of the property, the promotion of the discipline of the Members thereof, and for the inculcation and maintenance of sound doctrine and true religion throughout the Colony, to the Glory of Almighty God, and the edification and increase of the Church of Christ, and whereas at a Conference held at the Bishop's House, Perth, on the 13th day of July, 1871, the Bishop, and certain of the Clergy and Laity, representing a numerous body of the members of the said Church of England, agreed to a Constitution, provisionally, for the purpose aforesaid; and whereas the said Constitution is now presented for further consideration, and confirmation, at the First Session of the First Synod:-

Now, therefore, the Bishop, Clergy, and Laity in Synod assembled, do solemnly declare and establish as follows:

This Branch of the Church of England in Western Australia, doth hold and maintain the Doctrine and Sacraments of Christ, as the Lord hath commanded in His Holy Word, and as the said Church of England hath received and explained the same in the Book of Common Prayer, in the form and manner of making, ordaining, and consecrating the Bishops, Priests, and Deacons, and in the XXXIX Articles of Religion.

AND WHEREAS that preamble is preserved and the declaration is maintained.

AND WHEREAS the Diocese of Perth is now a diocese of the Anglican Church of Australia.

AND WHEREAS the other provisions of this Constitution have undergone alteration at various times.

BE IT THEREFORE FURTHER RESOLVED by the Bishop, Clergy and Laity of the Diocese of Perth in Synod assembled:

1. (1) Subject to section 2, the Synod of the Diocese of Perth shall consist of
   - (a) the Bishop of the Diocese,
   - (b) the licensed clergy of the Diocese,
   - (c) the lay members of Synod elected or appointed pursuant to this Constitution,
   - (d) the lay members of The Perth Diocesan Trustees,
   - (e) the Chancellor, Registrar and Secretary of the Diocese,
   - (f) 2the principal however described and a representative of each school or other educational institution of the Church in the Diocese recognised as such by the Diocesan Council,
   - (g) two representatives of each entity of the Church in the Diocese, which has been established by the Synod, The Perth Diocesan Trustees or the Diocesan Council,
   - (h) one representative of any other entity of the Church in the Diocese recognised as such by the Diocesan Council,
   - (i) up to ten lay persons appointed by Diocesan Council for each Session of Synod, and,
   - (j) up to five lay Aboriginal or Torres Strait Islander persons appointed by the Diocesan Council for each Session of Synod.[3]
   - (k) up to five lay youth appointed by the Diocesan Council for each Session of Synod.

   (2) For the purposes of sub-section (1), in the absence of specific provision in this Constitution or in the constitution of the relevant body, a representative is to be appointed by the governing board council or committee of the relevant body.

Eligibility for Membership of Synod

2. (1) The persons who are eligible to be members of Synod are:
   - (a) the Bishop of the Diocese,
   - (b) any person from time to time acting as Administrator of the Diocese,
   - (c) the licensed clergy of the Diocese,
   - (d) any person in Holy Orders who is appointed as a representative of a body, or holds an office, designated in any of paragraphs (e) and following of sub-section (1) of section 1, and who, although not licensed, is authorised by the Bishop to officiate in the Diocese, and
   - (e) any person not in Holy Orders who has attained the age of 16 years, is baptised and confirmed, [4]or has been received into communicant membership of the Anglican Church of Australia in accordance with the Reception Canon 1981, is a communicant member of The Anglican Church of Australia and of no church not in communion with this Church, who attends the public worship of this church, and who receives communion regularly including normally at Christmas and Easter.

   (2) Before doing any act in Synod a member not in Holy Orders shall make and lodge with the Diocesan Secretary a declaration which reflects the terms of paragraph (e) of sub-section (1).

Ecclesiastical Districts

3. (1) The Diocese of Perth shall be divided into ecclesiastical districts, which shall be either parishes or parochial districts, as authorised or required by statute of Synod.

   (2) Diocesan Council may from time to time alter the number, nature and boundaries of all or any ecclesiastical districts as authorised or required by statute of Synod.

[1] Note: This Constitution reflects the amendments to The Constitution Act of the Diocese of Perth 1871 which were adopted by the Diocese pursuant to "The Constitution Act of the Diocese of Perth 1871 Amendment Statute 2009", "The Constitution Act of the Diocese of Perth 1871 Amendment Statute 2016" and "The Constitution Act of the Diocese of Perth 1871 Amendment Statute 2018"

[2] Clauses (f) to (k) deleted and replaced Synod 2009

[3] Inserted Synod 2015

[4] Inserted Synod 2008

(3) Any division or alteration contemplated by subsections (1) or (2) shall have force and take effect when made, but shall be reported to the next annual session of Synod by Diocesan Council and shall continue to have force and effect unless disallowed or altered by that session of Synod.

Elected Lay Members of Synod

4. (1) Each ecclesiastical district may elect two lay members of Synod.

(2) Deleted[5].

(3) Subject to this Constitution and any statute of Synod, the term of an elected lay member shall expire at the commencement of the annual meeting of parishioners of the relevant ecclesiastical district at which a general election of lay members of Synod is next required to be held after the commencement of the term. An elected lay member whose term has expired may be re-elected.

(4) An elected lay member is entitled to attend, and to perform the functions of a lay member in respect of, any session of Synod held during the term of that member.

Appointed Lay Members of Synod

5. Deleted.[6]

Election of Lay Members by Ecclesiastical Districts

6. Synod by statute shall make provision for the orderly, effective and impartial conduct of elections of lay members of Synod by ecclesiastical districts, including provision for determining the validity of disputed returns.

Electors

7. Every person of or above the age of 16 years who shall have signed a declaration in the following form, "I declare that I am a bona-fide member of The Anglican Church of Australia, and of no church that is not in communion with this Church" and who is enrolled as a parishioner, shall be qualified to vote at the election of lay members of Synod for the ecclesiastical district for which the person is so enrolled.

Termination of Membership of Synod

8. (1) A member of Synod, not being a licensed member of the clergy of the Diocese, may resign from membership of Synod by writing addressed to the Bishop. The resignation takes effect on its receipt by the Bishop.

(2) A member of Synod, not being a licensed member of the clergy of the Diocese, who is absent throughout any session of Synod without having obtained the leave of Synod at that session, shall thereby cease to be a member of Synod.

(3) The membership of Synod of a person shall also cease:

(a) on the death of the person;

(b) on the person ceasing to be eligible to be a member of Synod;

(c) on the expiry of the term of the person;

(d) when the person ceases to hold the office designated in subsection (1) of section 1 which qualified the person to be a member; or

(e) when the appointment of the person as a representative of a body designated in subsection (1) of section 1 is terminated or expires.

Casual Vacancies of Elected Lay Members

9. (1) (a) A vacancy for an elected lay member which occurs other than by the expiration of the term of a former member, shall be filled for the balance of the term of the former member by a person appointed by the parish council of the relevant ecclesiastical district.

(b) Should the vacancy not be filled by the parish council within 3 months of the vacancy occurring the Bishop may take other steps authorised by statute of Synod to fill the vacancy for the balance of the term of the former member.

(2) Should an elected lay member be unable to attend a sitting of Synod, parish council (or the relevant entity the lay member represents) may appoint a member to attend that sitting of Synod in lieu of the elected lay member.

Synod Sessions

10. (1) Synod shall be convened at a time and place determined by the Bishop.

(2) There shall be an annual session of Synod in every year.

(3) A special session of Synod shall be convened upon the written requisition of one-fourth of the clerical, and one-fourth of the lay members of Synod, but only on such requisition.

Proceedings of Synod

11. (1) Synod shall not be prevented from conducting its business, and the proceedings of Synod and any statute resolution or rule passed by Synod shall not be vitiated, by reason of any informality in respect of the convening of Synod, or in the election, appointment or summoning of any member of Synod or by the failure duly to do so, or by the absence of any member. The proceedings of Synod and any statute resolution or rule passed by Synod shall not be vitiated by the presence and participation of a person who is not duly a member.

(2) The presence of the Bishop and one quarter of the clerical and one quarter of the lay members of Synod shall be necessary to constitute a quorum.

(3) Subject to sub-sections (4) and (5), the Bishop, the clerical and the lay members of Synod shall sit debate and vote as one body.

(4) Subject to the provision for the alteration of this Constitution, any two clerical or any four lay members present, may require that a vote then to be taken by Synod be taken by Orders, in which event –

[5] Clause 2 deleted at Synod 2018
[6] Clause 5 deleted at Synod 2009

(a) the members of Synod in Holy Orders, other than the Bishop, shall vote as the House of Clergy, and the members not in Holy Orders shall vote as the House of Laity;

(b) subject to paragraph (c) no resolution shall be taken to be adopted by Synod unless it is carried in each of the House of Clergy and the House of Laity by a majority of the members present and voting, and it is assented to by the Bishop; and

(c) when Synod is considering a bill for a statute or a statutory resolution, paragraph (b) applies to the final resolution that the bill do now pass, but, any other resolution in the course of that consideration shall be taken to be adopted by Synod if carried in each of the House of Clergy and the House of Laity by a majority of the members present and voting.

(5) When, pursuant to subsection 4, a resolution has been duly carried in each of the House of Clergy and the House of Laity

(a) the Bishop may delay deciding whether to assent to the resolution or to dissent from it for not exceeding one month;

(b) should the Bishop dissent from the resolution, all action on it shall be suspended until the next session of Synod, whether an annual or a special session, when it shall again be considered by Synod and if it is confirmed by being carried in each of the House of Clergy and the House of Laity by not less than two-thirds of the members present and voting, and the Bishop maintains his dissent, the resolution shall be deemed to be lost.

Standing Orders

12. (1) Subject to this Constitution, Synod may adopt Standing Orders to regulate its proceedings.

(2) The Standing Orders in force at the conclusion of a session of Synod shall continue in force for the purposes of the next session, but they may be amended at that next session.

Alteration

13. It shall not be competent for Synod to make any alteration to this Constitution unless

(a) notice of the motion to effect the alteration is given at the previous annual session of Synod, and

(b) the alteration is carried by not less than three-fourths of the members present voting as one body.

Holy Orders

14. In this Constitution and in any statute of Synod, unless the context or subject matter otherwise requires, words and phrases referring to the diaconate, priesthood and episcopate, including, but without limiting the generality of this provision, "bishop", "clergy", "person in Holy Orders", and also "priest", "deacon", "clergyman", "curate", "clerk in Holy Orders" and "minister", shall be capable of including females and in the use of any of the Formularies of this Church words importing females may, consistently with this provision and when the occasion and circumstances so require, be substituted for words importing males.

Interpretation

15.(1) In this Constitution unless the context or subject matter otherwise requires

Bishop means the Bishop of the Diocese and includes any person while acting as Administrator of the Diocese;

Church of England is a reference to the Church from which this Church is derived;

clergy is a reference to persons in Holy Orders ordained in this Church or in any other church in communion with this Church, and **clerical** has a corresponding meaning;

general election has the meaning provided in the statute of Synod regulating the election of lay members of Synod;

lay is a reference to persons not in Holy Orders, and **laity** has a corresponding meaning;

licensed is a reference to a member of the clergy who holds a current licence under the seal of the Bishop;

member of this Church has the same meaning as in the Constitution of The Anglican Church of Australia; and

this Church means The Anglican Church of Australia, being formerly known as the Church of England in Australia and being derived from the Church of England.

Citation

16. This Constitution as amended may be cited as "The Constitution Act of the Diocese of Perth 1871[7]".

[7] ‘ – 2003’ deleted Synod 2008

INTERPRETATION STATUTE 2016

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PART 1 – PRELIMINARIES

1 **Short Title**

1.1 This Statute may be cited as the “Interpretation Statute 2016”.

2 **Repeal**

2.1 The Interpretation Statute 2007 and The Use of the name The Anglican Church of Australia for Statutory Purposes Statute 1985 are repealed.

PART 2 - REGARDING THIS STATUTE

3 **Canons not affected**

3.1 The provisions of this Statute do not apply to any canon, rule or resolution of the General Synod of the Anglican Church of Australia in so far as that may be assented to or adopted by a statute of the Synod of this Diocese.

4 **Interpretation**

4.1 In this Statute the word "statute" includes:

(a) a statute;

(b) a Diocesan policy; and

(c) the standing orders of the Synod of the Diocese, and a reference to this Statute shall be a reference to the Interpretation Statute 2016.

PART 3 - PROVISIONS FOR ALL STATUTES

5 **General provisions**

5.1 Subject to section 3.1, the provisions of this Statute apply to this Statute and to every other statute of the Synod of the Diocese, whether made before or after this Statute, unless in a particular case:

(a) express provision is made to the contrary, or

(b) the intent and object of the statute or the context or subject matter is inconsistent with such application.

5.2 Statutes may be cited by their title and the year that they were enacted, without reference to the year of last amendment.

5.3 A reference to a statute is a reference to that statute as amended from time to time.

5.4 For the purpose of the interpretation of a statute, the table of provisions, headings and any notes in the statute are deemed not to be part of the text of that statute.

5.5 In a statute:

(a) words denoting a gender or genders include each other gender;

(b) words in the singular include the plural;

(c) words in the plural include the singular;

(d) "includes" in any form is not a word of limitation; and

(e) "alteration" includes repeal, and "alter" and "altered" have a meaning corresponding with that of alteration.

5.6 In a statute, unless the context or subject matter otherwise requires, words and phrases referring to the diaconate, priesthood and episcopate, including "bishop", "clergy", "person in Holy Orders", "priest", "deacon", "clergyman", "curate", "clerk in Holy Orders" and "minister" shall be capable of including women and in the use of any formularies of this Church, words importing women may, consistently with this provision and when the occasion and circumstances so require, be substituted for words importing men.

5.7 In whatever form it appears within a statute and however expressed, the name of the Church of England shall be construed as a reference to The Anglican Church of Australia. That construction shall (unless the context otherwise requires) be and be deemed to be for all purposes a direct amendment to the statute by force of this Statute.

5.8 Where any period of time, dating from a given day, act or event is prescribed or allowed for any purpose by a statute or by canon, the time shall, unless the contrary intention appears, be reckoned exclusive of that day or of the day of such act or event.

5.9 Where the last day of any period prescribed or allowed for the doing a particular thing falls on a Saturday, Sunday or public holiday in the Diocese, that thing may be done on the first day following, which is not a Saturday, Sunday or public holiday in the Diocese.

5.10 A statute shall, unless the context or subject matter otherwise indicates, be construed as if the Acts Interpretation Act 1901-1948 of the Parliament of the Commonwealth of Australia applied to that statute.

6 **Meanings of words and phrases**

6.1 In any Diocesan statute or policy (including those enacted or adopted prior to the date of assent of this Statute) the words and phrases listed below have the following meanings unless express provision is made to the contrary:

Aboriginal person or **Torres Strait Islander person** means a person of Aboriginal descent or Torres Strait Islander descent;

abuse means bullying, emotional abuse, harassment, physical abuse, sexual abuse, spiritual abuse, financial abuse or child abuse;

Administrator means the person appointed under the Archbishop's Statute;

agency worker means a person employed or engaged by, or holding a position or performing a function for, a Church agency, whether for payment or in a voluntary capacity, with actual or apparent authority of the relevant Church agency;

allied ministry means ministry in a Church agency or other institution or organisation, including a university, school, hospital, correctional facility, detention centre, industrial workplace, the Australian Defence Force or field of ministry other than a parish;

allied ministry clergy means chaplains and other clergy appointed to serve in allied ministry;

Anglican Church means the Anglican Church of Australia;

Anglican Community Fund or **ACF** means the Anglican Community Fund (Inc);

Anglican Schools Commission or **ASC** means the Anglican Schools Commission (Inc);

annual meeting means the annual meeting of enrolled members or a meeting called under the mandate of the Archbishop to conduct the business of an annual meeting;

Archbishop means the archbishop of the Diocese elected in accordance with the Archbishop's Statute, and, except where otherwise indicated, the Administrator acting in the absence of the Archbishop;

articles of religion sometimes called the "Thirty-nine Articles" means the body of such principles;

assistant bishop means a person appointed under the Archbishop's Statute;

assistant curate means a newly ordained deacon or priest duly licensed by the Archbishop to assist the Rector or Priest-in-Charge in the parish;

assistant priest means a member of the clergy in priest's orders duly licensed by the Archbishop to assist the Rector or Priest-in-Charge in the parish;

Bishop of the Diocese or **Diocesan bishop** means the Archbishop;

canon means a canon of General Synod;

canonical fitness means, as regards a person, that:

(a) the person has attained at least 30 years of age;

(b) the person has been baptised; and

(c) the person is in priests' orders;

canonical Scriptures means the canonical books as defined by the sixth of the Thirty-nine Articles;

ceremonial includes ceremonial according to the use of this Church, and also the obligation to abide by such use;

chaplain means a member of clergy appointed to serve in an allied ministry;

Chancellor means the person appointed under the Archbishop's Statute;

child means a person under the age of 18 years;

Church means the Anglican Church of Australia within the Diocese;

Church agency means any separately incorporated entity of the Church in the Diocese, which has been established by the Synod, the Trustees or the Diocesan Council and includes a Church school;

Church authority means the Archbishop or a person or entity having administrative authority of or in a Church entity to license, appoint, authorise, dismiss or suspend a Church worker or Church volunteer;

Church building means a building which is set apart for the worship of Almighty God, according to the use of the Anglican Church or a building licensed by the Archbishop for such worship. Where there is no such building the usual place of meeting for worship shall be the Church building within this definition;

Church entity means an unincorporated entity including a committee, commission, a parish or a parish council in the Diocese, the Cathedral or Chapter of the Cathedral, that exercises ministry within, or on behalf of, the Church with the actual or apparent authority of the Church;

Church school means a school or other educational institution within the meaning of the section 1(1)(f) of the Constitution Act of the Diocese of Perth 1871 as well as a Provincial school within the Diocese, which are affiliated with the Church;

Church volunteer means a person aged 18 or more years who is not Church worker but who:

(a) holds a voluntary role, office or position in a congregation or parish or in the Cathedral; or

(b) holds otherwise any specific voluntary role, office or position in the Diocese with the actual or apparent authority of the Church;

Church worker means any person who is or who at any relevant time was:

(a) a member of the clergy (including the Dean of Perth) whether or not holding the Archbishop's licence or permission to officiate;
(b) an ordination candidate;
(c) a church warden or parish council member;
(d) a treasurer of a parish;
(e) employed or engaged by a Church authority or Church entity; or
(f) holding a position or performing a function with the actual or apparent authority of a Church authority or Church entity,

but excludes the Archbishop;

clergy or member of the clergy means the Archbishop, assistant bishops, priests and deacons of the Church or of any other church in communion with the Church;

Communicant in relation to eligibility to hold any lay office in a parish, means a person who:
(a) has been confirmed in the Anglican Church of Australia or is ready and desirous of being so confirmed; or
(b) has been received into the Anglican Church of Australia or is ready and desirous of being so received; or
(c) is a communicant member of a church that is in full communion with the Anglican Church of Australia; and
(d) receives communion regularly in the parish including normally at Christmas and Easter; and
(e) regularly attends the public worship of the Anglican Church of Australia in the parish;

code of conduct means a code of conduct approved from time to time under the Professional Standards Statute;

conduct means an act, an omission to perform an act, a state of affairs, refraining (otherwise than inadvertently) from doing an act, refusing to do any act, or making it known that an act will not be done and includes the use of electronic communication;

Constitution means the Constitution of the Anglican Church of Australia;

curate means a member of clergy in priest's orders duly licensed by the Archbishop to have the cure of souls in a parish

cure means the cure of souls of a parish, church authority or church entity;

deacon means a member of the clergy in deacon's orders duly licensed by the Archbishop;

Diocesan Council means the body constituted by the Diocesan Council Statute;

Diocese means the Diocese of Perth;

diocese means a diocese of this Church;

Diocesan Registrar means the person appointed by the Archbishop to keep the register of official records of the Diocese;

Diocesan Secretary means the person appointed by the Trustees as / Secretary in accordance with the Diocesan Trustees Statute or acting as Secretary for the time being;

Diocesan Treasurer means the person selected by the Trustees as Treasurer in accordance with the Diocesan Trustees Statute;

Director means the Director of Professional Standards appointed under the Professional Standards Statute and includes an acting Director of Professional Standards or any other person appointed to perform the functions of the Director;

Doctrine means the teaching of this Church on any question of faith;

doctrine and principles of the Church of England embodied in the Book of Common Prayer means the body of such doctrine;

electoral roll means in relation to a parish, the roll of those entitled to vote at meetings of its enrolled members;

electronic communication
(a) means a communication by electronic means; and
(b) without limiting paragraph (a), includes a communication by any of these means —
  (i) email;
  (ii) the internet;
  (iii) facsimile;
  (iv) telephone, including mobile telephone;
  (v) radio; or
  (vi) television;

enrolled member means a person whose name appears on the electoral roll of a parish in accordance with the Parish Governance Statute;

faith includes the obligation to hold the faith.

general election year means a year in which a general election of lay members of Synod is held under the Archbishop's mandate, being the year 2022 and every third year thereafter;

General Synod means the general synod of the Anglican Church;

Holy Orders has the meaning contained in section 14 of The Constitution Act of the Diocese of Perth 1871;

Houses means for voting purposes the house of clergy and house of laity;

Incumbent means a member of the clergy who holds the Archbishop's licence;

lay means a reference to a person not in Holy Orders; and words incorporating that term and "laity" have a corresponding meaning;

Licence means a written authority to a member of the clergy, or a member of the laity, under the seal of the Archbishop; and "licensed" has a corresponding meaning;
Locum Tenens means a member of the Clergy duly licensed by the Archbishop to perform the duties of a Rector;
material includes:
(a) any object, picture, film, written or printed matter, data or other thing; and
(b) anything from which text, picture, sound or data can be produced or reproduced, with or without the aid of anything else;
Member of this Church means a baptised person who attends the public worship of this Church and who declares that he is a member of this Church and of no church which is not in communion with this Church;
Metropolitan includes the bishop exercising the authorities powers rights and duties of the metropolitan;
ministry means ordained ministry or lay ministry authorised under the Authorised Lay Ministry Canon 1992 (No 17, 1992) Adoption Statute 1992 or an equivalent Statute of the synod of another diocese, as the case may be;
month means a calendar month, that is, a period commencing at the beginning of a day of one of the twelve months of the year and ending immediately before the beginning of the corresponding day of the next month or, if there is no such corresponding day, ending at the expiration of the next month;
national register means the national register established pursuant to the National Register Canon 2007 of the General Synod of the Church or any canon prescribed by General Synod in substitution for that canon;
Nominators of Clergy means the persons elected as such pursuant to the Clergy Statute;
parish means a body of members of the Church gathered together and established in accordance with the Parish Governance Statute;
parish council means the authoritative administrative body of a parish;
parishioner means an enrolled member of that parish;
part-time member of the clergy means a member of the clergy other than a retired member of the clergy who with the approval of the Archbishop performs clerical duties on a part-time basis;
policy means any protocol or policy approved from time to time by the Archbishop, the Trustees or Diocesan Council;
priest means a member of the clergy in priest's orders duly licensed by the Archbishop;
Priest-in-Charge means the member of the clergy duly licensed by the Archbishop to perform the duties of a Priest-in-Charge as prescribed by the Clergy Appointment and Licensing Statute;
Primate includes the metropolitan or bishop exercising the authorities powers rights and duties of the Primate;
Professional Standards Committee or **PSC** means the Professional Standards Committee established under the Professional Standards Statute;
Professional Standards Statute means the Professional Standards Statute 2021 and any amendments thereto;
Province or **Provincial** means the Anglican Province of Western Australia;
Provincial Council means the governing council of the Province of Western Australia;
Rector means the member of the clergy duly licensed by the Archbishop, without limitation, to perform the duties of a Rector as prescribed in the Clergy Appointment and Licensing Statute;
ritual includes rites according to the use of this Church, and also the obligation to abide by such use;
safety agreement means an agreement between a person, a relevant Church authority and the Director regulating the manner in which that person has entry and access to the premises and activities of the Church either generally or in a specified location or circumstances;
Schedule means a schedule to this Statute;
School chaplain means a person duly licensed by the Archbishop to the position of chaplain in a Church school;
school worker means a person employed or engaged by, or holding a position or performing a function for, a Church school, whether for payment or in a voluntary capacity, or with actual or apparent authority of the relevant Church school;
social media means any form of online publication or presence that allows interactive communication, including, but not limited to, email, social networks, blogs, internet websites, internet forums, wikis, Facebook, Twitter, LinkedIn, Tumblr, and YouTube;
statute means a statute of this Diocese;
Synod means the body constituted by The Constitution Act of the Diocese of Perth 1871-1994;
The Book of Common Prayer means the Book of Common Prayer as received by the Church of England in the dioceses of Australia and Tasmania before and in the year of our Lord one thousand nine hundred and fifty-five, that is to say, the book entitled "The Book of Common Prayer and Administration of the Sacraments and other rites and ceremonies of the Church according to the use of the Church of England together with the Psalter or Psalms of David appointed as they are to be sung or said in churches and the form or manner of making ordaining and consecrating of bishops, priests and deacons," and generally known as the Book of Common Prayer 1662;
The Constitution means The Constitution Act of the Diocese of Perth 1871 as amended from time to time, and "The Constitution Act" and "the Constitution" have a corresponding meaning;
the Constitution of this Church means the Constitution of The Anglican Church of Australia as amended from time to time;
Trustees means The Perth Diocesan Trustees as defined in the Diocesan Trustees Statute;
Voting by houses means the procedure whereby two distinct votes are taken, that is to say, a vote of the house of laity and a vote of the house of clergy; and

warden means the persons appointed to that office in accordance with the Parish Governance Statute.

7 **Consequential and editorial amendments**

7.1 Where a statute, a provision in a statute or a policy is referred to in another statute or policy, and the statute, provision or policy has been amended or repealed, or is subsequently amended or repealed, the reference is deemed to extend to the statute, provision or policy as amended or replaced by a new statute.

7.2 The Diocesan Secretary is authorised to make editorial amendments to any statute. An editorial amendment is an amendment that does not involve any substantive change, but which:

(a) corrects a typographical error;
(b) corrects or updates a reference to a statute, position, entity, place or thing;
(c) goes only to a matter of spelling, punctuation, grammar or syntax or the use of conjunctives and disjunctives;
(d) changes the name of the statute or a provision of the statute;
(e) numbers or renumbers a provision of the statute;
(f) changes the order of definitions or other provisions of the statute;
(g) replaces a reference to a provision of a statute with a different form of reference to the provision;
(h) changes the way of referring to or expressing a number, year, date, time, amount of money, penalty, quantity, measurement, or other matter, idea or concept;
(i) replaces a word indicating gender or that could be taken to indicate gender in accordance with current legislative drafting practice;
(j) omits the enacting words or the statute-making words (including any signatures) or a provision that consists only of a description of how the statute is arranged into groups of provisions;
(k) omits a provision that has expired, the operation of which is exhausted or spent or that is otherwise obsolete or redundant;
(l) omits, inserts or changes a referential term;
(m) inserts, omits or changes a note;
(n) updates a reference to the heading to a provision;
(o) is consequential on any amendment made to the statute by another statute; or
(p) is consequential on any other editorial amendment, whether made to that statute or another statute.

7.3 The Diocesan Secretary is authorised to reprint and/or publish any statute to effect editorial amendments in a format as will best reflect the text of the statute as then in force.

8 **Effect of repeal of a statute**

8.1 The repeal of a statute by which a previous statute was repealed, or the exclusion of a canon by which a previous canon was repealed or excluded shall not have the effect of reviving the previous statute or canon without express words to that effect.

APPELLATE TRIBUNAL CANON 1981[1]
Canon 12, 1981, as amended by
Canon 17, 1981;
Canon 1, 1992

A canon to repeal the Appellate Tribunal Canon 1962 and to provide for the appointment of members to the Appellate Tribunal

The General Synod prescribes as follows:

1 This canon may be cited as the "Appellate Tribunal Canon 1981"

2 The Appellate Tribunal Canon 1962 is repealed and the seats of all members of the Appellate Tribunal are declared vacant.

3 (1) Synod on the nomination of the House of Bishops appoints the persons named in the First Part of the Schedule to be members of the Appellate Tribunal;

(2) Synod on the nomination of the House of Clergy appoints the persons named in the Second Part of the Schedule to be members of the Appellate Tribunal; and

(3) Synod on the nomination of the House of Laity appoints the persons named in the Third Part of the Schedule to be members of the Appellate Tribunal.

4 A member of the Appellate Tribunal shall vacate his office when he -

(a) dies,

(b) resigns,

(c) is declared by any competent Court incapable of managing his affairs,

(d) ceases to reside permanently in Australia,

(e) is convicted in any Court of any offence punishable by imprisonment or death, or

(f) being a bishop ceases to be a diocesan bishop;

and in any event at the commencement of the ordinary session of Synod which shall take place next after he attains the age of 69 years.

4A[2] (1) If the seat of any member of the Tribunal is or becomes vacant while Synod is in session then the members of the house which nominated the member whose seat on the tribunal has become vacant shall at that session nominate a person to fill the vacancy.

(2) Any rule relating to the election of a person to any office by the house concerned shall apply *mutatis mutandis* to the nomination of a person pursuant to this section.

(3) A person nominated to fill a vacancy in accordance with this section shall by virtue of this canon become a member of the Tribunal.

5 If the seat of any member of the Appellate Tribunal becomes vacant while Synod is not in session and it becomes necessary or desirable for the vacancy to be filled before the next ordinary session of Synod the Primate shall cause the General Secretary to notify the members of the house which nominated the member whose seat on the Tribunal has become vacant that such vacancy is to be filled, to invite the submission of names of candidates for nomination by the house and to notify them of the date fixed by the Primate, being a date not less than six weeks after posting such notification by which such names should be submitted. If no more names are received than the number of vacant seats to be filled the General Secretary shall declare the persons named to be persons nominated by the house concerned for appointment to the Tribunal, otherwise he shall conduct a postal or other ballot among the members of the house concerned to determine the persons nominated by such house for appointment as aforesaid, such ballot to be conducted in accordance with the rules for the time being in force for the conduct of ballots with such modifications as are necessary and the General Secretary shall declare the persons who are successful in such ballot to be persons nominated by the house concerned for appointment to the Tribunal. Upon the Secretary declaring a person to be nominated for appointment as aforesaid the person shall become a member of the Tribunal.

6 Any bishop who vacates office upon ceasing to be a diocesan bishop having accepted appointment to the office of diocesan bishop of another diocese, shall, on installation as bishop of that other diocese, be automatically reappointed as a member of the Tribunal.

7 Any vacancy not filled pursuant to sections 5 and 6 shall be filled at the next ordinary session of Synod by the appointment by the Synod of a qualified person nominated by the house which nominated the member whose seat has become vacant.

8 The House of Bishops may make regulations prescribing the manner in which the President and the Deputy President of the Appellate Tribunal shall be chosen.

9 The Appellate Tribunal shall publish the reasons for the decision in relation to every determination hearing opinion or reference heard by it.

THE SCHEDULE

Note: A Schedule was added by Canon 17, 1981. The Schedule is updated from time to time – see General Synod website for current list of persons named in the First Part, Second Part and Third Part.

[1] Adopted by the Diocese of Perth pursuant to the Appellate Tribunal Canon Amendment Canon 1992 (No 1, 1992) Adoption Statute 1992
[2] Added by Canon 1, 1992

SPECIAL TRIBUNAL CANON 2007

Canon 13, 2007 as amended by
Canon 11, 2010
Canon 14, 2010
Canon 3, 2014
Canon 8, 2014
Canon 11, 2017
Canon 12, 2017
Canon 18, 2017

A canon to provide for the investigation of matters which may become the subject of a charge before the Special Tribunal and to provide for the appointment and procedure of the Special Tribunal.

The General Synod prescribes as follows:

PART 1 - PRELIMINARY

1. This Canon may be cited as the "Special Tribunal Canon 2007".

2. (1)[1] In this Canon, unless the context otherwise requires: "**Bishop**" means a bishop referred to in section 56(6) of the Constitution; and

"**bishop**" means a person in bishop's orders;

"child abuse" has the same meaning as in the National Register Canon 2007; [2]

"**Church**" means the Anglican Church of Australia;

"**Church body**" includes the Primate, the General Synod, a diocese, diocesan synod, diocesan council, diocesan trustee or trust corporation or other body responsible for administering the affairs of a diocese, or an institution or agency of this Church or of a diocese;

"**Commonwealth**" means the Commonwealth of Australia;

"**complaint**" means a complaint against a Bishop alleging a breach of faith, ritual, ceremonial or discipline or alleging an offence as may be specified by Canon;

"**Director**" means the Director of the Episcopal Standards Commission appointed under Part 3;

"**Episcopal Standards Commission**" or "**ESC**" means the Episcopal Standards Commission established under Part 2;

"**incapable**" means incapable for the purposes of the Bishop (Incapacity) Canon 1995;

"**National Register**" means a National Register established pursuant to a Canon of General Synod for a purpose which includes the recording of determinations of the Tribunal;

"**priest**" means a person who is in priest's orders who is not a bishop;

"**protocol**" means the protocol approved under Part 3 of the Episcopal Standards Canon 2004;

"**relevant Metropolitan**", means:

(a) in relation to the bishop of a diocese:
  (i) unless paragraph (iii) or (iv) applies, the Metropolitan of the Province in which the diocese is situated; or
  (ii) if the diocese is an extra-provincial diocese, the Primate; or
  (iii) if the bishop is the Metropolitan but not the Primate, the Primate; or
  (iv) if the bishop is the Primate, the person who, at the relevant time, is the next most senior Metropolitan who is available, seniority being determined by the date of consecration; and

(b) in relation to any other Bishop, the Primate;

"**respondent**" means a bishop whose alleged conduct or omission is the subject of a complaint;

"sexual offence relating to a child" has the same meaning as in the Episcopal Standards (Child Protection) Canon 2017;[3]

"**Subsection 43(2) Exclusion**"[4] means an ordinance made by the synod of a diocese under subsection 43(2) which:

(a) declares that paragraph (a) of subsection 43(1) shall have no effect in respect of the Bishop of that diocese; and

(b) has not been revoked by that synod.

"**Tribunal**" means the Special Tribunal.

(2) For the purposes of this Canon, a person has a conflict of interest when their responsibilities arising from their role may be influenced or affected, or may be perceived as being influenced or affected, by—
  (a) their personal financial interest, or those of their family or friends;

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1 Inserted by Part 6 Division 2 section 6.3(a) of Canon 11, 2022

2 Definition inserted by Part 2 Division 1 section 2.4(a) of Canon 11, 2022

3 Definition inserted by Part 2 Division 1 section 2.4(b) of Canon 11, 2022

4 Added by Canon 11, 2010.

(b) their reputation, or that of their family or friends;

(c) their obligations or loyalty to another person or organisation;

(d) their previous or current relationship (whether personal or professional) with someone who might be affected by how they discharge those responsibilities; or

(e) their previous or current involvement in another capacity in a matter now falling within those responsibilities.[5]

2A.[6] (1) The ESC has no powers or duties under this canon, apart from the duty imposed by subsection (2), in relation to a diocese or the Bishop thereof while there is a Subsection 43(2) Exclusion in effect in relation to that diocese.

(2) If the ESC receives a complaint in relation to the Bishop of a diocese while there is a Subsection 43(2) Exclusion in effect in relation to that diocese, the ESC must refer the complainant and the complaint:

(a) where the diocese is part of a province and the complaint is not in respect of the Metropolitan of that province, to the Metropolitan of that province;

(b) where the diocese is part of a province and the complaint is in respect of the Metropolitan of that province, to the Metropolitan of another province, and

(c) where the diocese is not part of a province and the complaint is in respect of the Bishop of that diocese, to a Metropolitan.

PART 2 – EPISCOPAL STANDARDS COMMISSION

3. There shall be an Episcopal Standards Commission.

4. (1) The ESC shall have at least three members.

(2) The membership of the ESC shall be constituted so as collectively to provide:

(a) experience in law;

(b)[7] a person in bishops' orders who is not a Bishop; and

(c) experience and appropriate professional qualifications in child protection, social work or counselling.

(3) The ESC so far as is reasonably practicable shall have an equal number of men and women.

5.[8] (1) The members of the ESC shall be appointed by the Standing Committee.

(2) The members of the ESC shall hold office for a term of not more than 5 years (which may be renewed) and on such other terms and conditions as may be determined by the Standing Committee from time to time.

(3) Notwithstanding the provisions of this Canon (other than section 5A) or of any other canon, the members of the ESC holding office immediately before the Special Tribunal Canon 2007 Amendment Canon 2010 comes into force, will cease to hold office at the conclusion of the second meeting of the Standing Committee following the 15th General Synod.

(4) If a member of the ESC is unable to undertake their role by reason of incapacity or conflict of interest, the Standing Committee may appoint an additional member to the ESC in accordance with this Canon for such period as the Standing Committee may determine.

5A.[9] A member of the ESC shall cease to hold office upon:

(a) death of the member;

(b) resignation of the member;

(c) declaration by a competent court or tribunal that the member is incapable of managing his or her affairs;

(d) the member ceasing to reside permanently in Australia;

(e) conviction or finding of guilt of the member in any court of any offence punishable by imprisonment;

(f) the member becoming a Bishop;

(g)[10] the member reaching the age of 75 years; or

(h) the passing of a resolution –

(i) by the Standing Committee by a two-thirds majority of those members present and voting, or

(ii) by the General Synod voting as a whole passed by a two-thirds majority of those members present and voting

to remove the member from office.

6. (1) The convenor of the ESC shall be appointed by the Standing Committee.

(2) The ESC may meet from time to time as determined by the convenor or a majority of its members and may conduct its business by telephone or electronic communication.

(3) Subject to this Canon the procedures of the ESC shall be as determined by the ESC.

(4) A majority of the members shall constitute a quorum.

(5) A decision taken other than at a meeting of the ESC, if supported by a majority of members of the ESC, constitutes a decision of the ESC.

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5 Inserted by Part 6 Division 2 section 6.3(b) of Canon 11, 2022

6 Added by Canon 11, 2010.

7 Amended by Canon 14, 2010.

8 Amended by Canon 14, 2010.

9 Inserted by Canon 14, 2010.

10 Amended by Canon 11, 2017.

(6) The ESC shall act in all things as expeditiously as possible.

7. An act or proceeding of the ESC is not invalid by reason only of a vacancy in its membership and, notwithstanding the subsequent discovery of a defect in the nomination or appointment of a member, any such act or proceeding is as valid and effectual as if the member had been duly nominated or appointed.

8. Subject to the provisions of this Canon, the Director, a member of the ESC and a person employed or engaged on work related to the affairs of the ESC must not divulge information that comes to his or her knowledge by virtue of that office or position except:
   (a) in the course of carrying out the duties of that office or position;
   (b) as may be authorised by or under this or another Canon;
   (c) in any proceedings before the Special Tribunal;
   (d) as may be required by law; or
   (e) to any insurer or insurance broker of a Church body where the information may give rise to or be relevant to a claim for indemnity by the Church body against the insurer or is relevant to obtaining or continuing insurance cover.

9. Subject to section 51, the ESC may release to the public such material as it may determine with respect to any complaint.

10. (1) Without disclosing the identity of any complainant or the respondent, the ESC shall report annually to the Standing Committee on its activities for that calendar year.
    (2) Notwithstanding subsection (1), the report of the ESC pursuant to that subsection may identify a respondent who has been exonerated from an allegation the subject of a complaint or who has been the subject of a determination or recommendation by the Tribunal.
    (3) Subject to sub-section (4) the ESC shall, in respect of every matter with which it is dealing, report either orally or in writing to the Primate with such frequency and as fully as the Primate may reasonably require.
    (4) If the matter relates to the conduct of the Primate, such reports shall be made to and at the direction of the senior Metropolitan at the time in Australia who is not the Primate.

11. (1) Subject to sub-section (2), the ESC may delegate, upon such terms and conditions as the ESC may approve, any of its powers or functions under this Canon to any person.
    (2) The ESC cannot delegate:
        (a) its powers under subsection (1);
        (b) its powers under section 12(1)(g); or
        (c) its powers under section 22.
    (3) A delegation under this section must be made by instrument in writing signed by a member of the ESC.

12. (1) Subject to the provisions of this Canon the ESC has the following powers and duties:
        (a) to receive complaints;
        (b) to investigate the subject matter of complaint in a timely and appropriate manner;
        (c) where appropriate to arrange for the conciliation and mediation of any complaint;
        (d) where the complaint relates to an alleged offence against the law of a State or Territory of the Commonwealth or against a law of the Commonwealth, to refer any information in its possession to a member of the appropriate law enforcement, prosecution or child protection authority and to co-operate as far as possible with any such authority;
        (e) to maintain proper records of all complaints received and of action taken in relation to such complaints;
        (f) subject to any limit imposed by the Standing Committee to authorise such expenditure on behalf of the General Synod as may be necessary to implement, in a particular case, the provisions of this Canon;
        (g) to promote a charge against a Bishop before the Tribunal.
    (2) In exercising its powers under this Canon the ESC may, where it considers it to be appropriate, adopt the provisions of the protocol.

13. (1) The ESC shall only take action in respect of a complaint alleging an offence mentioned in the First Schedule where the complaint relates to conduct or an omission alleged to have occurred not more than twelve calendar months prior to the date on which the complaint is received by the ESC.
    (2) For the purposes of this section a complaint will be deemed to have been received by the ESC when received at the office of the General Secretary of the General Synod or, if posted by certified or registered mail to the Director or to the General Secretary of the General Synod, forty-eight hours after the posting of the complaint.

PART 3 – DIRECTOR OF EPISCOPAL STANDARDS COMMISSION

14. (1) There shall be a Director of the Episcopal Standards Commission.
    (2) The Director shall be appointed by and shall hold office in accordance with a resolution of the Standing Committee.

15. The Director shall have the following functions:
    (a) to be the executive officer of the ESC;
    (b) to attend meetings of the ESC unless the ESC in respect of a particular meeting or part of a meeting shall otherwise determine;

(c) such other functions and duties as may be prescribed by this or any other Canon or as may be determined by the Standing Committee or the ESC.

16. The Director may act in a corresponding capacity for a diocese either generally or for a particular case or matter.

PART 4 – COMPLAINTS

17. A person may make a complaint against a Bishop by writing signed by the person making the complaint.

18. Subject to this Canon, when the ESC receives a complaint it shall investigate the allegations contained in the complaint.

18A. When the ESC has commenced an investigation of information under this Part, it must conduct an initial assessment to identify any risks to children and must take whatever steps are reasonably available and practicable to minimise risks identified.[11]

19. The ESC may refrain from further investigation of the allegations if:
(a) in its opinion, the allegations are vexatious or misconceived, or their subject matter is trivial;
(b) the subject matter is under investigation by some other competent person or body or is the subject of legal proceedings;
(c) the person making the complaint has failed, when requested by the ESC, to provide further particulars or to verify the allegations by statutory declaration; or
(d) in its opinion there is insufficient reliable evidence to warrant an investigation or further investigation.

20. For the purpose of an investigation the ESC or an investigator shall endeavour to obtain such statutory declarations, written statements, recorded conversations, reports, documents and other material as the ESC or its delegate considers necessary or desirable.

21. (1) The ESC must by notice in writing allow the respondent to provide a detailed report to the ESC within the time specified in the notice in relation to any matter relevant to the investigation, and must provide a summary of the complaint including the substance of the allegations and the name of the complainant.
(2) If a respondent declines to answer a question on the ground that the answer might tend to incriminate the person a written record shall be made of the question and of the ground of refusal.

22. At any time after the commencement of an investigation into a complaint against a Bishop under this Part the ESC may:
(a) if it considers on reasonable grounds that the Bishop may be incapable, report the matter in writing to the relevant Metropolitan, and such report shall be a report for the purposes of section 4 of the Bishops (Incapacity) Canon 1995 as if it were made by three members of the synod of a diocese pursuant to that section;
(b) subject to section 43, institute proceedings by way of charge against a bishop before the Tribunal; or
(c) in the event that the bishop whose conduct is under investigation ceases to be a Bishop, refer the matter, together with such information as it shall have received, to the bishop of the diocese in which the former Bishop then resides.

23. (1) The fact that the subject matter of a complaint may be settled or resolved in whole or in part between the parties affected thereby does not prevent the ESC from taking any of the steps referred to in section 22 in respect of the subject matter of the complaint.
(2) Any term of settlement or resolution referred to in sub-section (1) which purports to prevent or to limit the institution of proceedings by way of charge against a bishop shall be of no effect.
(3)[12] Proceedings shall not be instituted or maintained in the Tribunal where the bishop concerned has relinquished or has been deposed from Holy Orders in accordance with the Holy Orders (Removal from Exercise of Ministry) Canon 2017.

24. If:
(a) following the receipt of a complaint, the ESC, under section 19, refrains from further investigation of the allegations contained in the complaint;
(b) the ESC does not arrange for the conciliation and mediation of the complaint, or
(c) following an investigation, under this Part, of the allegations contained in a complaint, the ESC does not bring a charge, under section 43, against the bishop in respect of whom the complaint is made, or
the ESC must, without delay, provide the person who made the complaint with full and complete reasons, in writing, for its decision.

PART 5 – THE SPECIAL TRIBUNAL

25. (1) The members of the Tribunal shall be appointed from a panel comprising:
(a) A senior presidential member and another presidential member each of whom is qualified to be a lay member of the Appellate Tribunal;
(b) three Bishops; and
(c) three priests of at least seven years' standing;
elected by General Synod in accordance with any Rule of General Synod for the conduct of elections.

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11 Section inserted by Part 5 section 5.1 of Canon 11, 2022

12 Amended by Canon 18, 2017.

(2) In the event that a presidential member is nominated for election as the senior presidential member or that an election is otherwise required for the two presidential members, an election for both presidential members shall be held at the same time and the person with the highest number of votes shall be the senior presidential member and the person with the next highest number of votes shall be the other presidential member.

26. (1) Subject to sub-section (2), a member of the panel shall cease to hold office upon:
(a) death;
(b) resignation;
(c)[13]declaration by any competent court or tribunal that the member is incapable of managing his or her affairs;
(d) ceasing to reside permanently in Australia;
(e) conviction or finding of guilt in any court of any offence punishable by imprisonment;
(f) in the case of a Bishop, ceasing to be a Bishop or on becoming the Primate;
(g) in the case of a priest, on becoming a bishop; and
(h)[14] in any event at the commencement of the ordinary session of General Synod which shall take place next after the member attains the age of 75 years.

(2) A member of the panel who is a member of the Tribunal for particular proceedings of the Tribunal shall continue to hold office until the completion of the proceedings notwithstanding that the member may cease to be a Bishop or may otherwise cease to be a member of the panel by virtue of age.

27. Any Bishop who vacates office upon ceasing to be a Bishop, having accepted appointment to a different office of Bishop, shall, upon installation as Bishop in the different office, be automatically re-appointed to the panel or the Tribunal as the case may be.

28. If any vacancy in the membership of the panel occurs while the General Synod is not in session and it becomes necessary or desirable for the vacancy to be filled before the next ordinary session of the General Synod, the Primate shall cause the General Secretary to notify the members of the General Synod that such vacancy is to be filled, to invite the submission of names of candidates for nomination, and to notify them of the date fixed by the Primate, being a date not less than six weeks after posting such notification, by which names should be submitted. If no more names are received than the number of vacant positions to be filled, the General Secretary shall declare the persons named to be elected to the panel. Otherwise, the General Secretary shall conduct a postal ballot of the members of General Synod to determine the person or persons to be elected, such ballot to be conducted in accordance with the rules for the time being in force for the conduct of ballots with such modifications as are necessary, and the General Secretary shall declare the person or persons who are successful in such ballot to be the person or persons elected by the General Synod to the panel. Upon the Secretary declaring a person to be elected to the panel, the person or persons shall become a member or members of the panel.

29. Any vacancy not filled pursuant to section 27 or section 28 shall be filled at the next ordinary session of the General Synod by the election by the General Synod of a person qualified to fill the vacancy.

30. The members of the panel to be convened for any sitting of the Tribunal shall be appointed by the senior presidential member or, if he or she is unwilling or unable to act, or if there is a vacancy in the office of senior presidential member, by the other presidential member.

30A. A member of the panel must without delay disclose to the senior presidential member, or if there is a vacancy in the office of senior presidential member to the other presidential member, any conflict of interest that the member has in relation to a matter before the Tribunal.[15]

30B. Where—
(a) a member of the panel has disclosed a conflict of interest under section 30A; or
(b) in the opinion of the senior presidential member, or if there is a vacancy in the office of senior presidential member in the opinion of the other presidential member, a member of the panel has a conflict of interest in relation to a matter before the Tribunal—
that member is disqualified from participating in the matter.[16]

31. (1) The Rules of the Tribunal made under this Part may provide that, in relation to the exercise of specified functions, or in relation to matters of a specified class, the Tribunal may, at the direction of the President, be constituted by a single member sitting alone.

(2) The Tribunal constituted by a single member sitting alone cannot determine a charge or make a recommendation as to sentence.

32. The Tribunal, separately constituted in accordance with this Part, may sit simultaneously for the purpose of matters referred to it or for conducting separate business of the Tribunal.

33. An act or proceeding of the Tribunal is not invalid by reason only of a vacancy in its membership or the membership of the panel and, notwithstanding the subsequent discovery of a defect in the nomination or appointment of a member of the panel or the Tribunal, any such act or proceeding is as valid and effectual as if the member had been duly nominated or appointed.

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13 Amended by Canon 14, 2010.

14 Amended by Canon 11, 2017.

15 Section inserted by Part 6 Division 2 section 6.4 of Canon 11, 2022

16 Section inserted by Part 6 Division 2 section 6.4 of Canon 11, 2022

34. The Registrar of the Tribunal shall be the General Secretary of the General Synod.

35. (1) The place and time of sitting of the Tribunal shall be as determined by the President of the Tribunal.

(2) In any proceedings of the Tribunal where the Tribunal is constituted by two or more members:

(a) any question of law or procedure will be determined by the President; and

(b) any other question will be determined by majority decision of the members, and in the case of an equality of votes the opinion of the President shall prevail.

(3) Where the Tribunal is constituted by a member sitting alone who is not the President, any question of law that arises must be referred to the President for decision and any decision made on such a reference is a decision of the Tribunal.

(4) The Tribunal must act with fairness and according to equity, good conscience and the substantial merits of the case without regard to technicalities or legal forms and is not bound by the rules of evidence but may inform itself on any matter in such manner as it thinks fit.

(5) Without limiting the meaning and effect of sub-section (4), the Tribunal may receive evidence of a witness in the form of an affidavit, statutory declaration or a signed statement without the need for the personal attendance of the witness, and may also use electronic means such as video link or conference telephone to receive evidence and submissions, but must permit the respondent and his representative (if any) opportunity to adequately cross-examine each witness

(6) The Tribunal may inform itself from the record of any court or tribunal and may adopt any findings, and accept as its own, the record of any court or tribunal.

36. The Tribunal must give reasons for any determination, other than by way of directions in the course of a proceeding, unless the determination is made by consent of the respondent.

37. At any hearing before the Tribunal or before a member of it the ESC and the bishop may be represented by a legal practitioner or, with leave of the Tribunal, by any other person.

38. A decision of the Tribunal is the decision of a majority of the Tribunal.

39. At any time during the course of a hearing the Tribunal may, if it sees fit, obtain the opinion of the Board of Assessors

40. The Tribunal may make an order by consent of the parties before it.

41. (1) The Tribunal has no power to award costs of any proceedings before it.

(2) A bishop who is the subject of a charge before the Tribunal may apply to the Standing Committee for the provision of legal assistance.

(3) The Standing Committee may grant legal assistance to the bishop on such terms and subject to such conditions as it shall determine.

42. (1) The presidential members of the panel may make rules of the Tribunal in relation to the practice and procedure of the Tribunal.

(2) Subject to this Canon and the relevant rules, the practice and procedure of the Tribunal will be as directed by the President of the Tribunal.

PART 6 – PROMOTION OF A CHARGE BEFORE THE SPECIAL TRIBUNAL

43. (1) Subject to sub-section (1A), a charge against a Bishop in the Tribunal may be brought:[17]

(a) by the ESC;

(b) by another Bishop; or

(c) in respect of a Bishop holding office or a licence in a diocese, in accordance with the provisions of an ordinance of the synod of that diocese.

(1A) Only the ESC can bring a charge of a sexual offence relating to a child against a Bishop in the Tribunal.[18]

(2) The synod of a diocese may by ordinance declare that paragraph (a) of subsection (1) shall have no effect in respect of the Bishop of that diocese, in which case paragraph (a) of subsection (1) will not apply to that Bishop.

(3) A declaration under subsection (2) –

(a) shall not affect any proceedings in respect of a charge brought before such ordinance takes effect; and

(b) does not limit in any other respect the powers of the ESC contained in this or any other Canon in force in a diocese.

(4) In respect of a charge brought pursuant to paragraph (c) of subsection (1) against the Bishop of a diocese in respect of whom there is in force a declaration under subsection (2), the General Synod shall not be responsible for the costs of bringing such a charge.

(5) In respect of a charge brought pursuant to –

(a) paragraph (b) of subsection (1), or

(b) paragraph (c) of subsection (1) where there is no declaration under subsection (2) in force in respect of that Bishop,

the Special Tribunal or the Appellate Tribunal as the case may be may direct the General Synod to indemnify the person or body who or which brought the charge in respect of the costs of bringing the charge, and the General Synod will indemnify such person or body accordingly.

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17 Amended by Part 5 section 5.3(1) of Canon 11, 2022

18 Added by Part 5 section 5.3(2) of Canon 11, 2022

44. (1) A charge against a Bishop must:
(a) be in writing;
(b) specify the alleged offence and provide particulars of the alleged offence;
(c) be signed by a member of the body or the person bringing the charge; and
(d) be lodged with the Registrar.
(2) A signed copy of the charge shall be served on the Bishop personally or by leaving it at or posting it to the office of the Bishop's Registry in an envelope addressed to the bishop and marked "**Private and Confidential**".
(3) A charge, once instituted, may be amended or withdrawn by the person or body which instituted it.
(4) Amendment or withdrawal of a charge does not prevent another person or body from bringing or proceeding with a charge in terms the same as or similar to a charge before it was amended or withdrawn.

PART 7 – PROCEEDINGS BEFORE THE SPECIAL TRIBUNAL

45. (1) Upon lodgement of a charge with the Registrar, the presidential member referred to in section 30 shall as soon as possible appoint the members of the Tribunal for the purpose of hearing the charge.
(2) The President of the Tribunal shall thereupon cause to be convened a directions hearing presided over by a member of the Tribunal.
(3) The person or body bringing the charge and the bishop shall comply with the rules of the Tribunal and with any directions given by a member of the Tribunal at a directions hearing.

46. (1) The Tribunal shall deal with any charge as expeditiously as possible.
(2) The Tribunal may, if it sees fit, proceed with the hearing of a charge notwithstanding that there may be mediation or conciliation proceedings relating to the subject matter of the charge being conducted by the ESC and notwithstanding that there may be criminal or other proceedings being taken against the bishop.
(3) Subject to section 23(3) the Tribunal may make a recommendation notwithstanding that the bishop the subject of the charge has ceased, after lodgement of the charge with the Registrar, to be a Bishop.

47. (1) Subject to sub-section (2), the Tribunal must give the following persons reasonable notice of the time and place of a sitting of the Tribunal:
(a) the person or body bringing the charge; and
(b) the respondent; and
(c) such other persons as the Tribunal believes have a proper interest in the matter.
(2) The Tribunal is not obliged to give notice of a sitting to a person whose whereabouts cannot, after reasonable enquiries, be ascertained.

48. (1) Subject to sub-section (2), a sitting of the Tribunal on a reference before the Tribunal is an open sitting.
(2) On any such sitting before the Tribunal, the Tribunal has an absolute discretion to direct that persons other than -:
(a) the respondent and any person representing the respondent in the proceedings; and
(b) witnesses or persons making submissions (while giving evidence or making those submissions); and
(c) officers of the Tribunal or persons assisting the Tribunal; or
(d) the person or members of the body bringing the charge or their representatives;
not be present in the room while the Tribunal is sitting.

49. The Tribunal may make a determination in any proceedings in the absence of a person affected by the determination if satisfied that reasonable efforts were made to give that person an opportunity to appear.

50. In making any determination the Tribunal shall take into account:
(a) the conduct of the bishop as it finds it to have been; and
(b) in the material before the Tribunal, any other fact or circumstance relevant to the determination of the question before it.

51. (1) At any time after the first directions hearing the Tribunal or, if so authorised by the Tribunal, the person or body bringing the charge, may make public a statement concerning the nature of the charge and the bishop against whom the charge is brought.
(2) Upon the determination of any charge by the Tribunal and the recommendation of any sentence by the Tribunal, the Tribunal, or if so authorised by the Tribunal, the person or body bringing the charge, may make public a statement of the decision and, where appropriate, concerning the nature of the charge proved and the sentence imposed by the Tribunal, together with such reasons or a summary thereof as the Tribunal shall direct or approve.

52.[19] In a case where entry is required under the *National Register Canon 2007*, a recommendation of the Tribunal, or the date and particulars of the recommendation, shall be entered on the National Register together with a record of any action taken consequent upon the recommendation.

53. Any appeal to the Appellate Tribunal from the Tribunal, other than in respect of a breach of faith, ritual or ceremonial, shall be by leave of the Appellate Tribunal.

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[19] Amended by Canon 8, 2014.

PART 8 – DEPOSITION FROM ORDERS

54. (1) The deposition of a bishop from Holy Orders by the Primate pursuant to the recommendation of the Tribunal shall be effected by the execution by the Primate of an Instrument of Deposition in or to the effect of the form in the Second Schedule.

(2) The Primate must forthwith:

(a) register the Instrument in the Registry of the Primate;

(b) deliver a copy of the Instrument to the bishop of the diocese or dioceses in which the former Bishop who is the subject of the Instrument was ordained priest and bishop;

(c) if the former Bishop was a diocesan bishop, deliver a copy of the Instrument to the registrar of the diocese concerned; and

(d) cause relevant details to be forwarded for entry into the National Register.

PART 9 – TRANSITIONAL

55. The persons named hereunder shall hold the respective offices until their successors are appointed or elected in accordance with the provisions of this Canon:

Episcopal Standards Commission

Convenor: Mr Geoffrey Spring

Members: Ms Margaret Fuller, OAM; The Right Rev'd Ronald Stone.

Director of the Episcopal Standards Commission:

Ms Rena Sofroniou

Special Tribunal Panel

Senior Presidential Member:	Sir Robert Woods, CBE.
Presidential Member:	The Hon Justice Debra Mullins
Diocesan Bishops:	The Most Rev'd Jeffrey Driver
	The Most Rev'd Philip Freier
	The Right Rev'd John Harrower
Priests:	The Rev'd Canon Dr Colleen O'Reilly
	The Ven. Dr Chris R Jones
	The Very Rev'd Andrew J Sempell

FIRST SCHEDULE

(Section 13(1))

1 Any breach of faith, ritual or ceremonial;

2 Drunkenness;

3 Wilful failure to pay just debts.

4[20] [21] [deleted]

SECOND SCHEDULE

TO

I, PRIMATE/ARCHBISHOP of
do hereby depose you from Holy Orders (particulars of which are set out below) in accordance with the recommendation of the Special Tribunal of the Anglican Church of Australia dated the day of

PARTICULARS OF HOLY ORDERS

FULL NAME AND ADDRESS

	ORDAINING BISHOP(S)	PLACE	DATE
ORDINATION AS DEACON	……	……..	…….
ORDINATION AS PRIEST	……	……..	…….
CONSECRATION AS BISHOP	……	……..	…….

DATED:

SEALED

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[20] Amended by Canon 3, 2014.
[21] Deleted by Canon 12, 2017.

GENERAL SYNOD ELECTIONS STATUTE 1962

BE IT RESOLVED by the Archbishop, clergy and laity of the Diocese of Perth in Synod assembled as follows:

1 This Statute shall be cited as the "General Synod Elections Statute 1962".

2 The meanings of words and phrases given in the Interpretation Statute 2016 apply in this Statute.

3 General Synod representatives shall be elected at the first session of every Synod in accordance with this Statute and the Standing Orders of the Perth Diocesan Synod and shall hold office until the beginning of the first session of the succeeding Synod or until their successors are appointed. If General Synod shall meet within four calendar months from the date of any such election, their term of office shall commence from the close of the meeting of such General Synod and the General Synod representatives elected prior to any such election shall continue to hold office until the close of the meeting of such General Synod.

4 All representatives elected shall be notified as soon as may be of the date of the meeting of General Synod and shall at least four weeks before such meeting notify the Diocesan Council whether or not they can attend.

5 If any representative fails to notify the Diocesan Council or notifies that they are unable to attend, the Diocesan Council shall declare the office of any such representative vacant and shall proceed to fill the vacancy in such manner as the Diocesan Council determines.

Should any vacancy occur by death, resignation or any other cause whatsoever such vacancy shall be filled at the next session of Synod or should the General Synod meet before such session of Synod the vacancy shall be filled by the Diocesan Council. If there is no meeting of the Diocesan Council between the date of the meeting of General Synod and the vacancy then such vacancy shall be filled by the Archbishop.

STANDING ORDERS[1] OF THE PERTH DIOCESAN SYNOD 2007

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GLOSSARY AND INTERPRETATION

1. Explanation of certain terms

1.1. The explanations provided in Standing Order 1.2 are to assist members of Synod and do not vary any meanings given to the terms in any Statute or in these Standing Orders.

1.2. Brief explanations of terms and concepts:

General Synod: the national Synod of the Anglican Church of Australia. It meets triennially.

Canon: legislation passed by General Synod with a view to providing uniform legislation across the whole of Australia. It has no force in a Diocese until adopted in that Diocese. Provisional Canons have no force until assented to by a large majority of Dioceses and then adopted by a particular Diocese.

Synod: a body of licensed clergy and elected laity who make decisions under the leadership of the Archbishop. In this Diocese each Synod has a life of three years and is referred to as "The *N*th Synod of the Diocese".

Voting by Houses: Most decisions of Synod are made by the clergy and laity voting together, and legislative decisions require the President's assent. A vote 'by Houses' may also be called for. In that case, the provisions of Standing Orders 68.4 and 68.5 apply.

Committee: Synod may resolve to form itself into a committee of the whole, allowing the business before it to be handled in a less formal way. There will be a visible sign that Synod is in committee, such as the laying down of the President's pastoral staff.

Diocesan Council: means the body constituted by the Diocesan Council Statute, and which is the body that acts on behalf of Synod when Synod is in recess.

Notice: Synod cannot consider some motions or questions unless it has been informed of the intention to move or ask them at least a day (and sometimes a year) beforehand. The Notice informs Synod of such a motion or question and the intention to move or ask it.

2. Interpretation

2.1. The meanings of words and phrases given in the Interpretation Statute 2016 apply in these Standing Orders except that for the purposes of the Standing Orders the words and phrases listed hereunder have their meanings given or altered as follows:

Bill: a bill for a Statute and, in relation to a Statute, the bill for that Statute.

Business Paper: the document setting out the business to be considered by Synod and the order in which it is proposed to be dealt with.

Chairperson: the chairperson of a Committee.

Clause: includes a schedule to a Bill.

Committee: a committee of the whole Synod.

Formal business: a motion or report upon which there is no debate.

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[1] Pursuant to sections 12(1) and 12(2) of the Constitution Act of the Diocese of Perth 1871

member: a member of Synod or of the committee of the whole Synod.
Order of the Day: the result of a resolution of Synod that a matter will be dealt with at a particular time and on a particular day.
Resolution: a resolution that has been passed by Synod or is being proposed to Synod by way of a motion, as the context requires.
Secretary or Secretaries: the secretaries elected by Synod.
Session: an assembly of members of Synod, normally held annually and over several days, and referred to as "The 1st/2nd/3rd Session of the *N*th Synod".
Sitting: each of the sitting days of a Session of Synod.
Statute: any existing Statute or Bill that is passed in accordance with *Standing Order 66* and has come into force in accordance with *Standing Order 67*.

THE PRESIDENT, THE CHAIRPERSON AND COURTESIES

3. The President of Synod

3.1. The Archbishop is the President of Synod.

3.2. The President is to conduct Synod's business according to these Standing Orders and:
- (a) may speak on any matter before Synod or Committee without vacating the chair; and
- (b) is to decide all questions of order. The President's decision is final unless Synod resolves to alter it.

3.3. Members of Synod are to:
- (a) stand, if able, when the President enters or leaves the Synod hall;
- (b) remain where they are and keep silence while the President is entering or leaving the hall;
- (c) address all remarks to the President, using the style "Mr *[or Madam]* President" as appropriate;
- (d) bow to the President while Synod is sitting:
  - (i) after they rise from their seats to leave the hall; and
  - (ii) before they take their seats having entered the hall.

4. The Chairperson of Committees

4.1. When Synod considers any matter in Committee then the Chairperson conducts its business according to these Standing Orders.

4.2. When Synod is in Committee, the Chairperson:
- (a) has the same powers as the President has when Synod is not in Committee; and
- (b) may make editorial alterations to matters and Bills before the Committee provided that the substance of the matter is unchanged. Such alterations include:
  - (i) correcting grammatical, typographical and spelling errors; and
  - (ii) re-numbering sections and cross-references in consequence of amendments.

4.3. When in Committee, members of Synod are to:
- (a) address all remarks to the Chairperson, using the style "Mr *[or Madam]* Chairperson" as appropriate; and
- (b) bow to the Chairperson while Synod is in Committee:
  - (i) after they rise from their seats to leave the hall; and
  - (ii) before they take their seats having entered the hall.

4.4. If the Chairperson desires to leave the chair then the chair is taken by:
- (a) the Deputy Chairperson; or
- (b) the President

until the Chairperson resumes the chair.

5. Courtesies by members of Synod

5.1. Members of Synod are:
- (a) to be seated and keep silence when the President or Chairperson rise in their place, and remain seated in silence until they resume their seat;
- (b) to allow any member who has the call of the President or Chairperson to speak without interruption, except to ask a question of order;
- (c) if able, to stand when speaking;
- (d) to adhere to the subject of the debate; and
- (e) to refrain from making personal reflections on, or attributing improper motives to, any other member.

5.2. When their turn to speak draws near, members of Synod intending to speak on any matter are to move to vacant seats near the microphones or such other places appointed for speaking and may return to their previous seat after they have spoken.

5.3. All documents etc to be circulated during Synod must:
- (a) have the prior approval of the President; or
- (b) have the authority of a Statute or of these Standing Orders.

APPOINTED OF ELECTED SYNOD OFFICERS

6. Appointment of officers

6.1. At the first Sitting of each Session of Synod, the President will appoint from among the members the following officers:

(a) a Steering Committee of at least three members;
(b) a Drafting Committee of at least two members;
(c) a Minute Reading Committee of one clerical and two lay members;
(d) a Chairperson of Committees and a Deputy Chairperson; and,

6.2 (a) one returning officer who is not a member
(b) at least eight tellers who are not members

the term of office for these officers shall be for the sole session of synod.

7. Election of officers

7.1 [2]Every three years, at the first Sitting of the Session of the Synod, the Synod is to elect from among its members one clerical Secretary and one lay Secretary.

7.2 The appointment of these Secretaries will become effective at the beginning of the first Sitting of the Session of the Synod following that at which they were elected and will be for nominally three years or until the appointment of their successors becomes effective.

8. Vacancies among appointed or elected officers

8.1. Appointed or elected officers may resign their office by written notice to the Diocesan Registrar, upon receipt of which their office becomes vacant.

8.2. Elected offices are deemed vacant when the officer ceases to be a member of Synod by death or any other cause.

8.3. Vacancies among offices may be filled for the remainder of their term either by:
(a) the Diocesan Council appointing an eligible person to the office; or
(b) the Synod electing an eligible person.

8.4. If an elected officer is absent for any part of Synod, or otherwise unwilling or unable to perform the duties of the office, then Synod appoints another member to perform the duties on a temporary basis.

POWERS AND DUTIES OF SYNOD OFFICERS

9. The Steering Committee

9.1. The Steering Committee, in consultation with the President:
(a) determines how the hours of meeting are allocated, including:
(i) any Orders of the Day that it deems appropriate, whether:
(A) by its own initiative; or
(B) upon request from a member;
(ii) the times of breaks for worship, meals and other purposes;
(b) determines the order in which business is considered:
(i) prior to each Session; and
(ii) both prior to and during each Sitting, provided that business remaining on the Business Paper at the end of a Sitting has precedence at the next Sitting;
(c) identifies items of business that it considers to be:
(i) controversial; or
(ii) vital to the life of the Diocese; and
plans for such business as required by *Standing Order 53.2*.

9.2. The Steering Committee may consult with the Diocesan Registrar and such others as it deems appropriate.

9.3. Synod may alter the arrangements proposed by the Steering Committee by passing a resolution to that effect.

10. The Drafting Committee

10.1. The Drafting Committee:
(a) makes editorial and drafting changes to the text of motions to be placed on the Business Paper, while preserving their meaning; and
(b) on referral by Synod or Committee, drafts forms of words for motions and amendments to achieve the ends expressed by Synod or Committee.

11. The Secretaries

11.1. The Secretaries:
(a) provide a Register of attendance for each Sitting;
(b) prepare Minutes of the proceedings of Synod whether in Committee or not;
(c) hold the original Reports, Statutes and Resolutions of the Synod; and
(d) may make editorial alterations to matters considered by the Synod or the Committee provided that the substance of the matter is unchanged. Such alterations include:
(i) correcting grammatical, typographical and spelling errors; and
(ii) re-numbering sections and cross-references in consequence of amendments.

11.2. At the close of each Session the Secretaries are to deliver to the Registrar of the Diocese the documents referred to in *Standing Order 11.1*.

[2] Amended Synod 2019

12. The Returning Officer[3]

12.1. The Returning Officer has oversight of all voting and elections, including:
- (a) Oversight of electronic voting
- (b) receiving the reports of the tellers
- (c) supervising the distribution of ballot papers and their return;
- (d) determining the validity of ballot papers; and
- (e) reporting the results of counts and ballots to the President or Chairperson.

12.2. The Returning Officer may enlist the help of the scrutineers when distributing ballot papers.

13. Minute Reading Committee

13.1. After each Sitting, the Minute Reading Committee:
- (a) reads and, if necessary, corrects the Minutes;
- (b) signs the Minutes as a true and correct record; and
- (c) reports to the President that they have read and certified the Minutes.

13.2. The President is to present each report of the Minute Reading Committee to the next Sitting of Synod or the next meeting of Diocesan Council, whichever is held first, where it is to be considered for adoption.

CONCERNING STANDING ORDERS

14. Standing Orders: variation and cases not provided for

14.1. Any Standing Order may at any time be temporarily suspended or varied if a motion to that effect is proposed:
- (a) with notice and carried by a majority of the members present and voting; or
- (b) without notice and carried by a two-thirds majority of the members present and voting.

14.2. The form of words for a temporary suspension of Standing Orders is:
THAT so much of Standing Orders be suspended as would prevent *[a description of that which it is desired to do]*.
If the motion is carried, then Standing Orders are suspended until the purpose of the suspension is accomplished, at which point they are deemed reinstated.

14.3. Any Standing Order may be permanently rescinded or varied if a motion to that effect is carried by a two-thirds majority of the members present and voting.

14.4. In cases for which no provision is made in Standing Orders, the President is to decide in accordance with the rules, forms and practices of the House of Representatives of the Federal Parliament of the Commonwealth of Australia.

MEETING TIMES AND QUORUM

15. Days and times of meeting

15.1. Unless Synod resolves otherwise, it sits daily while it is in Session.

15.2. The President determines the hours of meeting in consultation with the Steering Committee.

15.3. The President takes the Chair at the appointed commencement time of each Sitting and commences the business as soon as a quorum is present.

16. Quorum

16.1. The quorum for Synod and for Committee is:
- (a) the President;
- (b) one quarter of the members of the House of Clergy; and
- (c) one quarter of the members of the House of Laity.

17. When a quorum is lacking

17.1. If there is no quorum within thirty (30) minutes of the President taking the Chair at the commencement of a Sitting, then the President adjourns Synod to its next Sitting.

17.2. At any time, a member may ask the President or Chairperson if a quorum is present, and business is suspended immediately, and the members present are counted.
- (a) If a quorum is present, then business resumes at the point at which it was left off.
- (b) If there is no quorum and a quorum is not formed within five minutes, then:
  - (i) if Synod is in Committee, the Chairperson leaves the chair and reports the lack of a quorum to the President who shall adjourn Synod to its next Sitting; or
  - (ii) if Synod is not in Committee, the President shall adjourn Synod to its next Sitting.
- (c) If a quorum is present when Synod resumes then it proceeds with its business where it left off, except that Orders of the Day take precedence.

PLACING QUESTIONS AND MOTIONS ON THE BUSINESS PAPER

18. Early questions

18.1. If the text of a question to be asked of the President is received by the Diocesan Registrar not less than fifty (50) days before the commencement of the Session of Synod at which it is to be asked, along with the name of the questioner, then:
- (a) the Diocesan Registrar or the Drafting Committee may make editorial or drafting changes to the text of the question, while preserving its meaning; and

[3] Amended Synod 2025

(b) the Diocesan Registrar places the question on the Business Paper, and it takes precedence over all late questions.

19. Late questions

19.1. At the time provided under *Standing Order 73.10* any member:

(a) may ask a question of the President; and

(b) must then give two legible copies of the question to the Secretaries.

The question is added to the Business Paper after all other questions, and a copy is posted on a notice board in the venue where the Synod is meeting.

20. Notices of motion

20.1. Where a Statute requires that Synod be notified of a motion in advance, notice is given using the following form of words:

I give notice that at the next *[Sitting or Session etc]* of Synod, I propose to move THAT *[the words or the purpose of the motion to be moved]*.

20.2. Notices of motion must satisfy the requirements of *Standing Order 22* and are treated under it as if they were motions.

21. Statutes

21.1. [4]Any motion for a Statute or for amendments to a Statute is treated according to *Standing Order 22* except that it must be received by the Diocesan Registrar not less than one hundred (100) calendar days before the commencement of the Session of Synod at which it is to be considered[5].

21.2. Synod may order the introduction of a Statute or amendments to a Statute on the report of a committee, without complying with the requirements of *Standing Order 21.1*.

22. Early motions

22.1. [6]The text of any motion to be placed upon the Business Paper is to be received by the Diocesan Registrar not less than fifty (50) calendar days before the commencement of the Session of Synod at which it is to be considered[2], along with the names of its mover and seconder.

22.2. The Diocesan Registrar or the Drafting Committee may make editorial or drafting changes to the text of the motion, while preserving its meaning.

22.3. The Diocesan Registrar places the motion on the Business Paper, and it takes precedence over all late motions.

23. Late motions

23.1. The procedure for motions not meeting the requirements of *Standing Order 21* is as follows:

(a) legible copies of the motion are given to:

(i) the President; and

(ii) the Secretaries;

(b) at the time provided under *Standing Order 73.10*, the member seeking inclusion of the motion in the Business Paper is given one minute to state the purpose of the motion and to justify its inclusion;

(c) any member opposing the inclusion is given one minute to explain their reasons, without debating the purpose of the motion; and

(d) the President asks:

Is leave granted to include the motion in the Business Paper?

If leave is granted, the motion is added to the end of the Business Paper.

ASKING QUESTIONS AND GIVING NOTICE OF MOTIONS

24. Asking and answering of questions

24.1. At the time provided under *Standing Order 73.6* the President calls upon members whose questions appear on the Business Paper to ask their questions.

24.2. Immediately after each question is asked, or at such later time as the President deems appropriate, the President or the President's nominee provides an answer or other response.

24.3. All questions asked, and any answers given:

(a) are recorded in the Minutes; and

(b) copies are available on request from the Synod Secretaries.

25. Giving notice of motion

25.1. At the time provided under *Standing Order 73.6*, the President calls upon members whose notices appear on the Business Paper to give notice of their motions by reading their notices.

25.2. Where a notice of motion does not satisfy the requirements of *Standing Order 20.2*, notice may be given as follows: At the time provided under *Standing Order 73.4* any member:

(a) may give notice of a motion; and

(b) must then give two legible copies of the notice of motion to the Secretaries.

25.3. All notices of motion are recorded in the Minutes.

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[6] Amended Synod 2019

ELECTIONS BY SYNOD

26. Synod Officers and Select Committees

26.1. *Standing Order 27* does not apply:

(a) to the officers of Synod referred to in *Standing Order 6.1*, who may be nominated in a motion without notice; or

(b) to members of Select Committees of Synod referred to in *Standing Order 71*, where provision for their election is made.

27. Other elections

27.1. Notice of all vacancies other than those referred to in *Standing Order 26* must be given in the Summons.

27.2. Any two (2) members may nominate in writing any eligible person for election to fill a vacancy, provided that the person gives their signed consent on the nomination form.

27.3. The nomination form is to:

(a) include biographical details of the nominee; and

(b) [7]be received by the Diocesan Registrar not less than ten (10) calendar days before the commencement of the Session of Synod at which the election is to take place.

27.4. Where, after the close of nominations, the number of nominees:

(a) exceeds the number of vacancies, then an election is held as provided in *Standing Order70*; or

(b) does not exceed the number of vacancies, then:

(i) the nominees are declared elected; and

(ii) any remaining vacancies are filled by Diocesan Council.

27.5. [8]Should any vacancy or vacancies fail to be notified under *Standing Order 27.1*, or should any election fail for any cause, the vacancy shall be filled by Synod or, if Synod not be in session, by the Diocesan Council.

THE SUMMONS

28. The summons

28.1. The Archbishop is to summon all members of Synod to each Session of Synod by sending a summons to them not less than twenty-eight (28) days before its commencement.

28.2. The summons is to include:

(a) the dates and times of each Sitting;

(b) the place of sitting; and

(c) such other details as may assist members.

29. Documents to accompany the summons

29.1. The summons contains or is accompanied by:

(a) a copy of these Standing Orders;

(b) a list of the names of all members of Synod, and their parish or basis of membership of Synod;

(c) the Business Paper as ordered by the Steering Committee, which is to include:

(i) the text of every motion, question and notice that the Diocesan Registrar has placed on the Business Paper; and

(ii) any explanatory memoranda or appendices;

(d) a draft of every Statute or amendment to a Statute to be considered;

(e) notice of all vacancies in elected positions to be filled by Synod other than those referred to in *Standing Orders 7 and 71*, and nomination forms for them; and

(f) a copy of the reports to be presented or tabled at the Session of Synod if received by the Diocesan Registrar not less than forty[9] (40) days before its commencement;

SPEECHES

30. Speaking in Synod

30.1. When no business is before Synod, members may speak only:

(a) to propose a motion; or

(b) to ask a question of the President.

30.2. When a motion is before Synod, members may speak only once to that motion and to each motion for amendment, except that:

(a) the proposer of a principal motion has the right of reply;

(b) seconding a principal motion or an amendment to a motion formally does not constitute speaking to it; and

(c) the asking or answering of a question for clarification or a procedural question does not constitute speaking to a motion.

31. Speaking in Committee

31.1. When Synod is in Committee, members may speak as often as they wish to any motion.

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[7] Amended Synod 2019

[8] Taken from Statute to Regulate Elections by Synod 1974-82, which is otherwise duplicated by the Standing Orders

[9] Amended Synod 2011

32. Duration of speeches[10]

32.1. Standing Orders specify the duration of certain speeches as follows:

(a) leave to include a late motion in the Business Paper: *see Standing Order 23*;

(b) controversial and/or vital motions: *see Standing Order 54.1(c)*.

32.2. On a motion that a bill be approved in principle:

(a) the mover may speak for not more than fifteen (15) minutes in support of the motion,

(b) the seconder may speak for not more than ten (10) minutes, and

(c) any other member speaking to the motion and the mover speaking in reply may speak for not more than five (5) minutes.

32.3. On any motion other than those referred to in *Standing Orders 32.1 and 32.2*:

(a) the mover may speak for up to five (5) minutes when proposing the motion, provided that the motion is not an amendment;

(b) the mover of an amendment, any other speaker and the mover speaking in reply may speak for not more than three (3) minutes,

except that no time restriction is placed upon the mover and seconder of the reports named in *Standing Order 50.1*.

32.4. Extensions of time are at the discretion of Synod or Committee.

32.5. The President or Chairperson, or their nominee, indicates:

(a) when one (1) minute of each speaker's allotted time remains; and

(b) when the speaker's allotted time has expired.

33. Multimedia

33.1. Speakers may:

(a) read from a prepared text; and

(b) use audio-visual and other aids to support their speeches.

34. Speakers not to be interrupted

34.1. Except to ask a question of order, no member is to interrupt a speaker by proposing any motion or by asking the question in *Standing Order 45.1.*

PROVISIONS FOR ALL MOTIONS

35. Repetition not permitted

35.1. No motion may be moved in any Session that is the same in substance as any motion already dealt with in the same Session.

36. Moving, seconding and withdrawing

36.1. All motions must be moved and seconded, without which a motion is deemed lapsed; except that amendments in Committee require no seconder.

36.2. Synod or Committee may grant leave for the mover to withdraw a motion, whether debate upon it has commenced or not.

36.3. Withdrawal of a motion does not constitute dealing with it.

37. When the mover and/or seconder are absent

37.1. When Synod or Committee comes to consider a motion and the mover is absent, then the seconder may seek leave to move the motion standing in the name of the mover. If leave is:

(a) granted, then the seconder becomes the mover, and any other member may second the motion; or

(b) refused, then *Standing Orders 37.3(b) and 37.3(c)* apply.

37.2. When Synod or Committee comes to consider a motion and the seconder is absent, then any other member may second the motion.

37.3. When Synod or Committee comes to consider a motion and both the mover and the seconder are absent, then:

(a) any member may seek leave to move the motion and if leave is granted, that member becomes the mover and any other member may second the motion; or

(b) if no member seeks and is granted leave to move the motion, then any member may move:
THAT consideration of the motion be postponed.
If that motion is carried, then the motion is placed at the end of the Business Paper.

(c) If no member is granted leave to move the motion and the motion is not deferred, then it is deemed lapsed.

38. Consideration in Committee

38.1. At the request of any member, a motion may be considered in Committee. The procedure follows *Standing Orders 64 and 65* as nearly as possible.

38A Motions involving expenditure

Any motion that will, if passed, result in expenditure from the Diocesan Council budget over $20,000 shall not be included on the Business Paper for a Sitting of Synod unless it sets out, or is accompanied by a paper produced in consultation with the Diocesan Secretary setting out, the financial effect of the motion, including:

(a) the proposed source of funding; and

(b) a detailed statement of expected income and expenditure per year that will result from the passing of the motion.

[10] Amended Synod 2022

39. Indicating intention to speak

39.1. When Synod comes to consider any motion, speakers shall move forward and take their place on the seats provided in the synod hall and the President shall direct the order of speakers.

PROVISIONS FOR AMENDMENTS

40. Amendments before motion introduced

40.1. At any time after the Business Paper has been circulated and before a motion comes under consideration, any member may propose to its mover that it be amended.

40.2. The mover of a motion may prepare an amended text of the motion incorporating:

(a) amendments proposed by other members and acceptable to the mover; and

(b) amendments proposed on the mover's own initiative.

40.3. When the President calls upon the mover to introduce the motion, the mover may first seek leave of Synod to move it in the amended form.

If leave is granted, then the motion is moved in its amended form. If not, then the original form of the motion is moved.

40.4. After the motion is moved and seconded, any amendment:

(a) not acceptable to the mover; or

(b) for which leave to introduce it was not granted may be moved.

41. Amendments after motion introduced

41.1. Any member may move an amendment to a motion under consideration.

41.2. All amendments must be seconded, except that:

(a) the mover of a motion or amendment being amended may accept the amendment, whether seconded or not, whereupon the amendment is deemed carried; and

(b) amendments in Committee do not require a seconder.

41.3. Before any amendment is moved, legible copies of it must be given to:

(a) the President or the Chair of Committees; and

(b) the Secretaries.

41.4. Amendments cannot:

(a) be proposed to parts of a motion or amendment located before the last part of the motion or amendment dealt with by Synod or Committee; or

(b) be the same in substance as a previous amendment to the motion.

41.5. By leave of Synod or Committee, the mover of an amendment may withdraw it.

41.6. Withdrawal of an amendment does not constitute dealing with it or with the motion or amendment that it sought to amend.

41.7. No amendment may reverse the meaning of the motion or amendment that it seeks to amend.

42. Nested amendments

42.1. Amendments may be proposed to amendments proposed to amendments and so on. That is, amendment motions may be nested to any extent required.

The last amendment proposed must be dealt with before the next preceding amendment and so on, until finally the principal motion (as amended) is dealt with.

42.2. The procedure for amendments nested to two levels is as follows, and illustrates the procedure for deeper levels of nesting:

(a) The principal motion is moved and seconded, and debate commences.

(i) An amendment may be moved and seconded, and debate on the amendment commences.

(A) An amendment to the amendment may be moved and seconded, and debate on it commences.

(B) The amendment to the amendment is dealt with. If carried, the amendment at 42.2(a)(i) (as amended) becomes the subject of debate.

(ii) The amendment at 42.2(a)(i) (as amended) is debated and dealt with. If carried, the principal motion in 42.2(a) (as amended) becomes the subject of debate.

Debate on the principal motion in 42.2(a) (as amended) continues.

(iii) A further amendment to the principal motion in 42.2(a) (as amended) may be moved and seconded, and debate on the further amendment commences.

(A) An amendment to the further amendment may be moved and seconded, and debate on it commences.

(B) The amendment to the further amendment is dealt with. If carried, the further amendment 42.2(a)(iii) (as amended) becomes the subject of debate.

(iv) The further amendment (as amended) is dealt with. If carried, the principal motion in 42.2(a) (as further amended) becomes the subject of debate.

Debate on the principal motion in 42.2(a) (as further amended) continues.

(b) The principal motion in 42.2(a) (as further amended) is dealt with.

43. Forms of words for amendments

43.1. Members are to use the following forms of words when proposing amendments:

(a) Where the intention is to replace all of the words of the original motion with other words:
THAT all the words after the word 'that' be deleted and the following words be inserted in lieu thereof: '*[the new words]*'.

(b) Where the intention is to retain the words of the original motion up to a certain point and replace all of the subsequent words with other words:
THAT all the words after the word/s '*[the last word/s to be retained and their location, if required for clarity]*' be deleted *[*]* and the following words be inserted in lieu thereof: '*[the new words]*'.

(c) Where the intention is to replace specific words of the original motion with other words:
THAT the word/s '*[the word/s to be deleted]*' after the word/s '*[the last word/s before the word/s to be deleted and their location, if required for clarity]*' be deleted *[*]* and the following words be inserted in lieu thereof: '*[the new words]*'.

(d) Where it is desired to delete words without inserting other words then the motion may stop at the point marked *[*]* in 43.1(b) and 43.1(c).

(e) Where it is desired to insert words without deleting any words:
THAT the word/s '*[the word/s to be inserted]*' be inserted after the word/s '*[the last word/s before the insertion point and their location, if required for clarity]*'.

(f) Other forms of words modelled on those above may be used.

43.2 The provisions of these Standing Orders are subject to an over-riding discretion in the President or the Chairperson to put to the Synod or the Committee any other procedure which will best work for the efficient dispatch of the business of the Synod.

PROCEDURAL MOTIONS

44. Motions that supersede the motion being debated

44.1. At any time during debate, a member may move one of the following motions:

(a) THAT Synod proceed to the next business.
(i) If carried, then the current motion lapses and the next business is brought on.
(ii) If lost, then debate of the current motion continues where it was left off.

(b) THAT the motion be not put.
(i) If carried, then the current motion lapses and the next business is brought on.
(ii) If lost, then the current motion is put forthwith without denying its mover the right of reply.

(c) The adjournment of Synod as provided in *Standing Order 48*.

45. Motions that bring the current debate to a close

45.1. At any time during debate, a member may say,
I ask whether in the opinion of the President *[or Chairperson]* the motion has been adequately discussed?
If the President or Chairperson answers:

(a) in the affirmative then any member may move
THAT the motion be now put.
and if that motion is:
(i) carried, then the current motion is put forthwith without denying its mover the right of reply; or
(ii) lost, then debate of the current motion continues where it was left off;

(b) in the negative then debate of the current motion continues where it was left off.

45.2. At any time during debate, the President or Chairperson may inform Synod that in their opinion the motion has been adequately discussed, whereupon the procedure in 45.1(a) is followed.

46. Adjournment of the debate on a motion

46.1. At any time during debate, a member may move:
THAT the debate be adjourned;
and may continue with words like:

(a) and made an Order of the Day for *[time and day]*; and/or

(b) and take precedence over all other motions and Orders of the Day at the next Sitting.

46.2. If the motion is:

(a) carried then debate on the motion is adjourned, and at the time of resumption the debate resumes where it was left off; or

(b) lost, then debate continues and no similar motion for adjournment may be moved within fifteen minutes.

47. Adjournment of Committee

47.1. At any time while in Committee, a member may move:
THAT the Chairman leave the chair, report progress and ask leave to sit again.

47.2. If the motion is carried, then:

(a) Synod is deemed reconvened forthwith; and

(b) the Chairman reports to the President and asks leave accordingly.

48. Adjournment of Synod

48.1. At any time, a member may move:

THAT Synod do now adjourn
and may continue with words specifying a time and day for resumption.

48.2. If the motion is:
- (a) carried then Synod stands adjourned until:
  - (i) the next Session if no resumption is specified, and all business remaining on the Business Paper lapses including any motion being debated; or
  - (ii) the time and day specified for resumption, at which time business resumes where it was left off.
- (b) lost, then business continues and no similar motion for adjournment may be moved within fifteen minutes.

ORDERS OF THE DAY

49. Early requests for Orders of the Day

49.1. Requests for Orders of the Day received by the Diocesan Registrar at least forty (40) days before the commencement of a Session of Synod are to be accompanied by the reason for the proposed Order of the Day. Such requests are dealt with as follows:
- (a) the Diocesan Registrar refers the request and its reason to the Steering Committee;
- (b) the Steering Committee considers the request and its reason and may:
  - (i) approve the request and forthwith set the Order of the Day; or
  - (ii) reject the request, in which case it frames the request as a motion for an Order of the Day and places it on the Business Paper.

50. Late Orders of the Day

50.1. Motions for Orders of the Day placed on the Business Paper by the Steering Committee are dealt with before such motions not satisfying the requirements of *Standing Order 49*.

50.2. The form of words is:
THAT motion *[or report] [number on the Business Paper or its name]* be made an Order of the Day for *[the time and day]*.

50.3. At any time, a member may give the Secretaries a copy of such a motion and inform them of the reason for it, whereupon the Secretaries refer the motion and its reason to the Steering Committee.
The Steering Committee considers the motion and its reason and may:
- (a) approve the motion and:
  - (i) forthwith set the Order of the Day; and
  - (ii) inform the President and the Secretaries; or
- (b) reject the motion, in which case the mover may bring the motion before Synod.

50.4. At the time set in *Standing Order 73.11(b)*, any member may move an Order of the Day which is dealt with as follows:
- (a) the mover is given one minute to justify it;
- (b) any member opposing the motion is given one minute to explain their reasons, without debating the motion that is the subject of the motion for an Order of the Day;
- (c) the President puts the motion for an Order of the Day and if the motion is:
  - (i) carried by a two-thirds majority of the members present and voting then the Order of the Day stands; or
  - (ii) lost then the motion that was the subject of the Order of the Day retains its original place on the Business Paper.

CONSIDERATION OF FORMAL BUSINESS

51. Formal reports

51.1. The following reports are not tabled or taken formally:
- (a) the reports of the Diocesan Council; and
- (b) the reports of the Diocesan Trustees.

51.2. At the time provided under *Standing Order 73.12(a)*, the President tables all reports other than those in *Standing Order 51.1* and advises Synod that:
- (a) Formal reports will not be discussed;
- (b) any member who wishes to discuss a report is to say "Object" when the title of that report is read; and
- (c) the reception of any report to which there is an objection will be debated, and its content discussed, in the normal course of business.

51.3. The President reads to Synod the titles of the tabled reports as listed in the Business Paper, and any report to which no objection is raised is deemed formal.

51.4. The reception of any formal reports is then proposed forthwith.

52. Formal motions

52.1. No motion for legislation is taken formally.

52.2. The President discovers formal motions:
- (a) at the time provided under *Standing Order 73.12(b)*; and
- (b) at such other times as the President deems appropriate.

52.3. The President advises Synod that:
- (a) Formal motions will not be debated, except that the mover may speak to them;

any member who wishes to debate a motion is to say "Object" when the item number of that motion is read; and

(b) any motion to which there is an objection will be debated in the normal course of business.

52.4. The President reads to Synod the item number of each motion that is not for legislation as listed in the Business Paper, and any motion to which no objection is raised is deemed formal.

52.5. Unless they are the subject of an Order of the Day, formal motions are dealt with as they arise in the Business Paper.

52.6. Formal motions are dealt with as follows:

(a) the mover proposes the motion and may speak to it;

(b) the seconder seconds the motion without speaking to it; and

(c) the question is put without debate.

CONSIDERATION OF CONTROVERSIAL AND/OR VITAL BUSINESS

53. Identifying and preparing for controversial and/or vital business

53.1. Business is treated as controversial and/or vital to the life of the Diocese if it is identified as such by:

(a) the Steering Committee;

(b) the President; or

(c) the Chairperson.

53.2. For each item of business identified as controversial and/or vital, the Steering Committee:

(a) plans the Synod timetable to accommodate it;

(b) invites two members, one of whom may be the mover, to prepare:

(i) leading speeches from different points of view; and

(ii) questions to aid members in their discussion of the business.

54. Consideration of controversial and/or vital business

54.1. Commencement of debate:

(a) The President or Chairperson advises Synod or Committee that the matter will be treated as controversial and/or vital.

(b) The mover and seconder of the business move and second it formally.

(c) Two speakers, one of whom may be the mover, speak to the business from different points of view for up to six (6) minutes each.

54.2. Small group discussion:

(a) Members discuss the business in small groups, aided by questions referred to in *Standing Order 53.2(b)(ii)*.

(b) The discussion continues for twenty (20) minutes, or such other period as the Steering Committee determines.

(c) Debate resumes after the small group discussion.

54.3. Continuation of debate:

(a) The President or Chairperson next calls a speaker who supports the motion.

(b) Debate continues according to *Standing Order 68.3*.

54.4. Closure of debate:

The debate is closed according to *Standing Order 68.4*.

CONSIDERATION OF GENERAL SYNOD CANONS

55. Canons unalterable by Synod

55.1. Neither Synod nor Committee can amend any Canon of General Synod, which must be adopted or assented to intact, or rejected.

56. Consideration of Canons

56.1. The procedure for considering Canons follows *Standing Orders 61 to 65* as nearly as possible, except that:

(a) during the discussion of the principle of the Canon the Synod may record changes of principle that it desires; and

(b) Committee does not amend the Canon but records desired changes to the wording.

57. Adoption of or assent to the Canon

57.1. The adoption of or assent to the Canon is considered as appointed by an Order of the Day for legislation.

57.2. The President invites the mover of the Canon to move:

THAT the Canon be adopted.

or

THAT the Provisional Canon be assented to.

57.3. The Canon comes into force according to *Standing Order 58*.

58. Coming into force in the Diocese

58.1. If the motion that the Canon be adopted or assented to is carried, then if it was:

(a) an ordinary Canon it comes into force at the time that it is signed by the President; or

(b) a Provisional Canon it comes into force when adopted by Synod and signed by the President after it has been assented to by sufficient dioceses, as prescribed by the Constitution of the Anglican Church of Australia.

59. Report to General Synod

59.1. The Diocesan Registrar reports the outcome of the Canon or Provisional Canon to General Synod, along with any requests or recommendations made by Synod or Committee.

CONSIDERATION OF DIOCESAN LEGISLATION

60. Amendments desired by the mover

60.1. Where the mover wishes to introduce the Bill in a form amended from that printed in the Business Paper, the amended form or the amendments must first be circulated to members.

60.2. Before moving the motion, the mover is to say
I seek leave of Synod to introduce *[the name of the Bill]* with amendments.
If leave is granted, then the amended form may be introduced.

60.3. The Bill is then introduced according to *Standing Order 61*.

61. Introduction of the Bill

61.1. The Bill is introduced either:
- (a) by an order of Synod on the report of a committee; or
- (b) by motion, in which case:
  - (i) the mover or, by leave of Synod, any other member:
    - (A) identifies the (amended) Bill
    - (B) explains the purpose and provisions of the Bill; and
    - (C) moves 'THAT the Bill be approved in principle.'
  - (ii) the seconder seconds the motion, and may do so formally;

61.2. The principle of the Bill is then clarified according to *Standing Order 62*.

62. Clarification of the principle of the Bill

62.1. The President:
- (a) suspends debate;
- (b) invites members to ask questions for clarification or explanation, in order that they may better understand the purpose and intended effect of the Bill; and
- (c) directs members not to debate those purposes or intended effects at this time.

62.2. The mover, seconder or another appropriate person answers each question as it is asked, and such questioning and answering continues until either:
- (a) there are no more questions; or
- (b) the President announces that debate is to resume.

The asking or answering of such questions is deemed not to be a speech.

62.3. The principle of the Bill is then debated according to *Standing Order 63*.

63. Debate on the principle of the Bill

63.1. Debate of the principle continues according to *Standing Order 68.3*.

63.2. Closure of debate on the principle of the Bill:
- (a) The right of reply may be exercised by either the mover or the seconder of the motion.
- (b) The President puts to the vote the motion:
  THAT the Bill be approved in principle.
- (c) The President declares the result. If the motion is:
  - (i) lost, then the Bill lapses; or
  - (ii) carried, then the procedures set out below are followed.

63.3. The Bill having been approved in principle; the President asks:
DOES any member wish to debate the Bill in Committee?
- (a) If any member answers "Yes", then the President:
  invites any member who wishes to propose an Order of the Day for the consideration of the Bill in Committee to move such motion, and it is dealt with according to *Standing Order 50.4*.
  If no Order of the day is moved, or if such motion is lost, the President proceeds to *Standing Order 64*.
- (b) If no member wishes to debate the Bill in Committee, then the President proceeds to *Standing Order 66*.

64. Detailed consideration of the Bill in Committee

64.1. The President informs Synod that it is deemed to be in Committee, and the Chairperson takes the chair.

64.2. The Chairperson:
- (a) may allow the Bill to be considered:
  - (i) as a whole;
  - (ii) clause by clause;
  - (iii) by groups of clauses and single clauses; or
  - (iv) in any other manner that the Chairperson considers expedient; and
- (b) must do so at the request of any member.

64.3. If the Bill is to be taken as a whole, then the Chairperson proceeds to *Standing Order 64.6*.

64.4. If the Bill is to be considered in parts, then the Title of the Bill is considered last, and the Preamble, if any, is considered immediately before the Title.

64.5. When considering a Bill in parts, for each clause or group of clauses:
(a) The Chairperson says:
The question is, THAT clause/s *[the number/s or names of the clause/s]* be agreed to.
(b) Members may move amendments to or deletions of the clauses under consideration, according to *Standing Orders 41 to 43*.
(c) When all amendments have been dealt with, the Chairperson puts the question to the vote and declares the result.
(d) When that clause or group of clauses has been agreed to or deleted, the procedure is repeated for subsequent clauses and groups of clauses.
(e) When all other clauses have been agreed to or deleted, the procedure is repeated for:
(i) the Preamble, if any; and
(ii) the Title.

64.6. When the Bill is considered as a whole, or all clauses not deleted have been agreed to:
(a) the Chairperson says
The question is, THAT the Bill as a whole be agreed to
and then puts that question to the vote.
(b) If the vote is carried, then the Chairperson certifies on a copy of the Bill that it is a true copy of the Bill as agreed to by the Committee.

64.7. Consideration of the Bill continues according to *Standing Order 65*.

65. Synod reconvenes

65.1. Upon the Committee completing its work, Synod is deemed reconvened.

65.2. The Chairperson reports to the President that:
THE Committee has agreed to the Bill with *[or without]* amendment/s.

65.3. The President puts to the Synod the motion:
THAT the report be agreed to.
Any member may then move:
THAT the Bill *[or a specified clause or clauses of the Bill]* be recommitted to the Committee to consider an amendment.
If the member's motion is carried, then:
(a) the procedure at *Standing Order 64* is followed; and
(b) the Committee considers only amendments related to the purpose of the recommittal.
If the member's motion is lost, then the President's question is put to the vote.
If the question is answered in the negative, then the Bill lapses.
If Synod agrees to the Chairperson's report and the President has the copy of the Bill certified by the Chairperson as correct, then the passing of the Bill may proceed forthwith or be made an Order of the Day for another time.

65.4. The passing of the Bill proceeds according to *Standing Order 66*.

66. Passing of the Bill

66.1. The passing of the Bill may be considered at the time or as appointed by an Order of the Day.

66.2. The President invites the mover of the Bill to move:
THAT the Bill *[as agreed by Committee]* do now pass.

66.3. The Bill comes into force according to *Standing Order 67*.

67. Coming into force as a Statute

67.1. If the motion that the Bill do now pass is carried, then:
(a) if the Bill was not considered in Committee, the Bill as introduced; or
(b) if the Bill was considered in Committee, the Bill as certified by the Chairperson
becomes a Statute of the Diocese.

67.2. Both Secretaries are to certify on a copy of the Statute that it is a copy of the Statute as passed and the date of its passing.

67.3. The Statute as certified by the Secretaries comes into force at the time that it is signed by the President.

CONSIDERATION OF OTHER BUSINESS

68. Consideration of Business for which no other provision has been made

68.1. Commencement of debate:
(a) The President or Chairperson calls on the mover to move the motion, and the mover speaks to it.
(b) The seconder seconds the motion and may reserve the right to speak.

68.2. Discovery of dissent:
(a) The President or Chairperson asks if any member wishes to speak against the motion.
(b) If there are no speakers against the motion, then:
(i) the President or Chairperson puts the motion to the vote; or
(ii) at their discretion, the debate continues until the provisions of *Standing Order 44* are invoked.

68.3. Continuation of debate:
(a) The President or Chairperson next calls a speaker who opposes the motion, and then one who supports it.
(b) Debate continues with speakers for the Ayes and Noes alternating until either:

(i) there are no more speakers for one side; or
(ii) the provisions of *Standing Order 44* are invoked.

(c) When there are no more speakers for one side, the President or Chairperson:
(i) puts the motion to the vote forthwith; or
(ii) at their discretion, the debate continues until the provisions of *Standing Order 45* are invoked.

68.4. Closure of debate:
(a) The right of reply may be exercised by either the mover or the seconder of the motion.
(b) The President or Chairperson puts the motion to the vote as provided in *Standing Order 69.1*.
(c) The President or Chairperson declares the result.

VOTING AND ELECTIONS

69. Voting

69.1. Where a motion or amendment contains more than one part, the President or Chairperson:
(a) may call for a vote on each part separately and in order; and
(b) must do so at the request of any member.

Parts may be grouped together and taken as one part for voting.

69.2. Motions are carried on a simple majority of the members present and voting unless another majority is specified by these Standing Orders or other Statute.
(a) *Standing Orders 14.1(b), 14.3 and 50.4(c)(i)* require a two-thirds majority of the members present and voting.
(b) Alterations to the Constitution are carried by not less than three-fourths of the members present voting as one body.
(c) Leave is granted on a simple majority of the members present and voting.

69.3. [11]When putting a motion:
(a) the President or Chairperson may decide that voting be carried out electronically by an electronic means recommended by the Diocesan Registrar and approved by the Steering Committee; or
(b) if the electronic system is not used then, the vote may be judged on the voices by:
(i) calling on those in favour to say "Aye";
(ii) calling on those against to say "No"; and
(iii) stating whether the motion is carried or lost.
(c) any member may then call for a show of hands, upon which the President or Chairperson:
(i) calls on those in favour to raise one hand;
(ii) calls on those against to raise one hand; and
(iii) states whether the motion is carried or lost.
(d) any member may then call for a count, whereupon no member may enter or leave the hall until the result is declared. The count is conducted as follows:
(i) the President or Chairperson appoints tellers to count the hands;
(ii) the procedure in 69.3(c) is followed except that the tellers:
(A) count the hands;
(B) report their counts to the Returning Officer who collates the counts and determines whether the motion is carried or lost;
(C) the Returning Officer informs the President or Chairperson of the result; and
(D) the President or Chairperson declares the result.

69.4. Subject to *Standing Order 69.5*, any two clerical members or any four lay members may call for a vote by Houses. The procedure in *Standing Orders 69.3(a) or 69.3(d)* apply, except that:
(a) the President:
(i) first calls upon the laity to vote; and then
(ii) calls upon the clergy other than the President to vote;
(b) the tellers report their counts from the laity and the clergy to the Returning Officer;
(c) the President declares the vote:
(i) carried if carried by the laity and the clergy by the required majority; or
(ii) lost.
(d) the President submits each Resolution carried under *Standing Order 68.4(c)* to the Archbishop for assent or dissent.
(e) The Archbishop may delay deciding whether or not to assent to a Resolution carried under *Standing Order 69.4(c)(i)* for up to one month, and the provisions of the Constitution apply.

69.5. When legislation is being considered, the procedure in *Standing Order 69.4* applies in full only to the final motion that the legislation do now pass. For all other motions in relation to legislation it is modified as follows:
(a) the President votes with the clergy; and
(b) the Chairperson declares the vote:
(i) carried if carried by the laity and the clergy by the required majority; or
(ii) lost.

[11] Amended Synod 2025

69.6. No person may vote as proxy for a member.

70. Elections by Synod[12][13]

70.1. Where a ballot is required for an election, the procedure set out below applies.

70.2. The Diocesan Registrar:

(a) must arrange for electronic voting for all elections. Voting must be carried out using an approved electronic means; and

(b) determines by random selection the order in which the names of the nominees appear on the ballot papers.

70.3. If for any reason the electronic voting means is not available during the time set aside for voting the ballot must be held at a later date when the electronic means becomes available

70.4. The President determines the time set aside for voting.

70.5. An electronic ballot vote is invalid if the number of nominees voted for exceeds the number of vacancies to be filled.

70.6. The Returning Officer must receive a report on the results of electronic voting

70.7. The Returning Officer gives to the President a report as to the number of votes received by each nominee.
If an equal number of votes is received by two or more nominees, the President exercises a casting vote and may do so by random selection.

70.8. The President declares elected the nominees who have received the highest number of votes and the Returning Officer's report is then recorded in the minutes of the Sitting of Synod.

SELECT COMMITTEES

71. Establishment and membership

71.1. A Select Committee of Synod is established by passing the motion:
THAT a Select Committee be established to *[the purpose of the Select Committee]*.

71.2. The membership of the Select Committee is established by passing the motion:
THAT *[list of names]* be appointed to the Select Committee.
or the motion:
THAT the Select Committee be elected by ballot.

71.3. The President appoints a convenor for the Select Committee from among those elected by ballot; or, where there is no ballot, the mover of the motion is appointed convenor.

71.4. The Select Committee:

(a) elects its own chairperson, who is to sign its report; and

(b) continues to exist until:

(i) its report is finally dealt with by Synod; or

(ii) permission for its dissolution is granted by Synod.

71.5. If the Select Committee is directed specially to report to the current Session of Synod, then it does so. If not, the Select Committee:

(a) has the power to sit during the recess; and

(b) reports to the next Session of Synod.

GENERAL PROVISIONS

72. Public access to Synod

72.1. Synod meetings are open to the public, who have free access to the visitors' gallery.

72.2. Members are to sit on the floor of Synod, so that:

(a) they can participate in the business of Synod; and

(b) visitors have full access to the visitors' gallery.

72.3. By leave of Synod, visitors may be granted:

(a) a seat on the floor of Synod;

(b) the right to speak without the right to vote or of proposition.

72.4. At the request of three members, the President orders all visitors to withdraw from Synod.

SYNOD'S DAILY AGENDA

73. The business to be transacted on the first day of Synod

73.1. The President's address is delivered.

73.2. The business to be transacted on the second day of Synod

73.3. Prayers.

73.4. The President orders all members who have not yet collected a name tag and voting device from the Information Desk to do so.

73.5. At the first Sitting

(a) A list of apologies from those unable to attend Synod is tabled.

(b) The President asks Synod
Is leave of absence granted?

[12] Amended Synod 2022

[13] Amended Synod 2025

and puts that question to the vote.

(c) Motions for the election of officers as set out in *Standing Order 7*.

(d) Appointment of officers as set out in *Standing Order 6*.

73.6. Questions on notice (*Standing Order 23*)

73.7. Notices of motion appearing on the Business Paper (*Standing Order 25.1*).

73.8. Presentation of Petitions

73.9. Reports of Committees including the Minute Reading Committee, which are presented, read and received or otherwise dealt with

73.10. Late questions, late notice of motion, and late motions.

See Standing Orders 19, 25.2 and 23.

73.11. Orders of the Day. The President:

(a) informs Synod of any Orders of the Day determined by the Steering Committee; and

(b) asks if there are further motions for Orders of the Day.

See Standing Order 50.4.

73.12. Consideration of formal business.

(a) Discovery and reception of formal reports.

See Standing Order 51.

(b) Discovery of formal motions.

See Standing Orders 52.3 and 52.4

73.13. Matters on the Business Paper.

73.14. The Sitting closes with prayer.

74. The business to be transacted on the third day of Synod, in order

74.1. Prayers.

74.2. Questions on notice (Standing Order 24)

74.3. Presentation of Petitions

74.4. Reports of Committees including the Minute Reading Committee, which are presented, read and received or otherwise dealt with.

74.5. Late questions, late notice of motion, and late motions.

See Standing Orders 19, 25.2 and 23.

74.6. Orders of the Day. The President:

(a) informs Synod of any Orders of the Day determined by the Steering Committee; and

(b) asks if there are further motions for Orders of the Day.

See Standing Order 50.4.

74.7. Consideration of formal business.

(a) Discovery and reception of formal reports.

See Standing Order 50.

(b) Discovery of formal motions.

See Standing Orders 52.3 and 52.4

74.8. Matters on the Business Paper.

74.9. Announce the date of the next session of synod

74.10. The Sitting closes with prayer.

CANON CONCERNING AUTHORITY ON CERTAIN MATTERS 1989[1]

Canon 9, 1992 A canon concerning authority on certain

matters The General Synod prescribes as follows:

1 This canon may be cited as “Canon concerning authority on certain matters 1989”.

2 Whenever a canon gives any power or discretion to the bishop of the diocese, the synod of the diocese, by ordinance, or the diocesan council, bishop-in-council or standing committee of the synod, by resolution, may, with the concurrence of the bishop, vest such power or discretion exclusively or non-exclusively in an assistant bishop of the diocese or in the bishop-in-council or the standing committee of the synod of the diocese or in such other officials of the diocese as may be considered appropriate.

3 Except where otherwise provided in a canon of the General Synod, each metropolitan, or, in the case of an extra-provincial diocese, the Primate, is empowered to grant such licences, dispensations or faculties as were able to be granted by the Archbishop of Canterbury within the Church of England in England as at 31 December 1961.

4 The provisions of this canon affect the order and good government of this Church within a diocese and shall not come into force in a diocese unless and until the diocese adopts this canon by ordinance of the synod of the diocese.

[1] Canon adopted by the Diocese of Perth pursuant to the "Canon concerning authority on certain matters 1989 (No 9, 1992) Adoption Statute 1992)"

DIOCESAN TRUSTEES STATUTE 2016

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BE IT RESOLVED by the Archbishop, clergy and laity of the Diocese of Perth in Synod assembled that:

PART 1 – PRELIMINARY

1. Short Title

1.1. This statute shall be cited as the "Diocesan Trustees Statute 2016".

2. Repeal

2.1. The Diocesan Trustees Statute 1952 and the Audit Statute 1974 are hereby repealed.

2.2. The repeal of the Diocesan Trustees Statute 1952 will not affect or invalidate any act done or commenced, or any appointment made under or by virtue of the Diocesan Trustees Statute 1952, and all persons elected or appointed under that statute and holding office at the passing of this Statute will remain in office as if this Statute had been in force at the time they were elected or appointed and this Statute will apply to them.

3. Interpretation

3.1. In this Statute unless the context otherwise indicates:

Archbishop means the archbishop of the Diocese elected in accordance with the Archbishop's Statute, or the Administrator acting the absence of the Archbishop;

Diocesan Auditors shall mean the persons elected by the Synod of Perth as the auditors of the Diocese;

Diocesan Council means the body constituted by the Diocesan Council Statute;

Diocesan Secretary means the person appointed by the Trustees as Secretary in accordance with this Statute or as acting Secretary for the time being;

Diocesan Treasurer shall mean the person selected by the Trustees as Treasurer in accordance with this Statute;

Investment Pools or **Pools** means any one or more of the Diocesan Funds common pool, the Fixed Trust Investment Pool, the Variable Trusts Investment Pool, and any Property Investment Pool or Equity Investment Pool as defined under the Trust Funds Statute 2016; and

Trustees shall mean The Perth Diocesan Trustees.

PART 2 – MEMBERSHIP OF THE PERTH DIOCESAN TRUSTEES

4. Members

4.1. The Trustees shall comprise:

(a) the Archbishop of Perth;

(b) two clerical Trustees elected by Synod;

(c) two Trustees, at least one of whom shall not be a member of the clergy, appointed by Diocesan Council; and

(d) six lay Trustees who shall be communicant members of the Anglican Church elected by Synod.

5. Term of office

5.1. The two clerical Trustees elected by Synod and the two Trustees appointed by Diocesan Council shall hold office for a period of three years.

5.2. The six lay Trustees elected by Synod shall hold office for a period of nine years.

5.3. Subject to sections 7 and 8, elected and appointed Trustees shall hold office until their successors are elected or appointed.

5.4. The Trustees appointed by Diocesan Council shall be deemed to retire at the first session of each Synod, but shall be eligible for re-appointment at a meeting of Diocesan Council after the first session of Synod.

5.5. At each session of Synod at which any elected clerical or lay Trustees retire, the Synod shall elect by ballot Trustees to fill the vacated offices.

5.6. At the first session of each Synod two of the six elected lay Trustees shall retire.

5.7. The elected lay Trustees to retire shall be those who have been longest in office.

5.8. As between two or more elected lay Trustees who have been in office an equal length of time, the lay Trustee to retire shall in default of agreement between them be determined by ballot of the Trustees.

5.9. A retiring Trustee shall be eligible for re-election.

5.10. Before entering upon their duties under this Statute, all lay Trustees must sign the declaration in Schedule 1 together with a declaration that they will hold all property, which is vested in them as Trustees, upon the trusts and subject to the provisions of this Statute.

6. Validity of acts

6.1. The Trustees may act notwithstanding any original or subsequent vacancy in membership.

7. Resignation

7.1. Any lay Trustee may resign from office in writing addressed to the Archbishop.

8. Removal of Trustees

8.1. If the Archbishop sees fit, and with the advice of the Diocesan Council, the Archbishop may in writing remove a lay Trustee from office for any of the following causes:

(a) failure to sign the declarations in section 5.10;
(b) absence without leave from three consecutive meetings of the Trustees;
(c) sequestration of his estate as a bankrupt or insolvent;
(d) commission of any offence punishable at law;
(e) drunkenness or unchastity;
(f) incapacity from mental or physical infirmity to perform the duties of his office; or
(g) refusal to conform to any statute of the Diocese.

9. Vacancies

9.1. Any casual vacancy among the clerical Trustees elected by Synod under section 4.1(b) or the lay Trustees elected by Synod under section 4.1(d) may be filled by the Diocesan Council until the next session of Synod when the vacancy shall be filled by Synod.

9.2. The person elected by Synod to fill that vacancy shall hold office for the balance of the term of the Trustee they replace.

9.3. Any casual vacancy among the clerical Trustees elected under section 4.1(b) or the lay Trustees elected under section 4.1(d), which has not been filled by Diocesan Council shall be filled at the next session of Synod. The person elected under section 9.3 shall hold office for the balance of the term of the Trustee they replace.

9.4. Any casual vacancy occurring among the Trustees appointed by Diocesan Council under section 4.1(c) may be filled by the Diocesan Council alone. The person appointed under section 9.4 shall hold office for the balance of the term of the Trustee they replace.

PART 3 – POWERS OF THE TRUSTEES

10. Common seal

10.1. The common seal of the Trustees shall be kept at the Diocesan offices, Perth, in the custody of the Diocesan Secretary.

10.2. The seal shall only be used by authority of the Trustees.

10.3. Every instrument to which the seal is affixed shall be signed by the Archbishop and countersigned either by one lay Trustee and the Diocesan Secretary or by two lay Trustees.

10.4. A record of every instrument to which the seal is affixed shall be entered in a register kept for that purpose.

11. Delegation

11.1. The Trustees may delegate:

(a) any of their rights, powers and authorities; and
(b) the signing of any instrument pursuant to a limited power of attorney,

in accordance with policies adopted by the Trustees from time to time subject always to the provisions of this Statute and the Anglican Church of Australia (Diocesan Trustees) Act 1888.

11.2. The Trustees shall have power to make rules for the conduct of all business coming before them and may reimburse themselves for expenses incurred by them in the exercise of the duties imposed upon them.

12. Diocesan Secretary and Diocesan Treasurer

12.1. The Trustees must:

(a) appoint a suitable person to be their Secretary; and
(b) select from amongst their number a Treasurer; each of whom must sign the declaration in Schedule 1.

PART 4 – MEETINGS OF THE TRUSTEES

13. Meetings

13.1. At a meeting of the Trustees, five Trustees shall form a quorum.

13.2. The Trustees shall elect a chairperson from amongst their number. The chairperson shall preside at any meeting of the Trustees at which the chairperson is present.

13.3. If the votes at any meeting are equal the chairperson shall in addition to a deliberative vote have a second or casting vote.

13.4. If at any meeting at which the chairperson is not present the voting is equal, the matter shall be postponed to the next meeting of the Trustees at which the chairperson is present.

13.5. All questions before the Trustees upon which they are not unanimous, shall be decided by the majority of votes of those present at the meeting and the decision of the majority shall be the decision of the Trustees.

PART 5 – TRUSTS AND OTHER INVESTMENTS

14. Trusts

14.1. All real or personal property which is vested in or which may be transferred to the Trustees or which has been or may hereafter be given granted, devised or bequeathed to or for the benefit of the Church shall be held by the Trustees upon trust subject to the conditions (if any) of that gift, grant, devise or bequest for the use of the Church and as the Synod of the Diocese shall direct.

14.2. All real estate purchased or received in exchange and all money arising from the sale or exchange of real estate shall be held by the Trustees upon the same trusts (if any) as the real estate was originally held by the Trustees.

15. Property

15.1. The Trustees may purchase, lease, exchange, hire or otherwise acquire any real or personal property which the Trustees think necessary or convenient or capable of being profitably dealt with.

15.2. With the prior approval of Diocesan Council, the Trustees may establish a tenancy in common with any other religious entity or entities and may enter into agreement with that entity or entities as the Trustees think fit for the joint use and maintenance of any property held by the Trustees.

15.3. The Trustees may improve, build up, manage, develop, lease, sell, dispose of, turn to account or otherwise deal with all or any part of the real and personal property of the Diocese.

15.4. The Trustees may borrow money, mortgage (including as part of the mortgage arrangements to seal or otherwise execute bills of sale) and charge all or any part of such property for all or any of the purposes referred to in section 15.3 or for the purpose of redeeming any mortgage, other security or charge or any part thereof upon any lands or other property vested in the Trustees.

16. Securities

16.1. The Trustees may hold any investments, stocks, shares, debentures, mortgages or other securities bequeathed or given to the Diocese.

16.2. The Trustees may invest all moneys held by them in mortgages upon real estate or in any fully paid up stocks, shares or debentures issued by any company or association carrying on business in Australia.

16.3. The Trustees may continue or vary any investments held by them from time to time in such manner as the Trustees may think fit.

17. Setting aside land

17.1. With the prior approval of Diocesan Council, the Trustees may from time to time by resolution set apart as a site for specific church purposes any land or any part thereof purchased or held by the Trustees.

17.2. No land may be set apart in violation of any specific trust subject to which the land was given or acquired.

17.3. After the setting apart, the land shall be held by the Trustees exclusively for those purposes and no other purpose.

17.4. With the prior approval of the Diocesan Council in each case but not otherwise, any land set apart or any part thereof may:

(a) be released from the trust by the Trustees;

(b) have the trust on it varied from one purpose to another or widened to include other purposes; or

(c) be leased from time to time for any term not exceeding ninety-nine years and subject to such rents and conditions as the Trustees think fit.

18. Loans to parishes

18.1. Upon the request of the Diocesan Council the Trustees may in their discretion advance moneys to erect or add to Church buildings, rectories and appurtenances.

PART 6 – FINANCIAL REPORTING AND AUDIT

19. Synod statement

19.1. The Trustees shall lay before each session of Synod a statement showing the funds administered by them and the resources subject to Synod's control and the manner in which they are employed at 30 April in that year (**Synod statement**).

20. Audit

20.1. The accounts of the Trustees and the Synod statement shall be audited prior to each session of Synod by the Diocesan Auditors.

20.2. The Synod statement shall be audited so that the Diocesan Auditors are able to report whether in their opinion:

(a) the Synod statement discloses a true and fair view of the funds administered by the Trustees and the resources subject to Synod's control and the manner in which they are employed as at 30 April;

(b) the Trustees have fairly accounted for the income and expenditure of the separate trusts under their administration in the twelve months under review; and

(c) the statement of income and distribution of the Investment Pools discloses a true and fair view of the income of the Pools' investments and of the distribution thereof for the twelve months under review.

SCHEDULE 1: DECLARATION

To be subscribed by the Diocesan Secretary and Diocesan Treasurer.

I, Mr/Mrs/Ms/Miss/Dr ……

[Full Christian Names and Surname in Block Letters]

of ……

Parish or Organisation: …….. having been elected or appointed to the office of: ……

DECLARE THAT:

(a) I am a lay person;

(b) I have attained the age of eighteen years and I have been baptised;

(c) I am a communicant member of the Anglican Church of Australia, namely:

(i) I have been confirmed in the Anglican Church of Australia or am ready and desirous of being so confirmed; or

(ii) I have been received into communicant membership of the Anglican Church of Australia or am ready and desirous of being so received; or

(iii) I am a communicant member of a Church that is in full communion with the Anglican Church of Australia;

(d) I am not a member of any church that is not in communion with the Anglican Church of Australia;

(e) I receive communion regularly including normally at Christmas and Easter;

(f) I regularly attend the public worship of the Anglican Church of Australia;

(g) I will faithfully perform all the duties of my office; and

(h) I accept and will obey the Constitution and the Statutes of Synod.

Signed by the abovenamed officer: …….. in the presence of:

…….. this …… day of ……..,

20……..

DIOCESAN COUNCIL STATUTE 2016

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BE IT RESOLVED by the Archbishop, clergy and laity of the Diocese of Perth in Synod assembled as follows:

PART 1 – PRELIMINARY

1 **Short Title**

1.1 This statute shall be cited as the Diocesan Council Statute 2016.

2 **Repeal**

2.1 The Diocesan Council Statute 1888 and the Audit Statute 1974 are hereby repealed.

3 **Interpretation**

3.1 The meanings of words and phrases given in the Interpretation Statute 2016 apply in this Statute, except that for the purposes of this Statute the words and phrases listed hereunder have the meanings given as follows:

Church entity means an unincorporated entity including a committee, commission, a parish or a parish council in the Diocese, the Cathedral or Chapter of the Cathedral, that exercises ministry within, or on behalf of, the Church with actual or apparent authority of the Church;

Standing Committee shall be read and be taken to mean Diocesan Council, and Diocesan Council shall accept all the obligations, liabilities, and duties, and be endowed with all the rights and privileges belonging to or vested in the said Standing Committee;

temporal affairs of the Church shall be taken to mean the following:

(a) all pecuniary or administrative arrangements necessary for, associated with, or in relation to, ministry in the Diocese;

(b) the general administration of the monies the subject of, and in accordance with, Diocesan Council funds and the provisions of statutes of the Diocese and all other financial matters referred to it by Synod;

(c) the transaction of all administrative business arising out of the decisions of Synod and preparatory to the meetings of Synod;

(d) the making of such policies as may be required for the good governance of the Church; and

(e) the oversight of Church entities, boards, standing commissions of Synod and the committees of Diocesan Council; and

Trustees means The Perth Diocesan Trustees.

PART 2 – DIOCESAN COUNCIL

4 **Standing Committee of Synod**

4.1 Diocesan Council is the Standing Committee of Synod.

4.2 In all matters relating to the temporal affairs of the Church in the Diocese, Diocesan Council shall act for and on behalf of Synod when Synod is not in session. In the performance of its duties, Diocesan Council may be assisted as required by the Trustees, the Diocesan Secretary, Diocesan Treasurer and/or Diocesan Registrar.

Diocesan Council shall inform Synod in writing of any significant changes made to policy during the preceding year, and Synod may by resolution amend any policy made by Diocesan Council.

4.3 In all temporal matters, the Archbishop shall act only with the consent of Diocesan Council.

5 **Powers of Diocesan Council**

5.1 Diocesan Council shall have the power by delegated authority from Synod to assent to a bill:

(a) under section 28A subsections (2) and (3) of the Constitution of the Anglican Church of Australia; and

(b) in exercise of such delegated authority by resolution.

In this section bill does not include a bill for a canon to alter the Constitution of the Anglican Church of Australia or a bill which deals with or concerns the ritual, ceremonial or discipline of the Church.

PART 3 – MEMBERSHIP OF DIOCESAN COUNCIL

6 **Members**

6.1 Diocesan Council shall consist of:

(a) the Archbishop;

(b) the assistant bishops;

(c) the Dean;

(d) the Diocesan Treasurer;

(e) the clerical secretary of Synod;

(f) the lay secretary of Synod;

(g) three clerical members of Synod elected by Synod;
(h) five lay members of Synod elected by Synod;
(i) one clerical member of Synod and one lay member of Synod appointed by Diocesan Council who will bring to Diocesan Council knowledge of allied ministries within the Diocese or have the ability to promote, plan and implement the mission of the Diocese; and
(j) one clerical member of Synod and one lay member of Synod appointed by Diocesan Council who will bring to Diocesan Council knowledge of issues that impact the mission of the Diocese in rural and regional areas of the Diocese. Any alternate lay member of Synod within the meaning of Section 2 of the Constitution Act of the Diocese of Perth 1871-1972 is not a member of Synod for the purpose of this Statute.

7 **Membership term**

7.1 Subject to section 7.4, elected and appointed members shall hold office until their successors shall be elected or appointed.

7.2 At the first session of each Synod, the elected clerical and lay members shall retire but shall be eligible for re-election.

7.3 Synod shall elect by ballot the clerical and lay members of Diocesan Council in accordance with any relevant statute governing Synod elections.

7.4 The clerical and lay members appointed by Diocesan Council shall be deemed to retire at the first session of each Synod, but shall be eligible for re-appointment at a meeting of Diocesan Council after the first session of each Synod.

7.5 Any lay person elected or appointed as member of Diocesan Council, a Diocesan nominator or as Diocesan Registrar must subscribe the declaration in Schedule 1 within 30 days of their election or appointment. A failure to complete the declaration or to fulfil all of the requirements of the declaration will render the office of that elected or appointed person vacant.

8 **Termination of membership**

8.1 Any member of Diocesan Council may resign from their office by notice in writing addressed to the Archbishop or Administrator. Upon receipt of such resignation, the office shall become vacant.

8.2 Any elected or appointed member who is absent from three consecutive meetings without leave of Diocesan Council, shall thereby cease to be a member.

9 **Vacancies**

9.1 When the office of any elected member of Diocesan Council becomes vacant by death, resignation, absence, or otherwise, the Archbishop must give notice of such vacancy to the remaining members of Diocesan Council.

9.2 Diocesan Council shall elect some other fit person who satisfies the criteria of the office that is vacant and is a member of the Synod, to fill the vacant office.

9.3 The person so elected shall hold office for the balance of the term of the member they replace.

9.4 When the office of any appointed member of Diocesan Council becomes vacant by death, resignation, absence or otherwise, the Archbishop may thereupon appoint a successor to such office.

9.5 The person so appointed shall hold office for the balance of the term of the member they replace.

10 **Validity of acts**

10.1 All acts and proceedings of Diocesan Council or of any person acting as a member of it, shall notwithstanding it is afterwards discovered that there was some defect in the election or appointment of Diocesan Council, or of any member, be as valid and effectual as if Diocesan Council or the member had been duly elected or appointed.

11 **Removal of members**

11.1 Any elected or appointed member of Diocesan Council may be removed by a vote of a three-quarter majority of all members of Diocesan Council.

PART 4 – MEETINGS

12 **Meetings**

12.1 The Council shall meet not less than every two months.

12.2 The Archbishop, or in the absence of the Archbishop the Administrator, shall be chairperson of Diocesan Council.

12.3 The Administrator, Diocesan Registrar, Diocesan Secretary and the Chancellor may attend and speak, but not vote, at all meetings of Diocesan Council.

12.4 Any other person may by invitation attend and speak, but not vote, at meetings of Diocesan Council.

12.5 A quorum of Diocesan Council shall consist of 10 members including the Archbishop or the Administrator.

13 **Meetings open**

13.1 Subject to the terms and conditions specified below, meetings of Diocesan Council shall be open to members of Synod. Unless the chairperson in their absolute discretion considers a matter before the meeting to be of a confidential nature and the:

(a) Diocesan Council passes a resolution; or
(b) the chairperson makes a ruling,

to that effect, any member of Synod may attend meetings of Diocesan Council and may be invited by the chairperson to speak on any matter under consideration by Diocesan Council but may not vote on the same.

13.2 Unless the chairperson in their absolute discretion considers a matter to be of a confidential nature, Diocesan Council shall make copies of its business papers and minutes of meetings available electronically to any member of Synod upon being requested by any such member to do so, subject to Diocesan Council removing from the business paper or minutes (as the case may be) details of any matter which the chairperson considers to be of a confidential

nature.

14 **Minutes**

14.1 A minute of every resolution or decision agreed to at any meeting of Diocesan Council shall be entered in a book or electronic record kept for that purpose.

PART 5 – COMMITTEES

15 **Committees**

15.1 Diocesan Council may appoint committees to advise it on any matter. Committees may comprise members of who are not members of Diocesan Council. All such committees shall report to Diocesan Council as required by the Council.

15.2 Diocesan Council may delegate any portion of its power to committees to which persons who are not members of the Diocesan Council may be appointed. In the exercise of its delegated powers, the committees shall report to the next or subsequent meeting as required by Diocesan Council.

15.3 Any power of Diocesan Council delegated to a committee shall be strictly defined and may be revoked by Diocesan Council at its pleasure.

PART 6 – FINANCIAL INVESTMENTS AND AUDIT

16 **Trustees may invest**

16.1 The Perth Diocesan Trustees may invest and/or pool the property and monies the subject of any trust held or fund managed by the Diocesan Council from time to time with the property and monies the subject of other trusts held by the said Trustees from time to time subject always to the terms and conditions of the relevant trust or fund.

17 **Audited statements**

17.1 The statement of income and expenditure of Diocesan Council for any period of twelve months ended on 30 April shall be so audited that the auditors shall be able to report whether in their opinion the said statement discloses a true and fair view of the income and expenditure of Diocesan Council for the twelve months under review.

17.2 Diocesan Council may from time to time require the auditors to examine and report upon the income and expenditure and the state of affairs of any department or committee of Diocesan Council.

17.3 The Archbishop shall within one day after the Synod has met, lay an audited statement before it for the past year of all moneys appropriated or expended, and a statement of all moneys recommended to be appropriated or expended, as well as a statement of all acts done by him during that year in Council.

SCHEDULE 1: LAY OFFICERS' DECLARATION

To be subscribed by every lay person who is a member of a Diocesan Council, a Diocesan nominator or the Diocesan Registrar.

I, Dr/Mr/Mrs/Ms/Miss ……..
[Full Christian Names and Surname in Block Letters]
of ……..
……..
……..
Parish or Organisation: …….
having been elected or appointed to the office of: ……
DECLARE THAT:

(a) I am a lay person
(b) I have attained the age of sixteen years
(c) I have been baptised
(d) I am a communicant member of the Anglican Church of Australia, namely,
    (i) I have been confirmed in the Anglican Church of Australia or am ready and desirous of being so confirmed; or
    (ii) I have been received into communicant membership of the Anglican Church of Australia or am ready and desirous of being so received; or
    (iii) I am a communicant member of a Church that is in full communion with the Anglican Church of Australia
(e) I am not a member of any church that is not in communion with the Anglican Church of Australia
(f) I receive communion regularly in this Diocese including normally at Christmas and Easter
(g) I regularly attend the public worship of the Anglican Church of Australia in this Diocese
(h) I will faithfully perform all the duties of my office
(i) I accept and will obey the Constitution and the Statutes of Synod.

Signed by the abovenamed officer: ……
in the presence of: ……..
this …… day of ……., 20……

PARISH GOVERNANCE STATUTE 2016

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PART 1 - PRELIMINARIES

1 Short Title

1.1 This Statute may be cited as the "Parish Governance Statute 2016".

2 Repeal

2.1 The Ordering of Worshipping Communities Statute 2007, The Extra- Parochial Statute 1922-1923, The Declarations Statute 2007, Synod Elections Statute 2007 and Assessments Statute 1974 are repealed. Such repeal will not affect or invalidate any act done or commenced, or any appointment made under or by virtue of the repealed statute, and all persons elected or appointed under the repealed statute and holding office at the passing of this Statute will remain in office as if this Statute had been in force at the time they were elected or appointed and this Statute will apply to them.

3 Interpretation

3.1 The meanings of words and phrases given in the Interpretation Statute 2016 apply in this Statute provided that for the purposes of this Statute the words and phrases listed hereunder have their meanings given or altered as follows:

ACF means the Anglican Community Fund (Inc);

allied ministry means ministry in a Church agency or other institution or organisation, including a university, school, hospital, correctional facility, detention centre, industrial workplace, the Australian Defence Force or field of ministry other than a parish;

allied ministry clergy means chaplains and other clergy appointed to serve in allied ministry;

annual meeting means an annual meeting of enrolled members; or a meeting called under the mandate of the Archbishop to conduct the business of an annual meeting;

Auditor means a person qualified to conduct audits;

basis of association means the reason for existence including, but not limited to, common language, common cultural heritage, and association with an institution such as a Church school or a hospital;

Church agency means any separately incorporated entity of the Church in the Diocese, which has been established by the Synod, the Trustees or Diocesan Council and includes all Church schools;

Church building means a building which is set apart for the worship of Almighty God, according to the use of the Anglican Church or a building licensed by the Archbishop for such worship. Where there is no such building the

usual place of meeting for worship shall be the Church building within this definition;

Church school means a school or other school or educational institution within the meaning of section 1(1)(f) of The Constitution Act of the Diocese of Perth 1871 as well as a Provincial school within the Diocese, which is affiliated with the Church;

clergy means the Archbishop, priests and deacons of the Anglican Church or of any other church in communion with the Anglican Church;

Diocesan Registrar means the person appointed by the Archbishop to keep the register of official records of the Diocese;

Diocesan Secretary means the person appointed by the Trustees as Secretary in accordance with the Trustees Statute 2016 or acting as Secretary for the time being;

Electorate means a parish entitled to elect lay members of Synod; and "their Electorate" when referring to a lay member of Synod, or an enrolled member means a parish in which they are enrolled;

enrolled member means a person whose name appears on the electoral roll of a parish in accordance with this Statute;

Independent Examiner means a person who has been certified by the Diocesan Secretary as having the requisite ability and practical experience to carry out a competent examination of the accounts of the parish;

parish means a geographical body of members of the Church gathered together and established in accordance with this Statute;

parish council means the authoritative administrative body of a parish;

Rector means the member of the clergy duly licensed by the Archbishop, without limitation, to perform the duties of a Rector as prescribed by the Clergy Appointments and Licensing Statute;

Returning Officer means the Rector or other chairperson of a meeting of enrolled members or of parish council for the purposes of all nominations, voting and elections;

Reviewer means an accountant qualified to perform independent reviews of accounts;

stipend means the base stipend as determined by Diocesan Council annually in relation to clergy entitlements following the recommendations made by the provincial stipends committee of Provincial Council; and

Treasurer means the treasurer of a parish council.

4 Application of Statute and Diocesan policies

4.1 Diocesan Council may make or adopt policies for the establishment, alteration and regulation of parishes.

4.2 Parishes must comply with this Statute and related policies unless Diocesan Council provides otherwise.

PART 2 - ORGANISATION OF THE DIOCESE INTO PARISHES

5 The Diocese

5.1 The Diocese is the unit of organisation of the Church.

5.2 The Diocese may create parishes for the advancement of the diocesan ministry and mission.

5.3 The Trustees hold the title and responsibility for all properties, funds, assets and liabilities of the Diocese and its parishes.

6 Parishes

6.1 Parishes are established and governed in accordance with this Statute for the purpose of:

(a) participating in regular worship;

(b) the ministry of the Word and Sacraments; and

(c) the mission of the Diocese.

6.2 Each parish defines both a sphere of mission and an area of pastoral responsibility and may comprise one or more congregations.

6.3 Diocesan Council may from time to time declare by resolution that any buildings or institutions such as a university, school, hospital, correctional facility, detention centre, industrial workplace, or public, charitable or other institution or organisation or cemetery which may be situated within a parish shall be excluded from that parish. Any buildings, institutions or cemetery referred to in such resolutions shall be deemed to be outside the limits of the parish.

6.4 Diocesan Council shall not make a resolution in relation to the exclusion of buildings, institutions or cemeteries from a parish until the member of clergy and wardens of that parish have been notified in writing of the proposal to take such action and have been given the opportunity to express their opinion on the proposed exclusion.

6.5 Diocesan Council may from time to time by resolution declare that any such building, institution or cemetery shall cease to be excluded from that parish.

6.6 Allied ministry clergy may be licensed and seconded to allied ministry within the boundaries of a parish, acting independently of that parish, but with recognition of the ministry of that parish.

6.7 The Archbishop must appoint for each parish a member of the clergy to perform for it the duties of a Rector as prescribed by this Statute. The member of the clergy may be allied ministry clergy of an allied ministry connected with the parish.

7 Authorisation of experimental or emerging expressions of Church life

7.1 Diocesan Council with the assent of the Archbishop may:

(a) authorise experimental and emerging expressions of Church life that do not meet the full requirements of this Statute for a geographical parish. In the case of communicant members of the Church who share a basis

of association, rather than a geographical location, all those communicant members must sign the application for consideration by Diocesan Council; or

(b) establish the experimental or emerging expression of Church and declare its basis of association, together with the archdeaconry and deanery to which it will belong and any other matter concerning its ordering; and

(c) if deemed appropriate, recognise an experimental or emerging expression of Church life as an entity for the purposes of sections 1(g) or 1(h) of The Constitution Act of the Diocese of Perth 1871.

7.2 Every declaration made by Diocesan Council under section 7.1 must be under the hand and seal of the Archbishop and is conclusive evidence of such basis of association.

7.3 The designation, terms, conditions and duration of the authorisation are at the discretion of Diocesan Council with the assent of the Archbishop.

7.4 The office bearers and communicant members must give an undertaking that they agree to obey the Diocesan statutes and policies and will act at all times with respect for any geographical parish in which they meet or minister.

7.5 Diocesan Council with the assent of the Archbishop may provide guidelines for the development and review of experimental or emerging expressions of Church life.

7.6 After consultation with the office bearers or other leaders of the experimental or emerging expression of Church life, the Archbishop may revoke its authorisation.

8 Naming of parishes

8.1 Where it is appropriate, each parish is to be designated by the locality of the principal church within it or by the principal town or suburb, subject to the approval of Diocesan Council with the assent of the Archbishop.

8.2 Each church is to be dedicated in the name of a saint, holy person or other commemoration set out in an approved calendar of the Church, subject to the approval of Diocesan Council with the assent of the Archbishop.

9 Grouping of parishes

9.1 Parishes may, with the approval of the Archbishop, Diocesan Council and of each parish council concerned, be grouped for the sharing of resources for ministry and mission, strategic planning and co-operation.

9.2 A committee made up of representatives of each parish in the group may be established to facilitate the co-operation of those parishes without displacing the role of their own parish councils.

9.3 The Archbishop may appoint a priest or other minister to serve such a grouping of parishes.

PART 3 – ESTABLISHMENT OF A NEW PARISH

10 Establishment of a new parish

10.1 Diocesan Council with the assent of the Archbishop may of its own initiative or on the application of members of the Church establish a new parish.

10.2 An application to establish a new parish must include:

(a) the proposed geographical boundaries of the parish;

(b) a list of the communicant members seeking to establish the new parish who live within the proposed boundaries;

(c) the particulars of any Church building, rectory or other property that would be under the control of the proposed parish and the particulars of any proposals for the purchase, leasing or construction thereof; and

(d) an undertaking by those communicant members that they agree to obey the statutes of Synod and policies of the Diocese.

10.3 Diocesan Council must consult with any other parish that it considers may be directly affected by the establishment of the proposed new parish.

10.4 If Diocesan Council with the assent of the Archbishop is satisfied that there is a need for the proposed parish, it may establish the new parish and declare:

(a) its boundaries; and

(b) that the communicant members on the list in section 10.2(b) shall be the enrolled members of that parish (and no other parish) as at the date of establishment of the new parish.

10.5 Diocesan Council must report such establishment to the next session of Synod.

10.6 Every declaration made by Diocesan Council under section 10.4 must be under the hand and seal of the Archbishop and is conclusive evidence of such boundaries.

10.7 Following the establishment of a new parish, the Archbishop must call a special meeting of the enrolled members of the new parish and issue a mandate for the election of its office bearers and transact any other business that could be transacted at an annual meeting.

PART 4 – THE PARISH COUNCIL AND PARISH OFFICERS

11 Composition of the parish council

11.1 The parish council is the authoritative administrative body of a parish.

11.2 Subject to the provisions in Part 15 of this Statute, every parish must have a council comprising:

(a) the Rector;

(b) any other clergy licensed to work in the parish;

(c) two or three wardens;

(d) not fewer than four councillors and not more than eight councillors including a secretary and treasurer

(refer section 14.1), and

(e) the parish's lay members of Synod, who may also hold office as wardens or councillors.

11.3 Retired clergy and other clergy not licensed to work in the parish are not eligible for election or appointment to the parish council except on the recommendation of the Rector and with the written approval of the Archbishop.

11.4 Where a parish and allied ministry establish a partnership under this Statute, the parish council may co-opt up to two senior officers of the allied ministry.

11.5 In the case of a Church school, the senior officers co-opted are normally to be either the Principal or the senior chaplain or both.

11.6 Such co-opted members of the parish council have a right of proposition and a right to vote provided that they are communicant members of the Church.

11.7 The term of office for members co-opted under this section is until the end of the annual meeting subsequent to their being co-opted. They are then again eligible to be co-opted.

11.8 If a co-opted member retires or otherwise ceases employment with the allied ministry in that place, the co-opted member shall be deemed to have retired from the parish council at the same time. The parish council may co-opt a replacement for the retired member if it deems it necessary or expedient to do so.

12 The Wardens

12.1 Wardens must at the time of their nomination and throughout their term of office be lay enrolled members of the parish and not be a warden for any other parish.

12.2 Wardens must have attained the age of eighteen years.

12.3 A warden must not be a parent, sibling, spouse, partner or child of the Rector or of another warden.

12.4 Not more than two wardens are to be elected at the annual meeting.

12.5 One warden is to be appointed by the Rector.

12.6 The term of office for the wardens is until the end of the annual meeting subsequent to their election or appointment.

12.7 A warden may not hold the position of Treasurer except with the permission of Diocesan Council.

13 The councillors

13.1 Councillors must at the time of their nomination and throughout their term of office be lay enrolled members of the parish.

13.2 Councillors must have attained the age of sixteen years.

13.3 Subject to the provisions in Part 15 of this Statute, the number of councillors is to be determined by the annual meeting.

13.4 Three-fourths of the councillors are elected by the annual meeting.

13.5 The remaining councillors are appointed by the Rector.

13.6 The term of office for the councillors is until the end of the annual meeting subsequent to their election or appointment.

14 Secretary and Treasurer

14.1 Subject to the provisions in Part 15 of this Statute, parish council must from among its own number elect a secretary and a Treasurer at the first meeting of parish council following the annual meeting.

14.2 The Rector may not be elected secretary or Treasurer.

14.3 In order to be eligible for the office of Treasurer or secretary, a parish Councillor must have attained the age of eighteen years.

14.4 A secretary or Treasurer remains in office until the end of the meeting of parish council where a new secretary or Treasurer is elected.

15 Lay members of Synod

15.1 Subject to the provisions in Part 15 of this Statute, every parish must elect two lay members of Synod at its annual meeting:

(a) in the general election year of 2022; and

(b) every third year thereafter.

15.2 The term of office for lay members of Synod is until the end of the annual meeting held in the general election year subsequent to their election or appointment.

15.3 The Archbishop must issue a mandate for a general election of lay members of Synod in the month of March in each general election year.

15.4 The mandate must be sent to the Rector of every parish, and must be accompanied by:

(a) a copy of the certificate for the return of election results prescribed by Schedule 6;

(b) a copy of the declaration required to be signed by elected members; and

(c) a copy of this Statute.

15.5 Lay members of Synod must at the time of their nomination, appointment and throughout their term of office:

(a) be lay enrolled members of their parish; and

(b) not otherwise be a member of Synod, whether by:

(i) election by another Electorate;

(ii) appointment by Diocesan Council; or

(iii) any other means except election or appointment by the parish for which they are nominating.

15.6 If an annual meeting or a special meeting of enrolled members mandated to elect lay members of Synod does not

fill an office, whether due to an insufficiency of nominations or any other cause, it is deemed vacant.

15.7 The office of a lay member of Synod becomes vacant:

(a) as prescribed by the Constitution; or

(b) if the lay member of Synod is absent from each of three consecutive meetings of the parish council of their parish without leave of absence granted by resolution of that parish council.

15.8 The Diocesan Registrar must notify the appropriate Rector that a lay member of Synod has resigned.

16 Archbishop may disallow

16.1 The Archbishop has the right to disallow the appointment or election under this Statute of any person and is not required to give an explanation.

17 Suspension or removal of parish council

17.1 Where the parish council refuses to carry out its duties or where some other serious cause is hindering the work of a parish, Diocesan Council may with the assent of the Archbishop after due enquiry by the assistant bishop or archdeacon responsible for that parish, and with notice to the parish council, suspend or remove the parish council and request the Archbishop to make alternative arrangements for conducting work in that parish, and the Archbishop may do so.

PART 5 – PARISH COUNCIL MEETINGS

18 Convenor and chairperson of parish council meetings

18.1 The Rector is the convenor and chairperson of parish council meetings unless:

(a) the Rector appoints in writing another member of the parish council either to convene or to chair its meetings, or both. Such appointment ceases upon the Rector:

(i) withdrawing such an appointment by written notice to the appointee; or

(ii) ceasing to hold office; or

(b) with the consent of the Rector, the parish council resolves to elect another member of the parish council to chair its meetings. Such person holds the office of chairperson until the earliest of the following events occurs:

(i) the next annual meeting;

(ii) the Rector withdraws consent or ceases to hold office; or

(iii) the parish council determines otherwise.

18.2 Notwithstanding the provisions of section 18.1, an ordinary or special parish council meeting may be convened and/or chaired by the Archbishop, a person appointed by the Archbishop, or the archdeacon.

18.3 The chairperson of a parish council meeting is to:

(a) conduct the business of the meeting until it is concluded, or until the meeting is adjourned;

(b) have an original and a casting vote;

(c) confine the meeting to the purpose or purposes for which it is assembled; and

(d) decide all questions of order.

19 Parish council meetings: other provisions

19.1 The convenor is to give every member of the parish council four clear days' notice of a meeting unless:

(a) the parish council resolves otherwise; or

(b) the Rector and wardens agree that a matter of urgency requires that a meeting be held on short notice.

19.2 The parish council must meet at least quarterly at such times and places as the Rector and parish council determine.

19.3 Parish council meetings may be conducted by electronic means including but not limited to teleconferencing and video conferencing.

19.4 The Archbishop, a person appointed by the Archbishop and the archdeacon may attend and participate in any meeting of the parish council.

19.5 The quorum for a parish council meeting is one third of the total number of positions on the parish council, whether vacant or not, and must include at least one of:

(a) the Archbishop or a person appointed by the Archbishop;

(b) the archdeacon;

(c) the Rector or one of the clergy licensed to work in the parish; or

(d) a warden.

19.6 Minutes must be taken of every parish council meeting and kept in a minute book.

19.7 Except where the chairperson at the chairperson's absolute discretion considers a matter before the parish council to be of a confidential nature and:

(a) the parish council passes a resolution; or

(b) the chairperson makes a ruling to that effect,

any enrolled member of the parish who is not a member of the parish council may attend a meeting or meetings of the parish council and may be invited by the chairperson to speak on any matter under consideration but may not vote or propose any matter. The chairperson may request a person who is not a member of parish council to leave a meeting of parish council at any stage of proceedings.

20 The first meeting of the parish council

20.1 The parish council must meet within 28 days of the annual meeting.

20.2 At its first meeting or as soon after it as is convenient the parish council must:

(a) review and if necessary, revise the minutes of the annual meeting;
(b) fill any vacancies remaining after the annual meeting that an annual meeting is competent to fill;
(c) elect a secretary and a Treasurer from among their number (see section 14.1); and
(d) authorise between three and five signatories to its accounts who must be members of the parish council.

20.3 The parish council may elect a new secretary or Treasurer (other than the Rector) and change its authorised signatories as required from time to time.

20.4 The Rector or secretary must, within thirty days after any election, appointment or change of office bearers:
(a) notify the Diocesan Registrar of the names of the officers elected or appointed;
(b) in the case of lay members of Synod issue a certificate in the form of Schedule 6; and
(c) see to it that all elected or appointed persons have signed the declarations prescribed by this Statute.

21 Special meetings of the parish council

21.1 A special meeting of the parish council is to be convened:
(a) at the Rector's discretion;
(b) at the request of all of the wardens;
(c) at the request of a majority of the members of the parish council;
(d) at the discretion of the Archbishop or the Archbishop's nominee; or
(e) at the discretion of the archdeacon.

22 Parish council proceedings not to be invalidated

22.1 No proceedings of a parish council are invalidated or made illegal in consequence of any vacancy in the parish council, whether arising from:
(a) failure to elect or appoint the full complement of members of the parish council; or
(b) any other cause.

PART 6 - MEETINGS OF ENROLLED MEMBERS

23 Convenor and Chairperson

23.1 The Rector is the convenor and chairperson of meetings of enrolled members.

23.2 The convenor, in consultation with the wardens, is to determine the date, time and place at which any meeting of enrolled members is to be held.

23.3 The Rector:
(a) must conduct the business of the meeting until it is concluded, or until the meeting is adjourned;
(b) may vote and must exercise a casting vote if required;
(c) must confine the meeting to the purpose(s) for which it is assembled; and
(d) must decide all questions of order.

23.4 Where there is no Rector, the Archbishop or some other person appointed by the Archbishop is to:
(a) be the convenor and chairperson of meetings of enrolled members; and
(b) make the appointments to the parish council that would otherwise be made by the Rector at such meeting of enrolled members.

24 Notice of Meeting

24.1 Notice of a meeting of enrolled members must be given as follows:
(a) during every service on all Sundays and during every weekly service held for the parish for four weeks before the day of the meeting; or
(b) if no such service is to be held during the period of notice then in writing to all enrolled members four weeks before the day of the meeting.

24.2 The convenor is to determine the form in which notice is given, and the notice must include:
(a) the date, time and place at which the meeting is to be held; and
(b) the purpose or purposes for the meeting.

24.3 The proceedings of a meeting of enrolled members are not invalidated because of any failure to give notice in the manner prescribed unless the parish council:
(a) is of the opinion that the irregularity has caused or may cause substantial injustice that cannot be remedied by a resolution of the parish council; and
(b) passes a resolution declaring the proceedings to be invalid.

25 Limitation of business

25.1 The business considered at a meeting of enrolled members must be limited to matters which such a meeting is permitted to deal with under this Statute and of which notice has been given as prescribed by this Statute.

25.2 Nothing may be done by a meeting of enrolled members that interferes with the authority of the Archbishop, the rights of the Trustees, the rights of Diocesan Council, the proper functions of the Rector or the powers of the parish council.

26 Eligibility to vote

26.1 Subject to section 26.2, the following people are eligible to vote and have a right of proposition at meetings of enrolled members:
(a) the Rector;
(b) every member of the clergy licensed to work in the parish; and
(c) every enrolled member.

26.2 In the case of the election of lay members of Synod, only the enrolled members of the parish are entitled to vote.

26.3 If a person's eligibility to vote is challenged at a meeting of enrolled members, then the chairperson determines whether that person is eligible, and the chairperson's decision is final.

27 Quorum

27.1 The quorum for a meeting of enrolled members comprises:

(a) the Rector or chairperson appointed under section 23.4;

(b) one warden; and

(c) one-fourth of the number of enrolled members.

28 Visitors

28.1 A meeting of enrolled members may give leave to any person who is not an enrolled member to attend the meeting and to address it.

28.2 Such a visitor may not vote nor has the right of proposition.

28.3 At the request of the meeting, the chairperson must order all visitors to withdraw from the meeting.

29 Adjournment

29.1 A meeting of enrolled members may vote to adjourn itself.

THE ANNUAL MEETING

30 Date of the Annual Meeting

30.1 The annual meeting must be held during the months of May or June each year.

31 Notice of Annual Meeting

31.1 In addition to the requirements of section 24, a written notice of the annual meeting must be posted on a notice board in the Church building and the relevant parish website. The notice must include:

(a) a list of the vacancies to be filled by election at the annual meeting, including lay members of Synod, where this has been mandated by the Archbishop;

(b) the name of the Returning Officer to whom nominations are to be submitted;

(c) the date and time at which nominations will close;

(d) the date and time by which reports must be submitted to the convenor;

(e) the date and time, being not less than 14 days before the annual meeting, by which enrolled members may submit to the convenor items of business for consideration by the annual meeting. If the annual meeting is permitted under this Statute to consider such business, the convenor must include that business in the notice of the annual meeting for the remainder of the notice period and in the agenda for the annual meeting; and

(f) in each general election year for lay members of Synod, notice that enrolments on the electoral roll must be renewed on or after 1 March.

32 Nominations for election

32.1 Any two enrolled members may by signing a nomination form nominate any other person eligible for election as warden, Councillor, nominator of clergy, Auditor, Reviewer or Independent Examiner, lay member of Synod provided that the person so nominated gives their signed consent on the nomination form.

32.2 Nominations must be in the form prescribed by Schedule 2 or Schedule 5, as may be relevant.

32.3 The nomination form may include biographical details of the candidate to be made available to voters.

32.4 Nominations must be received by the convenor not less than six clear days before the date on which the election is to be held.

33 Agenda for the Annual Meeting

33.1 The business to be transacted at an annual meeting and its order is as follows:

(a) Prayers;

(b) Recording of attendance and apologies;

(c) The chairperson reads to the meeting section 26 of this Statute and the declaration in the application for enrolment on the electoral roll in Schedule 1;

(d) The chairperson appoints two scrutineers for any voting or elections to occur;

(e) The minutes of the preceding annual meeting and any special meetings of enrolled members held since the preceding annual meeting are to be presented for confirmation and signed by the chairperson as correct records;

(f) Presentation and reception of reports as follows:

(i) The Rector's Report;

(ii) The Wardens' Report;

(iii) The Financial Report, which must include:

(A) audited, reviewed or examined statements of income and expenditure;

(B) a statement of assets and liabilities or at least a statement of uncollected revenue and outstanding liabilities; and

(C) a budget of anticipated income and expenditure for the ensuing financial year; and

(iv) Reports of groups conducting ministry within the parish.

(v) Such reports may be circulated at or prior to the annual meeting and tabled at the meeting.

(vi) Leave may be granted by the annual meeting for any person present to speak to any report so tabled;

(g) Appointments and Elections: Subject to the provisions in Part 15 of this Statute, the following appointments and elections occur:

(i) Wardens

(A) The annual meeting determines whether it will elect one or two wardens and then proceeds to their election.

(B) The Rector appoints one warden and declares that appointment either at the annual meeting or at the earliest convenient time thereafter.

(ii) Councillors

(A) Subject to the provisions in Part 15 of this Statute, the annual meeting determines the number of councillors and then proceeds to elect three-fourths of that number of councillors.

(B) The Rector appoints the remaining councillors and declares those appointments either at the annual meeting or subsequent to it.

(iii) Lay members of Synod

If the Archbishop's mandate for a general election of lay members of Synod has been received, then their election proceeds.

(iv) Additional Clergy

The clergy appoint or elect the additional clergy.

(v) Auditor, Reviewer or Independent Examiner

The annual meeting elects an Auditor, Reviewer or Independent Examiner.

(vi) Nominators of Clergy

The annual meeting elects four lay nominators of clergy at least one of whom must be a warden.

(h) Business that satisfies the requirements of section 25;

(i) Questions, votes of thanks and similar courtesies; and

(j) Closing prayers.

33.2 Voting and elections, where they are required, must be conducted as prescribed by Part 8 of this Statute.

34 Annual Meetings: other provisions

34.1 If for any reason the annual meeting is not held in accordance with sections 30 to 33 or if it fails to complete its business, then the Archbishop may direct that a special meeting of enrolled members be held to transact any business that could be transacted at an annual meeting.

34.2 The chairperson of the annual meeting or special meetings of enrolled members held pursuant to section 35.1 must, within thirty days after an election or appointment, notify the Diocesan Registrar of the names of the officers elected or appointed and certify that they have signed the declaration prescribed by this Statute.

SPECIAL MEETINGS OF ENROLLED MEMBERS

35 Convening Special Meetings

35.1 The Rector or the convenor appointed under section 18.1 must convene a special meeting of enrolled members either:

(a) at the Rector's request after giving 28 days' notice; or

(b) within 28 days of receipt by the Rector of a request subscribed by not less than ten enrolled members. Such request:

(i) must be in accordance with sections 24 and 25; and

(ii) may be given or sent to the Rector either personally or through an agent.

PART 7 - PARISH ROLLS

36 Electoral Roll

36.1 An electoral roll for each parish must be compiled and maintained by the Rector and the secretary.

36.2 Any person who wishes to be enrolled must sign an application and declaration in the form prescribed by Schedule 1 and submit it to the Rector or the secretary, whereupon that person's name will be added to the electoral roll.

36.3 Either the Rector or the secretary may remove from the electoral roll the name of any person who does not comply with the declaration in Schedule 1.

36.4 The Rector or the secretary must remove the name of an enrolled member from the electoral roll of the parish upon receiving a written request from any such enrolled member and, if requested, give that person a written certificate that their name has been so removed.

36.5 In each general election year for lay members of Synod, all enrolments on the electoral roll must be renewed between 1 March and the date which is one month prior to the relevant annual meeting.

37 Pastoral Roll

37.1 In addition to the electoral roll, the Rector may keep a roll containing such information as is desirable for the mission and ministry of the parish.

37.2 The Rector and secretary must ensure that:

(a) the privacy of enrolled members, parishioners and visitors is respected; and

(b) the personal details or information in relation to enrolled members, parishioners or visitors is not published without the express written consent of those persons.

PART 8 – VOTING AND ELECTIONS

38 Voting

38.1 Motions before meetings of enrolled members or meetings of the parish council are determined by a simple majority of the members present and voting.

38.2 The chairperson of a meeting may vote and must exercise a casting vote if required.

38.3 Voting may be on the voices, by show of hands or by some other method at the discretion of the chairperson.

38.4 Any enrolled member present may call for a vote by secret ballot, whereupon the chairperson must place the matter in the hands of the scrutineers who conduct the ballot.

38.5 No person may vote as proxy for any enrolled member at a meeting of enrolled members.

39 Elections at Meetings of Enrolled Members

39.1 Where a ballot is required for an election, the procedure set out below applies.

39.2 The convenor of the meeting of enrolled members:

(a) determines by random selection the order in which the names of the nominees appear on the ballot papers; and

(b) ensures that sufficient ballot papers are prepared.

39.3 Every enrolled member desiring to vote must obtain ballot papers from the scrutineers, who ensure that:

(a) only eligible persons receive ballot papers; and

(b) no person receives more than one set of ballot papers.

39.4 Enrolled members exercise their vote by:

(a) marking their ballot papers with a cross (x) opposite the name of any nominee for whom they wish to vote; and

(b) placing their ballot papers in the ballot box designated by the scrutineers.

39.5 A ballot paper will be invalid if the number of nominees voted for exceeds the number of vacancies to be filled.

39.6 The scrutineers may treat a mark which is not a cross (x) opposite the name of a nominee as a vote received by the nominee if the scrutineers consider the intention of the enrolled member to vote for the nominee is clear

39.7 After all enrolled members have had a reasonable opportunity to vote, the scrutineers:

(a) count the number votes received by each nominee; and

(b) certify to the chairperson the number of votes that each nominee received.

39.8 The chairperson declares elected, those nominees who received the greatest number of votes.

39.9 If there is a tie, the chairperson must exercise a casting vote and may do so by random selection.

39.10 The meeting of enrolled members may continue with any business on its agenda that does not depend on the outcome of the ballot, and the result of the ballot may be declared at some convenient time after the meeting.

40 Elections by the parish council

40.1 Parish council elections may be conducted by such method as the parish council determines.

41 Publication of election results

41.1 The Rector must ensure that the results of all elections and appointments of office bearers are published in writing. This may be done by:

(a) a notice displayed on a notice board accessible to the parish;

(b) inclusion in a newsletter of the parish; or

(c) any other means appropriate to the parish.

42 Returning Officer to decide objections

42.1 The Returning Officer decides all questions concerning the validity of votes and the manner of conducting ballots and elections not otherwise provided by Statute. The Returning Officer's decision is final.

43 Notice of objection

43.1 Any enrolled member may object to the validity of an election held in their parish under this Statute.

43.2 The objection must:

(a) be in writing and signed by the enrolled member making the objection;

(b) be addressed to the Diocesan Registrar;

(c) state the reason for the objection;

(d) declare that a copy of it has been sent to the Returning Officer concerned; and

(e) be received by the Diocesan Registrar within twenty-one days of the election result being declared.

44 Consideration of the objection

44.1 The Returning Officer, upon receipt of a copy of the objection, must:

(a) write a response to the objection; and

(b) send the response to the Diocesan Registrar within seven days.

44.2 At the next meeting of Diocesan Council after the election, the Diocesan Registrar must present all objections complying with the requirements of section 43 and the responses to them of the Returning Officers concerned.

44.3 Diocesan Council with the assent of the Archbishop determines whether the election was valid or invalid, and that decision is final.

45 Invalid elections

45.1 If Diocesan Council with the assent of the Archbishop determines that the election was invalid, then the Archbishop issues a mandate for a second election.

45.2 If upon objection the second election is found to be invalid, then the Archbishop makes appointments to fill the

vacancies.

PART 9 - VACANCIES AMONG OFFICE BEARERS

46 Election results not reported, or declaration not signed

46.1 If within thirty days of the election or appointment of any office bearer:

(a) the election or appointment is not reported to the Diocesan Registrar in accordance with section 20.4; or

(b) the office bearer fails to sign any declaration required by this Statute, then the office held by that office bearer is deemed vacant.

47 Office not filled at the Annual Meeting

47.1 If any appointed or elected office that could have been filled at the annual meeting or at a special meeting of enrolled members was not filled, whether due to an insufficiency of nominations or any other cause, it is deemed vacant.

48 Office vacated by resignation, death, absence, removal etc.

48.1 Any elected or appointed member of the parish council, the Auditor, Reviewer or Independent Examiner, the secretary or the Treasurer may resign from office by notice in writing signed and sent to the Rector upon receipt of which that person's office becomes vacant.

48.2 Lay members of Synod may resign from office by notice in writing signed and sent to the Diocesan Registrar[1], upon receipt of which their office becomes vacant.

48.3 In addition to the provisions of sections 49 and 50, the office of any elected or appointed member of the parish council becomes vacant by:

(a) the death of that person;

(b) that person ceasing to be an enrolled member of the parish; or

(c) that person being absent from each of three consecutive meetings of the parish council without leave of absence granted by resolution of the parish council.

48.4 In addition to the provisions of section 49, the office of Auditor, Reviewer or Independent Examiner becomes vacant:

(a) by the death of the Auditor, Reviewer or Independent Examiner; or

(b) when the Auditor, Reviewer or Independent Examiner fails to act and the parish council so resolves.

48.5 Diocesan Council with the assent of the Archbishop may by resolution after due inquiry remove from office any appointed or elected member of the parish council, an Auditor, Reviewer or Independent Examiner, a secretary or a Treasurer who is considered by Diocesan Council to be unfit for any cause to continue in office, and that person's office thereupon becomes vacant.

48.6 Such person must first be afforded an opportunity of stating in the presence of the Archbishop or Diocesan Council any objection they may have to such removal.

49 Office bearers subject to criminal proceedings

49.1 Any person appointed or elected to any office under the terms of this Statute who is charged with an indictable criminal offence shall be suspended from exercising that office until such time as the proceedings have been concluded unless Diocesan Council with the assent of the Archbishop determines otherwise.

49.2 Any office bearer who is found guilty of an indictable criminal offence shall no longer hold that office which thereupon becomes vacant unless Diocesan Council with the assent of the Archbishop determines otherwise.

50 Filling of vacancies

50.1 Vacancies in the offices of parish council and lay members of Synod must be filled as prescribed below.

50.2 Vacancies are filled for the remainder of the term of the vacant office.

50.3 If the number of vacancies in the parish council is such that there cannot be a quorum, then the Archbishop may:

(a) direct that a special meeting of the enrolled members be held to fill the vacancies; or

(b) make appointments to fill some or all of the vacancies and must within thirty days after making such appointments notify the Diocesan Registrar of the names of the officers appointed and certify that they have signed the prescribed declaration.

50.4 If the office of any appointed or elected member of the parish council, Auditor, Reviewer or Independent Examiner, secretary or Treasurer is vacant then it is filled as follows:

(a) the Rector appoints a person to fill any vacancy in a position appointed by the Rector, and notifies the parish council of the appointment at its next meeting;

(b) the clergy meet to elect one of their number to fill a vacancy for an elected additional clergy person; and

(c) the parish council fills any other vacancies.

50.5 A vacancy in the office of lay member of Synod is filled by the relevant parish council appointing an eligible person as lay member of Synod to represent the parish.

50.6 Should an elected or appointed lay member be unable to attend a sitting of Synod, parish council may appoint a member to attend that sitting of Synod in lieu of the elected or appointed lay member.

50.7 If the parish council does not fill a vacancy within three months of it occurring, then the Archbishop must issue a mandate for an election to fill the vacancies either:

(a) at the next annual meeting, in which case the mandate must be issued before April of the year in which the

[1] Amended to be consistent with section 15.8

annual meeting is to be held; or

(b) at a special meeting of enrolled members, in which case the mandate specifies the date and time of the meeting, having regard to the requirements for notice of meeting and the place at which the meeting will be held.

50.8 The Rector must within thirty days after an appointment or election is made (other than an appointment made by the Archbishop) notify the Diocesan Registrar of the names of the officers elected or appointed and certify that they have signed the prescribed declaration.

PART 10 - INELIGIBILITY FOR OFFICE

51 Office of profit or a contract to disqualify

51.1 No person holding any paid position of the parish or lay person being under contract to perform any work for the parish is eligible for the office of warden, Councillor, Auditor, Reviewer or Independent Examiner for such parish, unless a resolution declaring the person to be eligible has been first passed by either a meeting of enrolled members or a meeting of the parish council.

51.2 No person holding the office of warden, Councillor, secretary or Treasurer may undertake any paid position of the parish or enter into any contract until the person has resigned from that office, unless the parish council resolves otherwise.

PART 11 - DECLARATIONS

52 Witness to declarations

52.1 All declarations made under this Statute must be made and signed in the presence of:

(a) the Returning Officer responsible for the election or appointment; or

(b) a person appointed for the purpose by the Archbishop.

53 Failure to make a declaration

53.1 The office of any person who fails to make a required declaration within thirty days of their election or appointment is deemed vacant.

53.2 Any office becoming vacant is filled by the means provided under Statute for the filling of a vacancy in that office.

54 Access to Statutes

54.1 Every person required to make a declaration under this Statute must first be given the opportunity to read the statutes of Synod.

54.2 Three copies of the statutes of Synod are to be held by the secretary of every parish council, and made available to:

(a) parish office bearers;

(b) lay members of Synod;

(c) lay employees; and

(d) enrolled members.

55 Lay officers

55.1 Any lay person elected or appointed to an office under this Statute must subscribe the declaration in Schedule 3 or Schedule 4 as may be relevant.

55.2 The declarations made under section 55.1 are retained by the Rector.

55.3 In addition to the requirements of section 55.1, lay members of Synod must subscribe the declaration in Schedule 3, and such declaration must be sent to the Diocesan Registrar by the Rector, or provided to the Diocesan Registrar immediately prior to the sitting of Synod which an appointed lay member is attending in lieu of an elected lay member.

PART 12 – RIGHTS AND RESPONSIBILITIES

56 Rights and responsibilities of the Rector

56.1 The Rector is to have the custody of:

(a) all parish registers and records;

(b) all vessels used in the celebration of Holy Communion; and

(c) all vestments and linen.

56.2 The Rector is responsible for:

(a) the ordering of worship, the administration of the sacraments and the due performance of all other rites and ceremonies of religion according to the order and use of the Church;

(b) providing leadership to the parish in promoting the mission of the church;

(c) recording all services in a service register; and

(d) recording in appropriate registers the names and other relevant details of all people who receive the rites of baptism, confirmation, marriage, funeral rites or any other rite conducted in the parish and any funerals conducted by or on behalf of the Rector in the parish or elsewhere.

56.3 The wardens are responsible for the custody of the items referred to in section 56.1 and for the maintaining of the records and registers if there is no Rector.

56.4 The Rector must surrender the records of the parish in accordance with the Records and Archives Statute 1996.

56.5 The Rector is to have keys and free access to all buildings and property of the parish not let, leased or otherwise

set aside for the exclusive use of others, and may enter them at any time.

56.6 The Rector may use the buildings and property of the parish not let, leased or otherwise set aside for the exclusive use of others as set out below:

(a) Church buildings: The Rector may perform the acts set out in section 71.1 in any church of the parish, without hindrance from any person.

(b) The rectory: The rectory is the Rector's home and the Rector has unrestricted use of the rectory, its gardens, its grounds and its fixtures and fittings.

(c) Other buildings: The Rector may use any other buildings and property of the parish not let, leased or otherwise set aside for the exclusive use of others for such purposes of the parish as the Rector thinks fit.

56.7 The Rector is to have reasonable access to all accounting records.

57 Appointment of paid and unpaid staff

57.1 The Rector may from time to time appoint volunteers to unpaid positions within the parish, including:

(a) organists, directors of music and members of the choir;

(b) teachers of the Sunday school or leaders of any other children's ministries; and

(c) leaders of youth ministries,

who shall remain subject to the Rector's control and direction and may be dismissed by the Rector with the assent of the wardens. The volunteers will be subject to the relevant Statutes and policies of the Diocese.

57.2 With the assent of parish council, the Rector may recommend to the Diocesan Secretary the appointment or dismissal of paid lay employees as may be required to support the ministry or administration of the parish.

57.3 If such recommendation is accepted by the Diocesan Secretary, such persons:

(a) will be engaged by the Trustees as Diocesan employees and remunerated through the Diocesan payroll;

(b) will be employed in accordance with, and be subject to, the Statutes, policies and procedures of the Diocese;

(c) remain subject to the Rector's control and direction; and

(d) may be dismissed by the Trustees on the recommendation of the Rector and parish council, subject to the Statutes, policies and procedures of the Diocese and any applicable government legislation.

58 Duties of the wardens

58.1 Subject to section 59.2 the wardens must:

(a) generally, with the Rector give leadership to the congregation in promoting the mission of the Church;

(b) in conjunction with the Rector furnish to the Diocesan Registrar any returns that may be called for by Diocesan Council;

(c) ensure that the parish has paid all insurance premiums as required by the Trustees under insurance policies arranged by the Trustees to keep all Church buildings, furniture and other property of which the parish is the beneficial owner sufficiently insured;

(d) see that an appropriate risk management plan for the parish is in place;

(e) ensure that any Diocesan Council policies which relate to parishes are implemented;

(f) report promptly to the parish council all repairs required in the fabric and furniture of the church, rectory or any other building of the parish;

(g) keep an inventory of all goods and movable property belonging to the parish and on demand hand it over to their successors;

(h) report to the Archbishop any grave irregularities in the performance of worship, any wilful neglect of duty or any flagrant misconduct on the part of the Rector;

(i) report to the Archbishop any clerical vacancy occurring in the parish;

(j) see that no person officiates without the Archbishop's licence and inform the Archbishop immediately if anyone proposes to officiate as a member of the clergy whose name does not appear in the clergy list in the last published on the official website of the Diocese, or who does not produce the Archbishop's licence; and

(k) attend the Archbishop on official visits to the parish.

59 Duties of the parish council

59.1 The parish council must:

(a) support the Rector in the promotion of the mission of the Church;

(b) generally, assist the wardens in the discharge of their duties;

(c) advise in all matters referred to them by Diocesan Council;

(d) exercise responsibility for the maintenance and repair of all properties of which the parish is the beneficial owner, as may be required by the Trustees or pursuant to any policies of the Diocese;

(e) maintain good stewardship of all collections, rents and other money belonging to the parish, all money received from the Trustees, and all other money collected under the authority of the parish council;

(f) ensure the remittance by monthly direct debit to the Trustees of the clergy stipend and entitlements together with salaries and entitlements for any lay ministry workers and lay staff working in that parish in the amounts agreed with the Diocesan Secretary;

(g) authorise and pay for all works and measures necessary for the welfare of the parish;

(h) ensure that the Church building, rectory and other buildings, furniture and equipment of the parish are properly maintained and insured;

(i) ensure that:

(i) the parish accounts are made up and closed on the thirtieth day of April in each year;
(ii) the following documents are laid before the next annual meeting:
(A) audited, reviewed or examined statements of income and expenditure for the financial year;
(B) a statement of assets and liabilities, or at least a statement of uncollected revenue and outstanding liabilities, at the end of the financial year; and
(C) a budget of anticipated income and expenditure for the ensuing financial year;
(iii) details of audited, reviewed or examined statements and the budget of anticipated income and expenditure together with a financial return in the prescribed form are forwarded to the Diocesan Registrar by 31 July; and

(j) on demand hand over to its successor the custody of all of the parish's funds and all parish goods and movable property.

59.2 All contracts, including without limitation employment contracts, leases or other financial arrangements on behalf of a parish must be entered into by the Trustees. The parish council does not have the power to make such arrangements except through or under a delegated authority from the Trustees. Nothing may be done by the parish council that interferes with the authority of the Archbishop, the rights of the Trustees or Diocesan Council, or the proper functions of the Rector.

60 Duties of the Secretary

60.1 The secretary acts under the direction of the parish council and, in addition to any duties of the secretary provided for elsewhere in this Statute, performs such duties as the parish council determines, which may include:
(a) receiving all correspondence to the parish council;
(b) writing correspondence on behalf of the parish council;
(c) ensuring that minutes are taken of every parish council meeting, that minute books are kept, and that there are entered therein minutes of all meetings of enrolled members and of parish council and that the minutes are signed by the chairperson as true and correct records of such meetings; and
(d) in consultation with the Rector, preparing an agenda for every parish council meeting.

PART 13 – FINANCIAL REQUIREMENTS

61 Funds of parishes

61.1 The funds of a parish include all money under the control of the parish and any connected organisation including committees, groups and guilds.

61.2 Every parish must have an account with the ACF into which money for its ordinary expenses must be deposited and kept until required.

61.3 Parish council shall ensure that all money in excess of that which is necessary for the ordinary expenses of a parish is deposited in an account in the name of the parish in the ACF in accordance with rules of ACF.

61.4 Parish council shall ensure that within two weeks of its receipt, all other money is deposited in an account with the ACF. Without limitation, this includes:
(a) money subject to a trust for permanent improvements;
(b) money subject to any other trust; and
(c) legacies subject to a specific trust.

61.5 The account must be in the name of the Trustees and:
(a) identify the parish as the beneficiary; and
(b) state the trust applicable to the money.

61.6 Subject to the approval of the Trustees and upon the request of the wardens, Diocesan Council may approve other arrangements for the depositing of money on such terms and conditions as Diocesan Council determines.

61.7 Parish council may apply to the Diocesan Secretary for the issue of a credit card or debit card or both for use by the parish. If approved by the Diocesan Secretary, the credit or debit card will be issued in the name of the Trustees and provided to the parish council.

61.8 No funds of the parish may be drawn from any account except on the signature of any two of the authorised signatories.

61.9 Subject to electronic authorisation of each transaction by two of the signatories, funds may be drawn from the accounts of the parish by electronic funds transfer. Payments may be made, or funds may be drawn for parish-related expenditure using the parish credit card or debit card. Prior to the end of each month, two of the authorised signatories shall perform a reconciliation of all credit and debit card transactions and ratify each transaction by signing the reconciliation. Transactions which cannot be ratified in this manner shall be deemed to have been unauthorised.

62 Payment of entitlements

62.1 A parish shall make provision for:
(a) the stipend and other allowances or entitlements payable to each member of clergy licensed to that parish as determined by Diocesan Council from time to time; and
(b) the entitlements of any lay employees including lay ministry workers and administrative staff in that parish.

62.2 The Trustees shall administer and be responsible for the payment of:
(a) stipends, allowances and other benefits to clergy on behalf of the parish or allied ministry in which those members of clergy minister; and

(b) salaries and other entitlements to lay ministry workers and lay staff on behalf of the parish.

62.3 Each parish or allied ministry in which a member of clergy or a lay ministry worker ministers, or in which lay staff are employed, must remit to the Trustees monthly by direct debit the funds required under section 59.1(f).

62.4 If a parish or allied ministry fails to reimburse to the Trustees in full for the costs paid or provisioned by the Trustees in relation to a member of clergy, lay ministry worker or lay staff, the Trustees may refer the matter to Diocesan Council for resolution in accordance with the statutes or policies of the Diocese.

63 Financial Records and Controls

63.1 Each parish must comply with any relevant financial or accounting legislation, including legislation governing the conduct of, and reporting by, charitable entities.

63.2 The parish council must ensure that:

(a) adequate financial records are maintained to correctly record and explain the financial transactions and financial position of the parish; and

(b) a satisfactory system of internal control is maintained by the parish that must include:

(i) sound practices for efficient, effective and economical management including the preparation of budgets and the
monitoring of variances;

(ii) procedures for the safeguarding of assets; and

(iii) separation of the function and responsibilities for financial record-keeping and the parish clergy.

64 Duties of the Treasurer

64.1 The Treasurer is to keep such accounts as the parish council determines.

64.2 Every Treasurer or other person acting on behalf of the parish council who has custody or control of any money raised for or contributed to a parish for any purpose connected with the Church or for any other purpose whatsoever, must render to the parish council:

(a) not less than fourteen days before the date fixed for the annual meeting; and

(b) at other times when called upon by the parish council, the statements required under section 59.1(i).

65 Requirement for and duties of the Auditor, Reviewer or Independent Examiner

65.1 Every parish whose "gross income":

(a) exceeds $1,000,000 must appoint an Auditor;

(b) exceeds $250,000 but does not exceed $1,000,000, must appoint either an Auditor or a Reviewer, at the direction of parish council and subject to the discretion of parish council; and

(c) is less than $250,000, must appoint an Independent Examiner.

65.2 It is the duty of the Auditor to:

(a) audit the annual accounts and report to the annual meeting in accordance with Australian Auditing Standards made by the Auditing and Assurance Standards Board; and

(b) report to Diocesan Council and to the annual meeting anything that the Auditor considers to be irregular or illegal.

65.3 It is the duty of the Reviewer to:

(a) review the annual accounts and report to the annual meeting in accordance with Australian Auditing Standards made by the Auditing and Assurance Standards Board; and

(b) report to Diocesan Council and to the annual meeting anything that the Reviewer considers to be irregular or illegal.

65.4 It is the duty of the Independent Examiner to:

(a) examine the annual accounts and report to the annual meeting in accordance with policies of the Diocese; and

(b) report to Diocesan Council and to the annual meeting anything that the Independent Examiner considers to be irregular or illegal.

PART 14 – PARISH ASSESSMENTS

66 Introduction

66.1 Each parish shall contribute to the Diocese an assessment in accordance with this Statute. The assessment is to provide in part for the expenditure of Diocesan Council, for the expenses of the Synod, Provincial and General Synods, for such matters as may be authorised or required by statute, and for purposes incidental to any of the preceding matters.

66.2 Diocesan Council shall determine any dispute as to the interpretation or application of parish assessments.

66.3 For the purposes of this Statute the ordinary income of a parish shall include the following income:

(a) net of related expenses:

(i) receipts from fetes, bazaars, all other special activities;

(ii) rental from rectories leased out by a parish; and

(iii) income from opportunity shops or similar;

(b) without deduction of expenses:

(i) offerings;

(ii) receipts from the hire of properties in use for normal purposes of a parish (e.g. hall, worship centre, courts);

(iii) donations for buildings or any other purpose of the parish;
(iv) grain dividends and the like;
(v) monies received from guilds and all other organisations in the parish;
(vi) legacies and bequests; and
(vii) income from all other sources (including all monies collected under the authority of the parish council); and

(c) interest earned on all funds of the parish wherever invested or deposited.

66.4 The ordinary income of a parish shall not include:

(a) Diocesan grants;
(b) proceeds from the sale of assets;
(c) loans to the parish;
(d) recoups or refunds of expenses paid and the proceeds of insurance claims;
(e) legacies and bequests under the terms of a will for a specific purpose(s) and not available for the general purposes of the parish;
(f) monies specifically collected or raised for purposes outside the parish and applied to that purpose (e.g. collections for missions and/or appeals);
(g) monies specifically collected or raised for the purpose of restoration of buildings of the Diocese classified by the National Trust of Australia (WA) or the Heritage Council of WA to be of historical significance;
(h) monies given specifically and separately as donations for capital works projects approved by Diocesan Council and deemed by Diocesan Council to be appropriate projects for this exclusion;
(i) monies specifically collected or raised for the purposes of discharging arrears of stipend or arrears of assessment to the Diocese exceeding an aggregate of $5,000,
PROVIDED THAT the parish:
(i) obtains the prior written approval of Diocesan Council of the event or activity at which it is proposed to collect or raise monies to discharge the arrears; and
(ii) provides Diocesan Council with a statement (in a form and within a time period approved by Diocesan Council from time to time) providing details of all the monies collected or raised;
(j) the component of any income that is GST payable to the Australian Taxation Office;
(k) grants from government or community organisations given for specific purposes and not available for the general purposes of the parish; or
(l) rent and other income (net of operating expenses) from commercial properties (e.g., residential, industrial, office, retail).

66.5 For the purposes of calculation of the assessment, the ordinary income will be reduced by:

(a) a standard deduction of $15,000 per parish;
(b) any monies paid to the following missionary agencies:
(i) Anglican Board of Mission – Australia;
(ii) Church Missionary Society;
(iii) SparkLit (formerly the Society for the Propagation of Christian Knowledge Australia or SPCK Australia);
(iv) Bush Church Aid;
(v) The Mission to Seafarers;
(vi) Social Responsibilities Commission; or
(vii) [2]Anglican EcoCare Commission.
(c) any monies paid to an entity recognised under sections 1(1)(g) and 1(1)(h) of the Constitution of the Diocese in support of the ministry of a member of the parish who is formally engaged in ministry with that entity;
(d) any moneys paid to Diocesan Council for the support of other parishes in the Diocese;
(e) monies specifically contributed by parishes towards the Ordination Candidates Fund to support students;
(f) any monies paid to the Parish Development Fund, being a fund of the Trustees;
(g) clergy travelling costs incurred by country parishes in excess of the standard travelling allowance;
(h) subsidies for Diocesan Council approved theological education and ministry formation programmes for local non-stipendiary clergy and volunteer lay ministry leaders, including pastoral assistants, to a maximum of $3,200 per annum per person in such programmes; and
(i) the minimum stipend and allowances associated with a curacy in a parish for no longer than a period of two years.

66.6 For the purposes of this Statute the commercial income of a parish shall include all rent and other income (net of operating expenses) from commercial properties (e.g., residential, industrial, office, retail) owned or held for the benefit of by the parish.

67 Calculating and paying assessments

67.1 The method of calculating the assessment for a parish and its payment shall be in accordance with Part 14 of this Statute.

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[2] Amended Synod 2019

67.2 The assessment shall comprise two components:
(a) 15% of the ordinary income of a parish (being the **ordinary income component**); and
(b) 35% of the commercial income of a parish (being the **commercial income component**).

67.3 Each parish must pay monthly by direct debit one-twelfth of the annual budgeted ordinary income component and one-twelfth of the commercial income component of the assessment (if any).

67.4 An adjusting payment is to be made at the end of the diocesan accounting year where that is necessary, and any overpayment by a parish in a financial year shall be returned to the parish.

68 Effect of arrears in payment

68.1 Interest on overdue assessments will be calculated at the rate equivalent to the then 90-day BBSW (bank bill swap rate) plus two percent (2%). Interest will continue to accrue and be payable on arrears unless Diocesan Council agrees to defer or waive the whole or a part of this liability to pay interest following submission from parishes to Diocesan Council through their archdeacons. This will apply to arrears as at 30 April of each financial year for which the assessment is payable.

68.2 When a parish falls into arrears with stipends, assessments or any other money due to the Diocese or otherwise cannot meet its financial commitments Diocesan Council may require an intervention in accordance with Diocesan policy.

69 Varying or waiver of assessment in special circumstances

69.1 Where Diocesan Council determines, on application by the parish, that the parish has suffered a catastrophic event or is in another exceptional circumstance, it may vary the calculation of the assessment by:
(a) excluding from the ordinary income any interest earned by funds excluded from the ordinary income calculation and held by the parish in relation to the exceptional circumstance and any interest on interest so excluded; and
(b) reducing the ordinary income by the amount of additional operating costs approved by Diocesan Council and incurred directly as a result of the exceptional circumstance and not recoverable from any source until such time as Diocesan Council determines that the exceptional circumstance no longer applies.

69.2 Diocesan Council may, in its absolute discretion, on application by the parish (exhibiting special circumstances supported by its reasons), reduce the amount of the commercial income component of the assessment for any period falling within the next succeeding 5 years, and may also, in its absolute discretion, revoke that decision in whole or in part at any time during those 5 years.

69.3 Diocesan Council may decide to waive the payment of all or part of an unpaid assessment, but only on the recommendation of an assistant bishop and the Diocesan Treasurer, and where it is satisfied that:
(a) a parish has been unable to meet that outstanding liability for at least two financial years,
(b) for the 24 months immediately preceding the decision the parish has made assessment payments at the current rate, and
(c) by virtue of special circumstances, the parish would be particularly assisted to achieve continued financial stability and to maintain an effective ministry if it could be relieved in part or whole of the outstanding assessment liability.

PART 15 – GOVERNANCE AND ADMINISTRATIVE CONCESSIONS

70 Introduction

70.1 The Synod acknowledges that there are parishes which operate on a smaller scale, especially in rural or regional areas of the Diocese.

70.2 Governance and administrative concessions are intended to assist such parishes in their mission by lessening the administrative burden and governance requirements on those parishes.

70.3 All parishes shall comply with the provisions of this Statute, except where Diocesan Council permission has been sought by the parish for a governance or administrative concession and granted. Diocesan Council shall make policies and rules from time to time which prescribe requirements and/or impose conditions that a parish must satisfy to be eligible for a governance or administrative concession.

PART 16 – USE AND MAINTENANCE OF CHURCH BUILDINGS

71 Those Entitled to Officiate

71.1 Only persons licensed or approved by the Archbishop are permitted to:
(a) celebrate Divine Service;
(b) administer any sacrament;
(c) perform any other rite, ceremony or ordinance of the Church; or
(d) preach any sermon,
in any Church building or parish.

71.2 Before any person may perform any of the acts listed in section 71.1 in a Church building or parish:
(a) the consent of the Rector is required if the person is authorised to officiate in the Diocese; and
(b) the consent of the Archbishop and of the Rector is required if the person is not authorised to officiate in the Diocese.

71.3 The Archbishop and the Rector are always entitled to perform these acts.

72 Church buildings

72.1 Parishes may meet in a Church building or other place within the Diocese.

72.2 A parish may enter into an agreement with a Church entity or Church school to establish a partnership to share a Church building, chapel or other facilities. Such agreement has no effect until it has been approved by the Archbishop, Diocesan Council, the Trustees, the parish council, and the Church entity or Church school concerned.

73 Use of Church buildings

73.1 Church buildings set apart by dedication or consecration for use as a church may only be used for:

(a) the celebration of worship, the administration of the sacraments and the due performance of all other rites and ceremonies of religion according to the order and use of the Church; and

(b) activities consistent with the mission and ministry of the Church unless the prior consent of the Archbishop for another use has been given.

73.2 The consent of the Rector is required for any meeting to be held in a building in a parish that is not let, leased or otherwise set aside for the exclusive use of others.

73.3 The wardens and other officers of the parish and the officers of the Diocese are to have reasonable access to the buildings and property of the parish to perform all acts related to their respective offices.

73.4 The Archbishop may at any time direct, permit or refuse to permit a meeting to be held in a building of a parish that is not let, leased or otherwise set aside for the exclusive use of others.

74 Maintenance, alterations and replacement of Church property

74.1 The parish council, except as otherwise ordered in this Statute, is responsible for the general control, maintenance and management of all Church buildings, rectories and other buildings of which the parish is the beneficial owner, subject to and in accordance with Diocesan policies, standards and guidelines.

74.2 The Rector and wardens must send to the Trustees at least annually, a report (the Property Report) on the condition of all property of which the parish is the beneficial owner.

74.3 The Property Report shall be on the form provided by the Trustees for the purpose and shall contain full answers to the particulars required by the Trustees.

74.4 If, from the Property Report or upon an independent inspection arranged by the Trustees, it appears to the Trustees that any property of which the parish is the beneficial owner is not in good order and repair, the Trustees must make and send an order to the parish council (**the Order**) setting out the work that the Trustees require to be effected.

74.5 Within 30 days of receipt of the Order, the parish council must begin to affect the work.

74.6 Within 30 more days the parish council must report progress of the work to the Trustees.

74.7 Upon the completion of the work, the Rector and wardens must send to the Trustees a statement signed by them that the work has been affected satisfactorily.

74.8 If the parish council fails to comply with the Order or to report progress of the work, or if the Trustees consider that the work is not being effected or completed satisfactorily or is being unduly delayed, the Trustees may pay to have the necessary work effected or completed, and the cost thereof and all expenses incurred in connection therewith must be refunded by the parish council when required by the Trustees.

74.9 Before a parish may undertake the following acts in relation to property of which a parish is the beneficial owner:

(a) the erection of a new Church building, rectory or other building;

(b) alteration of any kind to the internal or external appearance of an existing church or building;

(c) the erection, renewal, removal or alteration of monuments or plaques; or

(d) alterations or additions to any fittings or ornaments of a Church building, the Rector and wardens of the parish must apply for the issue of a faculty by the Archbishop and the Diocesan Secretary.

74.10 If the parish receives a faculty (being permission for those works) for any maintenance, alteration or replacement of Church property or otherwise undertakes any building or maintenance project, it must adhere to any relevant Diocesan policies and any specific conditions for the approval of those works.

PART 17 –ABOLITION OF PARISHES

75 Abolition of parishes

75.1 Diocesan Council with the assent of the Archbishop may from time to time on its own initiative or on application by the parish council abolish a parish.

75.2 Diocesan Council with the assent of the Archbishop may propose the abolition of a parish where:

(a) Diocesan Council is satisfied that the parish has failed to comply with any statute of Synod or policy of Diocesan Council and despite being given an opportunity to comply, is unable or unwilling to comply with the relevant statute or policy;

(b) the number of enrolled members has declined below 5 persons or the minimum level for a parish as stipulated in this Statute or a policy of Diocesan Council;

(c) changing demographics have altered the needs of the Diocese;

(d) the parish has fallen into arrears in relation to the parish assessment, stipend or other entitlements due to clergy;

(e) the parish is unable to keep its Church building, rectory and other property in good repair or has failed to set aside adequate amounts for maintenance of parish property as determined by the Trustees; or

(f) any other proper reason provided by the parish council or the assistant bishop or archdeacon with oversight of the parish following consultation with the parish.

75.3 An application by a parish or parishes for abolition must include details of the allocation of any territories, assets and liabilities of any parishes affected by the proposal, and the allocation of responsibility for the pastoral care of their people.

75.4 Diocesan Council shall direct an assistant bishop to consult with the priest in charge and council of any parish that would be affected by the proposal. The assistant bishop must consult and report back to Diocesan Council following consultations and, in any event, not less than thirty days before the proposal is due to take effect.

75.5 The priest in charge or parish council must submit to Diocesan Council their opinion of the proposal not later than seven days before the proposal is due to take effect. Diocesan Council must consider any such submissions provided that the submissions are received by the Diocesan Registrar not less than seven days before the proposal is due to take effect.

75.6 After the consultation required by section 75.4 and following consideration by Diocesan Council of the report by the assistant bishop and any submissions received from any affected parishes, Diocesan Council with the assent of the Archbishop may give effect to the proposal for abolition of a parish on such terms and conditions as it thinks fit.

75.7 Diocesan Council must report particulars of any abolition of parishes, including the alteration to the number, boundaries and bases of association of parishes to the next Session of Synod and such alteration stands unless disallowed by Synod.

PART 18 - GENERAL PROVISIONS

76 External Affiliations

76.1 Parishes may not, without the approval of the Archbishop or Diocesan Council, engage in any permanent affiliation or association with:

(a) another diocese of this Church; or

(b) organisation of any other diocese of this Church; or

(c) parish of any other diocese of this Church.

76.2 The Archbishop or Diocesan Council may refuse any such application for approval or grant approval on such terms and conditions as the Archbishop or Diocesan Council may in their respective absolute discretion determine.

77 Professional Standards Statute and Diocesan policies

77.1 Every person appointed or elected under this Statute is subject to:

(a) the provisions of the Professional Standards Statute 2015 and any policy or requirement made from time to time pursuant to that statute; and

(b) any other Diocesan policies.

78 Dispute Resolution

78.1 When a dispute arises between the Rector and the parish council, the Rector and one or more parishioners, or the parish council and one or more parishioners, the parties in dispute are encouraged to bring their concerns initially to the Rector and/or the parish council with a view to resolution of the dispute within the parish.

78.2 If the internal processes do not resolve the dispute, the Archbishop, or a person nominated by the Archbishop for the purpose, may implement a process of dispute resolution in accordance with Diocesan policies or as otherwise determined in the sole discretion of the Archbishop.

78.3 Any dispute that has been managed through the processes outlined in sections 78.1 and 78.2 but remains unresolved may be referred to the Archbishop for determination. The determination of the Archbishop shall be final and binding on the parties to the dispute.

79 Cathedral subject to certain provisions

79.1 The following Parts or provisions shall apply to the Cathedral:

(a) Part 11 – Declarations;

(b) section 76 (External Affiliations); and

(c) section 77 (Professional Standards Statute and Diocesan policies),

and the provisions of those parts shall be read as if the reference to Rector is a reference to the Dean of the Cathedral and reference to parish council and office-bearers in a parish are a reference to the Chapter and canons of the Cathedral and a reference to a parish is a reference to the Cathedral congregation.

79.2 Subject to section 79.1, nothing in this Statute is to be construed as referring to the Cathedral Church of Saint George.

80 Amendments to this Statute

80.1 This Statute as amended from time to time is to be printed as amended and sent to the Rector and secretary of every parish.

SCHEDULE 1: APPLICATION FOR ENROLMENT ON THE ELECTORAL ROLL
THE PARISH OF.....

APPLICATION FOR ENROLMENT

I,Dr/Mr/Mrs/Ms/Miss…… [*Full Christian Names and Surname in Block Letters]*
of …….. Phone: ……..
Mobile: ……..
Email: …….. DECLARE THAT:

a I have attained the age of sixteen years;
b I have been baptised;
c I am a communicant member of the Anglican Church of Australia, namely,
  i I have been confirmed in the Anglican Church of Australia or am ready and desirous of being so confirmed; or
  i I have been received into communicant membership of the Anglican Church of Australia or am ready and desirous of being so received; or
  ii I am a communicant member of a church that is in full communion with the Anglican Church of Australia;
d I am not a member of any church that is not in communion with the Anglican Church of Australia;
e I receive communion regularly in this parish including normally at Christmas and Easter;
f I regularly attend the public worship of the Anglican Church of Australia in this parish;
g I am a resident of this parish and/or I have regularly attended worship in this parish during the preceding six months or since it was established as a parish.

I HEREBY APPLY to be entered on the electoral roll of this parish.

Signed: …….. DATED this: …… day of ……., 20……..

SCHEDULE 2: NOMINATION FORM

THE PARISH OF

.....

NOMINATION FOR ELECTION

We, being enrolled members of the above parish, nominate:
Dr/Mr/Mrs/Ms/Miss ……..
[*Full Christian Names and Surname in Block Letters]*
of ……..
phone: …….. mobile: ……..
email: ……
for the following office or offices *(indicate which offices apply):* Warden/Nominator of
Clergy/Councillor/Auditor/Independent Examiner Nominated by: Signature 1: ……
Date:……
Signature 2: …… Date: ……

ACCEPTANCE AND DECLARATION

I hereby agree to stand for election as detailed above, and:

a *If nominated for the office of warden:* I declare that I am not a warden for any other parish, and that I have attained the age of eighteen years;

b *If nominated for any office other than Auditor or Independent Examiner:* I am an enrolled member of the above parish; and, if elected or appointed, I will faithfully perform all the duties of the office/s to which I am elected, and I accept and will obey the Constitution and the Statutes of Synod;

c I agree to my details as above being published on the Diocesan website and other places for Diocesan purposes; and

d I agree to provide to the Diocese a Police clearance and any other checks required under Diocesan Statutes and policies in force from time to time.

Signed: …… Date: ……

BRIEF BIOGRAPHICAL DETAILS: Occupation, or that from which retired; Church and community experience, etc:
……
……
……
……
……
……
……

Nominations must be received by the Rector not less than six clear days before an election is held.

SCHEDULE 3: LAY OFFICERS' DECLARATION

To be subscribed by every lay person who is an elected or appointed lay member of Synod, member of a parish council (including warden), or nominator of clergy.

I, Dr/Mr/Mrs/Ms/Miss……
[*Full Christian Names and Surname in Block Letters]*
of ……
Parish or Organisation:……
Having been elected or appointed to the office of:
……
DECLARE THAT:

a) I am a lay person;
b) I have attained the age of sixteen years [wardens: eighteen years];
c) I have been baptised;
d) I am a communicant member of the Anglican Church of Australia, namely,
a. I have been confirmed in the Anglican Church of Australia or am ready and desirous of being so confirmed; or
b. I have been received into communicant membership of the Anglican Church of Australia or am ready and desirous of being so received; or
c. I am a communicant member of a Church that is in full communion with the Anglican Church of Australia;
e) I am not a member of any church that is not in communion with the Anglican Church of Australia;
f) I receive communion regularly in this parish including normally at Christmas and Easter;
g) I regularly attend the public worship of the Anglican Church of Australia;
h) I will faithfully perform all the duties of my office; and
i) I accept and will obey the Constitution and the Statutes of Synod.

Signed by the abovenamed officer…… in the presence of: ……
this …… day of ……20……

SCHEDULE 4: LAY OFFICERS DECLARATION, SPECIAL ELIGIBILITY

To be subscribed by every lay person appointed by the Archbishop to serve as warden or parish councillor, notwithstanding that they are not eligible to be enrolled members of the parish.

I, Dr/Mr/Mrs/Ms/Miss……
[*Full Christian Names and Surname in Block Letters]*
of ……
Parish or Organisation:……
Having been elected or appointed to the office of:
……

DECLARE THAT:

a) I am a lay person;
b) I have attained the age of sixteen years *[wardens: eighteen years];*
c) I have been baptised;
d) I regularly attend the public worship of the Anglican Church of Australia;
e) I will faithfully perform all the duties of my office; and
f) I accept and will obey the Constitution and the Statutes of Synod.

Signed by the abovenamed officer: ……
in the presence of: ……
this …… day of ……, 20……

SCHEDULE 5: SYNOD NOMINATION FORM
THE PARISH OF

.....

NOMINATION FOR SYNOD ELECTIONS

We, being Enrolled Members of the above parish, nominate:
Dr/Mr/Mrs/Ms/Miss……
[*Full Christian Names and Surname in Block Letters]*
of …….
phone: ……. mobile: …….
email: …….
for the following office of Lay Member

Nominated by: Signature 1: ……Date: ……
Signature 2: ……Date: ……

ACCEPTANCE AND DECLARATION

I agree to stand for election as detailed above, and I declare that:

a) I am an Enrolled Member of the above parish;
b) if elected or appointed, then I will faithfully perform all duties of the office to which I am elected; I accept and will obey the Constitution and the Statutes of Synod; and I will not otherwise be a member of Synod
c) I agree to my details as above being published on the Diocesan website and other places for Diocesan purposes; and
d) I acknowledge that I may be required to obtain a Police Clearance and any other checks required under Diocesan Statutes and policies in force from time to time.

Signed: …….. Date: ……

BRIEF BIOGRAPHICAL DETAILS: Occupation, or that from which retired; Church and community experience, etc.:

……
……
……
……
……
……
……
……

Nominations must be received by the Rector not less than six clear days before an election is held.

SCHEDULE 6:
CERTIFICATE OF ELECTION OR APPOINTMENT TO SYNOD
THE PARISH OF

……..

CERTIFICATE

I, ……
Full Christian Names and Surname in Block Letters
of……
being the Returning Officer for the above parish, certify that according to the Parish Governance Statute 2016 and at a meeting empowered under it to elect or appoint lay members of Synod:
(……..) the Annual Meeting; or (……..) a parish council meeting
held on …….. the following office bearers were elected or appointed:

Elected Lay member of Synod/Appointed lay member of Synod to fill casual vacancy:	*Elected Lay member of Synod/Appointed lay member of Synod to fill casual vacancy:*
……..	……..
Full name in Block Letters	*Full name in Block Letters*
……..	……..
Preferred name for name tags of ……	*Preferred name for name tags of* ……
……..	……..

The declarations required by the Parish Governance Statute 2016 have been signed in my presence and are attached.

Signed: …….. Date:…….

This certificate and the declarations must be held in the parish office.

[1]THE CATHEDRAL STATUTE 2025

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BE IT RESOLVED by the Archbishop, clergy and laity of the Diocese of Perth in Synod assembled as follows:

1 **Short Title**

1.1 This Statute may be cited as the Cathedral Statute 2025.

2 **Repeal**

2.1 The Cathedral Statute 2017 is repealed.

3 **Interpretation**

3.1 The meanings of words and phrases given in the Interpretation Statute apply in this Statute except that for the purposes of this Statute the words and phrases listed hereunder have their meanings given or altered as follows:

canon means a person elected or appointed pursuant to this Statute;

Cathedral means the Church of St George, Perth until otherwise determined by Synod;

Cathedral Congregation means all bona-fide members of The Anglican Church of Australia (or of a church in communion with The Anglican Church of Australia) that have complied with and taken the declaration referred to in section 28.1 of this Statute;

Cathedral Square has the meaning given in the Diocesan Trustees Act;

Chapter means the body responsible for the general management and government of the Cathedral consisting of the Dean, the clerical canons and lay canons;

Dean means the dean of Perth, being the person appointed pursuant to Part 3 of this Statute;

Diocesan Trustees Act means the Anglican Church of Australia (Diocesan Trustees) Act 1888 (WA);

Foundation has the meaning given in the Diocesan Trustees Act;

policy means any protocol or policy approved from time to time by the Archbishop, the Trustees or Diocesan Council; and

precentor means the person in charge of the organisation of liturgy and worship in the Cathedral.

PART 1 – THE ARCHBISHOP

4 **Powers of the Archbishop**

4.1 Nothing contained in this Statute shall be construed to sanction an encroachment upon or to in any way prejudice the legal powers vested in the Archbishop.

4.2 No change of a substantial nature in the ceremonies, ornaments or services in the Cathedral shall be made without the consent of the Chapter and the Archbishop.

4.3 The Archbishop or the Archbishop's nominee may:

(a) use the Cathedral to take part in divine service at such times as they think fit;

(b) use the Cathedral for ordinations, confirmations and visitations;

(c) assume responsibility at their discretion for services of a national, provincial or diocesan character; and

(d) with the concurrence of or invitation by the Chapter, use the Cathedral for services on any other special occasion.

4.4 In each case the Archbishop or the Archbishop's nominee shall give reasonable notice to the Dean of the Archbishop's intentions.

4.5 On the occasions that the Archbishop assumes responsibility for any service, all arrangements for the conduct of that service may be made by the Archbishop.

4.6 In addition, the Archbishop may appoint the preacher at two Sunday services each month.

PART 2 – THE CATHEDRAL BUILDING

5 **Cathedral church and property**

5.1 The Church of St George, Perth, shall be the Cathedral Church of the Diocese until otherwise determined by Synod.

5.2 No alterations or additions to the fabric of the Cathedral or to monuments placed in or on the fabric may be made without a faculty being issued by the Archbishop and the Diocesan Secretary on the application of the Dean and Chapter.

5.3 If a faculty is issued for any alteration or addition to the fabric of the Cathedral or to monuments placed in or on the fabric of the Cathedral under section 5.2, the Cathedral must adhere to any terms and conditions of the faculty.

6 **Cathedral Square**

6.1 In accordance with section 3A (2) of the Diocesan Trustees Act, all land in Cathedral Square shall be held on trust for the ecclesiastical purposes of the Cathedral, the Diocese and the Province of Western Australia.

6.2 The proceeds from Cathedral Square shall be administered and distributed in accordance with the Diocesan Trustees Act, subject to fees and commissions as may be charged by the Trustees.

7 **Cathedral Square Foundation**

7.1 The Foundation has been established pursuant to the Diocesan Trustees Act to represent the Chapter and the Diocesan Council.

7.2 The Foundation shall consist of:

(a) the Archbishop or the Archbishop's nominee;

(b) the Dean or the person for the time being fulfilling the office of the Dean; and

(c) four laypersons and four deputy laypersons, of which the Chapter shall appoint two laypersons and two deputy laypersons, and Diocesan Council shall appoint two laypersons and two deputy laypersons.

7.3 The Foundation shall report half-yearly to the Chapter and Diocesan Council in relation to its functions under the Diocesan Trustees Act.

PART 3 - THE DEAN

8 **Vacancy in the office of Dean**

8.1 The office of Dean shall become vacant:

(a) on a date set by the Dean in a letter addressed to the Chapter and the Archbishop;

(b) on the death of the Dean;

(c) on absence from the Diocese for three consecutive months without the permission of the Archbishop; or

(d) upon the Dean ceasing to hold the Archbishop's licence under Part 7 of the Clergy Appointment and Licensing Statute 2021.

8.2 Any vacancy occurring under section 8.1(a) may be deemed to have occurred as from the date of the acceptance of the letter by the Diocesan Council.

8.3 If a vacancy occurs in the office of Dean, a clerical canon chosen by the Chapter shall exercise the office of Dean. That clerical canon shall exercise the authorities, powers, rights and duties (including membership of Diocesan Council) conferred or imposed on the Dean by this and other statutes for the duration of the vacancy, except during any time when a Locum Tenens is appointed under section 8.4.

8.4 The Archbishop may, after consultation with the Chapter, appoint a Locum Tenens Dean when:

(a) the office of Dean becomes vacant;

(b) the Dean is stood aside or suspended; or

(c) the Dean is absent from the Cathedral for a prolonged period.

8.5 The Locum Tenens Dean shall exercise the authorities, powers, rights and duties (including membership of Diocesan Council) conferred or imposed on the Dean by this and other statutes but is not entitled to vote in any election of nominee for the office of Dean.

8.6 The appointment of a Locum Tenens Dean may be for a specific time or for the duration of the vacancy, standing aside, suspension or absence and may be either full-time or part-time.

9 **Election of the Dean**

9.1 When a vacancy occurs in the office of Dean, or upon the resignation of the Dean, the most senior clerical canon by appointment or election must convene a meeting within two calendar months of the vacancy or of the acceptance of the resignation of the former Dean, to elect a nominee for the office of Dean. For the avoidance of doubt, a nominee for the office of Dean does not have to be elected at this meeting or within two months of the vacancy or the acceptance of the former Dean's resignation.

9.2 The most senior clerical canon must give at least 14 days' written notice of the meeting to each member of the Chapter.

10 **Voting**

10.1 The Chapter shall vote by secret ballot at a special meeting convened to elect a nominee for the office of Dean. Not fewer than four clerical and four lay members must be present before a ballot can be taken.

10.2 The Chapter must submit the name of the person elected as nominee to the Archbishop in writing for approval or otherwise.

11 **Approval by Archbishop**

11.1 On approval by the Archbishop of the nominee, the Archbishop shall invite that person to take up the office of Dean. On acceptance by the nominee the Archbishop shall license and install the nominee as Dean.

11.2 If the Archbishop does not approve the person elected for any reason, the Archbishop shall notify the Chapter as soon as may be possible, giving reasons for the decision.

11.3 The Chapter must proceed again from the beginning of the election process until a person is elected as nominee who meets the approval of the Archbishop to fill the office of Dean.

12 **Functions and duties of the Dean**

12.1 The Dean shall have the cure of souls and be responsible for all pastoral work and organisation in the district attached to the Cathedral.

12.2 Subject to section 4, the Dean shall have the charge and ordering of all services in the Cathedral and all other relevant

matters including the appointing of the preacher for services in the Cathedral.

12.3 The Dean shall install the Archbishop, assistant bishops, the archdeacons, the Chancellor, the deputy Chancellor, the clerical and lay canons and honorary canons.

12.4 The Dean must arrange the preaching and other duties of the precentor and assisting clergy at the Cathedral and is responsible for the management of the salaried staff of the Cathedral in accordance with relevant Diocesan statutes and policies and State and Commonwealth law.

12.5 The Dean shall have the direction of music in the Cathedral. The Dean has the right to appoint and dismiss members of the choir and to determine their duties and salaries. Unpaid choir members are Church volunteers and will be subject to Diocesan statutes and policies governing Church volunteers.

12.6 Subject to consultation with the Chapter, the Dean may nominate Cathedral assistant clergy to the Archbishop for appointment and licensing in accordance with the provisions of the Clergy Appointment and Licensing Statute 2021.

12.7 Subject to the terms of any relevant Diocesan statutes or policies and following consultation with the Chapter, the Dean may appoint and dismiss a Cathedral administrator to assist the Dean in performing the Dean's functions and duties.

12.8 Subject to this Statute and to specific engagements entered into by the Chapter, the Dean shall have the use of the Cathedral buildings for ecclesiastical and pastoral purposes.

12.9 In the absence of the Dean from the Diocese or if the Dean is unable to act through illness, the Dean's powers and duties may be exercised and performed by the most senior clerical canon.

PART 4 - CLERICAL CANONS

13 **Vacancy in the office of clerical canon**

13.1 The office of a clerical canon shall be deemed vacant upon:

(a) completion of their term of appointment or election;
(b) death;
(c) resignation sent in writing to the Archbishop and accepted;
(d) absence from the Diocese for three consecutive months without the permission of the Archbishop;
(e) ceasing to be a licensed member of clergy pursuant to the Clergy Appointment and Licensing Statute 2021;
(f) failure to perform usual duties for twelve consecutive months, without leave granted by resolution of the Chapter; or
(g) the office being declared vacant by the Archbishop.

13.2 A clerical canon ceasing to be a licensed priest of the Diocese may, with the consent of the Archbishop, retain the title of canon.

13.3 Any casual vacancy in the office of a clerical canon shall be filled by the person or body who appointed or elected the clerical canon whose office became vacant, and the person so appointed or elected shall hold office for the remainder of the term of the clerical canon whose office became vacant.

14 **Election or appointment of clerical canons**

14.1 The clerical canons shall not exceed seven in number, all appointed or elected from the licensed priests of the Diocese. Four shall be appointed by the Archbishop and three shall be elected by the Synod in such manner as the Synod determines.

14.2 Each appointed or elected clerical canon shall hold office for three years from the date of appointment or election but shall be eligible for re-appointment or re-election.

15 **Functions and duties of clerical canons**

15.1 Each clerical canon must attend the regular meetings of the Chapter and preach at the Cathedral if requested by the Dean.

16 **Removal of clerical canons**

16.1 If a clerical canon refuses to perform the duties of their office when required by the Dean in writing or refuses to comply with the regulations of the Chapter, the Chapter may after due enquiry refer the matter to the Archbishop. The Archbishop may in the Archbishop's sole discretion declare the office vacant.

PART 5 - LAY CANONS

17 **Vacancy in the office of lay canon**

17.1 The office of a lay canon shall become vacant upon:

(a) completion of the canon's term of appointment or election;
(b) death;
(c) resignation to the Dean in writing;
(d) the appointment being cancelled by the appointing person or body;
(e) absence from three consecutive meetings of the Chapter without leave;
(f) the lay canon ceasing to reside in the Diocese; or
(g) the office being declared vacant by the Archbishop.

17.2 Any casual vacancy in the office of a lay canon shall be filled by the person or body who appointed or elected the lay canon whose office became vacant, and the person so appointed or elected shall hold office for the remainder of the term of the lay canon whose office became vacant.

18 **Election or appointment of lay canons**

18.1 The lay canons shall not exceed seven in number and shall be appointed or elected as follows:
(a) one appointed by the Archbishop;
(b) two elected by Synod;
(c) one appointed by the Dean;
(d) one elected by the Chapter; and
(e) two elected by the Annual Meeting of the Cathedral Congregation.

18.2 Each appointed or elected lay canon shall hold office for three years from the date of appointment or election but shall be eligible for re-appointment or re-election.

18.3 Lay canons are Church workers for the purposes of the Professional Standards Statute 2021 and unless otherwise provided in this statute are subject to statutes and policies of the Diocese which apply to Church workers.

19 **Removal of lay canons**

19.1 If a lay canon refuses to perform the duties of their office when required by the Dean in writing or refuses to comply with the regulations of the Chapter, the Chapter may after due enquiry refer the matter to the Archbishop. The Archbishop may in the Archbishop's sole discretion declare the office vacant.

19.2 A lay canon who is charged with an indictable criminal offence shall be suspended from exercising that office until such time as the proceedings have been concluded unless the Dean and Chapter with the assent of the Archbishop determine otherwise.

19.3 A lay canon who is convicted of an indictable criminal offence shall no longer hold that office which thereupon becomes vacant.

PART 6 – HONORARY CANONS

20 **Honorary Canons**

20.1 The Archbishop may appoint as honorary canon any member of the clergy in the Diocese holding the Archbishop's licence provided that the number of honorary canons shall not at any time exceed four and they shall not be members of the Chapter.

PART 7 – OBLIGATIONS OF CATHEDRAL CLERGY AND LAY OFFICERS

21 **Application of Statutes and Policies**

21.1 The Dean, clerical canons, and all other clergy appointed, elected or engaged under or in accordance with this Statute are subject to:
(a) the Clergy Appointment and Licensing Statute 2021 (except where that statute does not apply to the Cathedral under section 4.1 of that statute) and any policy or requirement made from time to time pursuant to that statute;
(b) the provisions of the Professional Standards Statute 2021 and any policy or requirement made from time to time pursuant to that statute;
(c) the provisions of the Clergy Discipline Statute 2021 and any policy or requirement made from time to time pursuant to that statute; and
(d) all other relevant Diocesan statutes and policies.

21.2 All lay persons appointed, elected or engaged under or in accordance with this Statute are subject to:
(a) the provisions of the Professional Standards Statute 2021 and any policy or requirement made from time to time pursuant to that statute; and
(b) all other relevant Diocesan statutes and policies.

21.3 For the avoidance of doubt, this section 21 does not change the extent to which a Diocesan statute or policy applies (if at all) to the Cathedral or to any of the persons referred to in sections 21.1 and 21.2.

22 **Declarations**

22.1 The provisions of Part 11 of the Parish Governance Statute 2016 shall apply to all lay members of the Chapter and all lay members of Synod who are elected in accordance with section 29.1(c) of this statute.

PART 8 - THE CHAPTER

23 **Composition of the Chapter**

23.1 The Chapter shall consist of the Dean, the clerical canons and the lay canons.

23.2 Any other person may by invitation attend and speak, but not vote, at a meeting of the Chapter.

23.3 The Chapter may act notwithstanding any vacancy.

24 **Functions of the Chapter**

24.1 Subject to section 4, the general management and government of the Cathedral shall be vested in the Chapter. The Chapter shall be responsible for:
(a) the financial administration of the Cathedral. No expense may be incurred on account of the Chapter without their consent;
(b) submission to the Diocesan Council of annual audited statements of receipts and expenditure and statistics as Diocesan Council shall require;
(c) preparing an annual report for the annual meeting of the Cathedral congregation;
(d) the provision of all things necessary for the celebration of the sacraments and of divine service in the Cathedral;
(e) subject to the approval, directions or consent of the Trustees, the preservation, maintenance and repair of all

property belonging to the Trustees, of which they have the use;

(f) the preservation, maintenance and repair of all property which is held in trust by the Chapter, from funds at the disposal of the Chapter;

(g) subject to Diocesan policies and statutes and consultation with the Dean, the employment and dismissal of any salaried clerk, organist, verger or other paid lay official of the Cathedral, other than members of the choir who may be engaged and dismissed by the Dean without consultation;

(h) subject to Diocesan statutes and policies and any national employment standards specified under federal legislation from time to time, the appointment of an organist and other lay officers of the Cathedral and the determination of their duties and salaries; and

(i) the appointment for a three-year term of:
   (i) a secretary from amongst its members; and
   (ii) a treasurer who need not be a member of Chapter.

24.2 The functions of the secretary and treasurer appointed by the Chapter shall be as determined from time to time by the Chapter.

24.3 The secretary or treasurer may resign from office by notice in writing signed and sent to the Dean upon receipt of which that person's office becomes vacant.

24.4 The Chapter may by resolution remove from office a secretary or treasurer who is considered by the Chapter to be unfit for any cause to continue in office, and that person's office thereupon becomes vacant.

24.5 In accordance with the primary intent of the canonical institution as attached to cathedral churches, the Chapter shall be a council of spiritual persons upon whom the Archbishop may depend for advice and co-operation in matters concerning the spiritual welfare of the Diocese.

25 **Powers of the Chapter**

25.1 The Chapter shall have power to make rules for the conduct of all business coming before them and may reimburse themselves out of any moneys in their hands for all expenses which shall be incurred by them in or about the exercise of the duties imposed upon them.

25.2 The Chapter may:

(a) make, amend and repeal regulations governing its meetings, the duties of the lay canons and for the proper carrying out of its work in the Cathedral district; and

(b) in consultation with the Dean, nominate a precentor for appointment and licensing by the Archbishop in accordance with the provisions of the Clergy Appointment and Licensing Statute 2021 which apply to appointment and licensing of assistant priests. In precedence for ceremonial occasions, the precentor shall follow the clerical canons of the Cathedral.

26 **Chapter Meetings and Executive Committee**

26.1 At a meeting of the Chapter, seven members shall constitute a quorum, at least four of whom must be lay canons.

26.2 The Dean shall be the chairperson of the Chapter meetings unless the Dean appoints in writing another member of the Chapter either to convene or to chair Chapter meetings, or both. Such appointment ceases upon the Dean withdrawing such an appointment by written notice to the appointee or the appointee ceasing to hold office as a member of Chapter.

26.3 All questions before the Chapter which are not unanimous, shall be decided by the majority of votes of those present at the meeting and in such case the decision of the majority shall be the decision of the Chapter.

26.4 If the votes at any such meeting are equal the Dean shall in addition to a deliberative vote have a second or casting vote.

26.5 If at any meeting at which the Dean is not present the voting is equal, the matter shall be postponed to the next meeting of the Chapter at which the Dean is present.

26.6 The Chapter shall meet at least once in every quarter and shall at its first meeting after the fifteenth day of June in each year:

(a) review and amend, if necessary, the minutes of the annual meeting of the Cathedral congregation;

(b) fill any vacancies remaining after the annual meeting that the annual meeting is competent to fill;

(c) appoint an executive committee to consist of four members and the Dean who shall be its chairperson (unless the Dean appoints an alternative chair in accordance with section 26.2 of this statute). Three members shall constitute a quorum of the executive committee;

(d) delegate to the executive committee such of the powers and duties of the Chapter as the Chapter may determine; and

(e) make such rules as it may from time to time think proper for the guidance of the executive committee.

26.7 The office of any member of the executive committee shall be deemed vacant if they cease to be a member of the Chapter.

27 **Records**

27.1 All members of the Chapter shall have access to all the records of the Cathedral.

PART 9 – CATHEDRAL CONGREGATION AND ITS MEETINGS

28 **Cathedral Congregation**

28.1 For the purpose of this Statute the term ‘member of the Cathedral Congregation’ shall mean a person who shall have subscribed to a declaration in the form following: “I declare that:

I have attained the age of sixteen years;
I have been baptised;
I am a communicant member of the Anglican Church of Australia, namely,
(i) I have been confirmed in the Anglican Church of Australia or am ready and desirous of being so confirmed; or
(ii) I have been received into communicant membership of the Anglican Church of Australia or am ready and desirous of being so received; or
(iii) I am a communicant member of a church that is in full communion with the Anglican Church of Australia;
I am not a member of any church that is not in communion with the Anglican Church of Australia;
I receive communion regularly at the Cathedral including normally at Christmas and Easter;
I regularly attend the public worship of the Anglican Church of Australia at the Cathedral;
I have regularly attended worship in the Cathedral during the preceding twelve months; and
I am not registered as an enrolled member in any parish."

29 **Annual Meeting**

29.1 An annual meeting of the Cathedral Congregation shall be held by the fifteenth day of June in each year, unless dispensation is granted by the Archbishop to hold the meeting at a later date, to:
(a) consider the annual report of the Chapter;
(b) elect, when necessary, the two lay canons in accordance with section 18 of this Statute;
(c) elect when necessary two lay members of Synod in accordance with the Parish Governance Statute 2016;
(d) elect an auditor who shall not be a member of the Chapter; and
(e) consider and determine any other business that may properly be brought before the annual meeting.

29.2 Notice of the time and place for the annual meeting shall be given by the Dean or officiating clergy, in the Cathedral, on the four Sundays prior to the day of the annual meeting, and by displaying a notice of such meeting publicly for at least four weeks before such meeting.

30 **Special Meetings – mandated by Archbishop**

30.1 In the case of failure to elect the lay canons of the Chapter, or the auditor or any of them, and if positions cannot be filled by the Chapter, the Archbishop may, by mandate, direct that a special meeting of the Cathedral Congregation be held.

30.2 The Archbishop shall cause the same notice of the time and place for the meeting to be given as must be provided in the case of the annual meeting of the Cathedral Congregation.

30.3 The notice convening the special meeting of the Cathedral Congregation must state the business for which a special meeting is being convened. No other business may be considered at the special meeting.

30.4 If both at the time appointed for the annual meeting of the Congregation and the special meeting of the Congregation the members of the Congregation fail to elect the required number of lay canons and auditors or any of them, Diocesan Council may appoint officers to fill the vacant positions.

31 **Special Meetings – called by Dean or requisitioned**

31.1 Whenever the Dean may think fit, a special meeting of the Cathedral Congregation may be convened. The Dean shall cause the same notice of the time and place for the meeting to be given as must be provided in the case of the annual meeting of the Cathedral Congregation.

31.2 The notice convening the special meeting of the Cathedral Congregation must state the business for which a special meeting is being convened. No other business may be considered at the special meeting.

32 **Special Meetings – requisitioned by members**

32.1 The Dean must upon a requisition in writing made by not less than ten members of the Cathedral Congregation convene a special meeting of the Cathedral Congregation.

32.2 A requisition must express the object of the meeting proposed to be called and must be given to the Dean either personally or by sending it through the post in a prepaid letter addressed to the Dean at the Cathedral Office or by electronic communication to the Dean.

32.3 Upon the receipt of a requisition the Dean shall forthwith proceed to convene the special meeting and shall cause the same notice of the time and place for the meeting to be given as must be provided in the case of the annual meeting of the Cathedral Congregation.

32.4 The notice convening the special meeting of the Cathedral Congregation must state the business for which a special meeting is being convened. No other business may be considered at the special meeting.

33 **Meeting procedure**

33.1 The Dean shall be convenor and chairperson of all meetings of the Cathedral Congregation.

33.2 Only members of the Cathedral Congregation and members of the Chapter shall be qualified to speak or vote at any meeting of the Cathedral Congregation.

34 **Dispute Resolution**

34.1 When a dispute arises between the Dean and the Chapter, the Dean and one or more members of the Cathedral Congregation, or the Chapter and one or more members of the Cathedral Congregation, the parties in dispute are encouraged to bring their concerns initially to the Dean and/or the Chapter with a view to resolution of the dispute within the Cathedral.

34.2 If the internal processes do not resolve the dispute, the Dean or the Chapter may invite the Archbishop to assist in the resolution of the dispute. The Archbishop, or a person nominated by the Archbishop for the purpose, may then implement a process of dispute resolution in accordance with the relevant Diocesan statutes and policies. .

34.3 Any dispute that has been managed through the processes outlined in sections 34.1 and 34.2 but remains unresolved may be referred to the Archbishop for determination. The determination of the Archbishop or a person nominated by the Archbishop for this purpose shall be final and binding on the parties to the dispute.

35 **External affiliations**

35.1 Section 76 of the Parish Governance Statute 2016 applies to the Cathedral, and that section shall be read as if the reference to parish is a reference to the Cathedral.

36 **Transitional**

36.1 The repeal of the Cathedral Statute 2017 will not affect or invalidate any act done or commenced, or any appointment made under or by virtue of the Cathedral Statute 2017, and all persons elected or appointed under that statute and holding office at the passing of this Statute will remain in office as if this Statute had been in force at the time they were elected or appointed and this Statute will apply to them.

MT HAWTHORN CO-OPERATING COMMUNITY AUTHORISATION STATUTE 2003

WHEREAS it is considered desirable to authorise the Diocesan Council, The Perth Diocesan Trustees and the Anglican Parish of Mount Hawthorn1 to enter into a Covenant of Co-Operation with The Uniting Church in Australia Presbytery of Western Australia2 and the Uniting Church Emmaus Congregation of Mount Hawthorn for the purpose of creating a Co-Operating Community in Mount Hawthorn.

BE IT RESOLVED by the Archbishop, clergy and laity of the Diocese of Perth in Synod assembled:

1 This Statute may be cited as the "Mount Hawthorn Co-Operating Community Authorisation Statute 2003".

2 Synod hereby authorises each of the Diocesan Council, ("Diocesan Council"), The Perth Diocesan Trustees ("the Trustees") and the Parish Council of the Anglican Parish of Mount Hawthorn ("the Anglican Parish") to:
- (a) enter into the Covenant of Co-Operation in the form contained in the Schedule ("the Covenant") with The Uniting Church in Australia Presbytery of Western Australia ("the Presbytery") and the Uniting Church Emmaus Congregation of Mount Hawthorn ("the Uniting Church Congregation"); and
- (b) subject to this Statute, conduct the affairs of the Anglican Parish so as to give effect to the Covenant.

3 In the conduct of its affairs the Anglican Parish is authorised to:
- (a) comply with the terms of the Covenant notwithstanding a contrary or different requirement of a statute of the Diocese or of a policy of the Diocesan Council or the Trustees.
- (b) Subsection (a) only has effect in circumstances and to the extent that it is not reasonably practicable for the Anglican Parish to comply with the Covenant as well as the statutes of the Diocese and the policies of the Diocesan Council and of the Trustees.
- (c) If any doubt arises as to whether, or to what extent, the Anglican Parish need not comply with a statute of the Diocese or any policy of the Diocesan Council or of the Trustees by virtue of this section, the Diocesan Council, with the advice of the Chancellor, may rule on the matter of doubt and thereafter the Anglican Parish shall comply with the ruling of the Diocesan Council.
- (d) For the purposes of sections 3(a), 3(b) and 3(c) the term "Anglican Parish" includes, as the case requires, the Rector, the Parish Council and the officers of the Anglican Parish.

4 The Anglican Parish is authorised to apply its funds for the purposes of the Co-operating Community to the extent necessary or desirable for the purposes of the Covenant.[1] [2]

5 The Parish Council of the Anglican Parish shall:
- (a) ensure that adequate measures are in place for the safekeeping, recording and auditing of all funds received by the Anglican Parish and the Co-operating Community.
- (b) In respect of funds received by the Anglican Parish, and all trusts, bequests, gifts and the like to or in favour of the Anglican Parish, the provisions of the statutes of the Diocese shall be complied with.

6 Subject to the concurrence of the Diocesan Treasurer, the Parish Council shall ensure that any funds received as the Co-operating Community, by the Uniting Church Congregation and the Anglican Parish, are notionally apportioned in a fair and reasonable manner between the Uniting Church Congregation and the Anglican Parish for the purpose of calculating the current working income of the Anglican Parish for the purposes of the Parish Governance Statute.

SCHEDULE COVENANT OF CO-OPERATION

The Anglican Diocese of Perth and the Anglican Parish of Mt Hawthorn and The Uniting Church in Australia Presbytery of Western Australia and the Uniting Church Emmaus Congregation of Mt Hawthorn enter into this covenant for the purpose of creating a Co-Operating Community in Mt Hawthorn.

1 THE FOUNDATION OF THE COVENANT

1.1 On the basis of our common baptism in the name of the Father, the Son and the Holy Spirit and in our unity in the faith of Jesus Christ we recognise and acknowledge that:
- (a) Jesus calls us all to love one another;
- (b) Jesus calls and enables all Christians to build one another up in the wholeness of the faith and to be witness to the world of the forgiveness and saving power of Jesus the Son of God;
- (c) Jesus calls us to hold in its fullness the same faith in the Gospel, which is expressed in the Nicene and the Apostles' Creeds and safeguarded by the normative and authoritative place of the Holy Scriptures within the Christian tradition;
- (d) amongst us there is the same awareness of God's call, the same Spirit of God, the same baptism and membership of the Church of Christ Jesus, and the same, though diverse, gifts of God for ministry; and
- (e) amongst us there are patterns of worship and sacramental life, marks of holiness and zeal, which are manifestly gifts of Jesus to his Church. We remain loyal to the denominational traditions, which have nurtured us in the faith. We recognise that these traditions will not always be fully understood, so we commit ourselves to a greater understanding and appreciation of each other's traditions.

[1] Amended Synod 2011 by substitution of Mt Hawthorn-Osborne Park throughout the Statute

[2] Amended Synod 2011 by substitution of Presbytery of Western Australia for Presbytery of Perth throughout the Statute

1.2 Our Response, through a continuing dialogue has been to find a common mind in the desire to share ministry and a new community and worship centre. Though we realise that there is much further to go, we are greatly encouraged and take the achievements to date as a mark of God's blessing upon our endeavours.

1.3 Therefore, our aim is to:

(a) be part of the local expression of the Body of Christ in one place of the One Holy Catholic and Apostolic Church and to witness to that unity that is both Christ's gift and will;

(b) maintain the life and witness of worship and service so that members will be nurtured in faith and love, sustained in hope, encouraged in their growth in grace and upheld in prayer;

(c) be a loving community in which members are sustained in fellowship, in prayer and confession, in baptism and the Lord's Supper, in mutual reception of and mutual exertion in Gospel proclamation and service;

(d) encourage, equip, enable and provide opportunity for the members to participate more fully in the life and mission of Christ's Church;

(e) co-operate and share, as much as possible, with other Christian congregations and groups within this community; and

(f) acknowledge the place and authority of the wider church and in particular the roles, ordinances and institutions of The Anglican Church of Australia, Diocese of Perth and The Uniting Church in Australia, Presbytery of Western Australia. We do not to seek to form a new denomination or quasi denomination within the Universal Church and so all members of our Co-Operating Community will retain their status as members of one of the Constituent Denominations and such membership, and its responsibilities, will be respected.

2 NAME

2.1 The Co-Operating Community shall be known as the "St Peter and Emmaus Church (a co-operative venture of The Anglican Church of Australia and The Uniting Church in Australia)".

2.2 Within this document, the term "Co-Operating Community" is used to describe the Anglican Parish of Mt Hawthorn and the Emmaus Uniting Church Congregation working together in cooperation.

3 PURPOSE

3.1 Under the guidance and direction of the Diocesan Council of the Diocese of Perth (The Anglican Church of Australia) and the Presbytery of Western Australia (The Uniting Church in Australia) members of the congregations of the Anglican Church and the Uniting Church in Mt Hawthorn enter into this Covenant of Cooperation to:

(g) share together services and meetings of worship to God who has drawn us to himself through Jesus with whom we share a living relationship;

(h) develop a unified witness to the Gospel of our Lord Jesus in the district;

(i) work together in Christian service and care among the people of the district;

(j) grow together collectively and personally in prayer, in worship, in study, in mission and in service, acknowledging our need of God who is our creator, Jesus who is our Lord and Saviour, and the Holy Spirit who empowers us for service and Ministers graciously to our needs and sufferings;

(k) provide for and work with the Ordained Minister(s) and other ministry approved by the Co-Operating Community, Diocese and Presbytery ("Ministerial Team");

(l) provide a community and worship centre, on the land at the corner of Banksia and Green Streets, Joondanna, Western Australia (being currently known as Lot 12 on Diagram 26274 the whole of the land comprised in Certificate of Title Volume 1254 Folio 498) as approved by the Co-Operating Community, Diocese and Presbytery; and

(m) provide for and share with the Ordained Minister(s) and other ministry appointments approved by the Co-Operating Community, the Diocese and the Presbytery in leading members of both denominations and others in love and service of our Lord Jesus Christ.

4 GOVERNMENT AND ADMINISTRATION

4.1 The Co-Operating Community consists of two congregations established and continuing according to the ordinances and regulations of their respective denomination.

4.2 The Congregations will meet according to their denominational practice to transact any business that relates only to their relationships and rules within their denomination.

4.3 The Congregations will normally meet as the Co-Operating Community and make their decisions and order their life as though they were a single congregation.

4.4 The Co-Operating Community shall hold an Annual Meeting in May each year for the purpose of receiving annual reports and electing members to representative roles. Within this meeting each Congregation will elect the members of their Parish or Church Council. At an appropriate time, the Cooperating Community shall meet to adopt plans and budgets for the coming year.

4.5 The Co-Operating Community shall meet at other times as determined by the Joint Church Council or when requested by ten members in a written request delivered to the Secretary of the Co-Operating Community.

4.6 The regular oversight and management of the Co-Operating Community life and business affairs shall be the responsibility, as detailed in clause 5 below, of the Joint Church Council.

5 RESPONSIBILITIES OF THE JOINT CHURCH COUNCIL

5.1 To be responsible, with the Ministerial Team, for the oversight and leadership in the Co-Operating Community in its worship and mission, and for the management of all property and finances of the Co-Operating Community.

5.2 To share with the Ministerial Team in building up the members in faith and love and nurturing the members in their growth in grace.

5.3 To keep and review the rolls of membership of the Anglican Parish of Mt Hawthorn and the Emmaus Uniting Church Congregation.

5.4 To exercise, with the Ministerial Team, oversight of all groups within the Cooperating Community.

5.5 To appoint Ministry Task Groups of its members and others, and to assign or delegate responsibilities to such Task Groups who shall always remain responsible to the Joint Church Council and report regularly, as determined by the Council.

5.6 To be responsible for the funds of the Co-Operating Community.

5.7 To ensure that the property of the Co-Operating Community is properly maintained and comprehensively insured.

5.8 To present reports on all matters relating to the life of the Co-Operating Community and audited accounts to the Annual Meeting of members of the Co-Operating Community.

5.9 To be responsible for other such things as may be required to support the mission of the Church and relationships with the various councils of the wider Churches.

6 MEMBERSHIP OF THE JOINT CHURCH COUNCIL

6.1 The Joint Church Council shall consist of the ordained and appointed members of the Ministerial Team and the members of the Anglican Parish Council and the Uniting Church Church Council.

6.2 Members of the Joint Church Council shall be set apart by prayer in a service of worship.

7 ELECTION OF MEMBERS OF THE JOINT CHURCH COUNCIL

7.1 Each Congregation shall appoint its own Parish or Church Council in accordance with its denominational ordinances or regulations.

7.2 The Anglican Parish Council shall consist of the Wardens and three elected Enrolled Members and one Enrolled Member appointed by the Rector.

7.3 The Uniting Church Church Council shall consist of four elected members and up to two additional persons co-opted by the Church Council at least two of whom shall be Church Elders.

7.4 Election shall be by secret ballot at the annual meeting of the Co-Operating Community.

7.5 Nominations shall be in writing, signed by two (2) nominators and the nominee, and shall close two (2) weeks before an election when the names of those nominated shall be announced in the Parish.

7.6 It shall not be obligatory to fill all positions.

8 OFFICERS OF THE JOINT CHURCH COUNCIL

8.1 The Joint Church Council, at the meeting following the Annual Meeting of the Co-Operating Community, will appoint one of its members as Chairperson. In the absence at any time of the Chairperson, the Joint Church Council will appoint one of its members as Acting Chairperson. The Chairperson of the Joint Church Council will also be Chairperson of any Cooperating Community meeting.

8.2 The Joint Church Council, at the meeting following the Annual Meeting of the Co-Operating Community will appoint one of its members as Secretary, to keep the minutes of its meetings and of all Co-Operating Community meetings, and to take care of all records and papers of the Co-Operating Community and Joint Parish Council.

8.3 The Joint Church Council, at the meeting following the Annual Meeting of the Co-Operating Community, will appoint one of its members as Treasurer who will receive and bank all monies, make all payments, keep the books of account and prepare financial statements for the consideration of the Joint Church Council and the Co-Operating Community.

9 MEMBERSHIP OF THE CO-OPERATING COMMUNITY

9.1 The members of the Co-Operating Community will comprise those who are members and on the rolls of the Anglican Parish and Uniting Church Congregation.

9.2 Members of other Christian denominations may be members-in-association of the Co-Operating Community according to the requirements of either the Anglican or Uniting Church, provided that they are committed members in good standing with their own denomination and undertake to be loyal to the Co-Operating Community and its covenant of worship, witness and service together.

9.3 Membership shall not be held in any way which implies independence of the Co-Operating Community from the Anglican or the Uniting Church.

10 SERVICES OF WORSHIP AND SACRAMENTS

10.1 The times and nature of services shall be determined by the Joint Church Council in consultation with the ordained Ministers.

10.2 Provision shall be made for members of both denominations to receive the Sacrament of Holy Communion according to the customs of their tradition.

10.3 Baptism will normally be celebrated in a regular service of worship according to the rites of the denomination chosen by the person to be baptised or the parents of a child to be baptised. Baptism will normally follow a period of appropriate preparation of the candidate and/or the parents.

10.4 Funerals and Wedding Services will be conducted according to the rites of the denomination chosen by the people concerned.

10.5 Each Congregation within the Co-Operating Community will safeguard those matters of faith and order that are regarded as essential for the faithful witness of their denomination.

10.6 Provision will be made for the appointed Minister(s) to receive training and familiarisation with the liturgies and practices of the Constituent Denominations.

11 APPOINTMENT OF THE MINISTERIAL TEAM

11.1 The Ministerial Team will consist of at least one (1) Ordained Minister of the Anglican or Uniting Church together with such other pastoral, community or specialised ministry workers as the Co-Operating Community may deem appropriate from time to time.

11.2 When for good reason the Co-Operating Community is to be served by only one (1) Ordained Minister from either the Uniting or Anglican Church, agreement must be given by both the Diocese and the Presbytery.

11.3 The members of the Ministerial Team will provide ministry to members of both denominations but when there is only one (1) Ordained Minister serving the Co-Operating Community provision will be made for some services in the other tradition to be conducted by a Minister of that tradition.

11.4 Appointments of Ordained Ministers will be in accordance with the procedures of the denomination to which the appointee belongs. Provision will be made for members of the congregation and Diocese or Presbytery of the other denomination to contribute to the selection process.

11.5 An Ordained Minister shall be designated as the Ministerial Team Leader and shall be appointed by agreement between the Diocese and the Presbytery.

11.6 Deleted.

11.7 As funds become available, the equivalent of one (1) further appointment will be made. The appointment(s) shall have the approval of the Cooperating Community, the Diocese and the Presbytery.

11.8 Members of the Ministerial Team will be appointed for the Anglican Parish or the Uniting Church Congregation on terms (including remuneration, annual leave, long service leave and study leave) applying for the Anglican Parish or the Uniting Church Congregation as the case may be.

12 FINANCES AND AUDIT

12.1 All ordinary operating income, from offerings, property rentals, donations, fund raising activities and any other sources shall be treated as income of the Co-Operating Community and managed by the Joint Church Council.

12.2 For this purpose, the Joint Church Council shall have a bank account into which all income shall be deposited and from which all expenses shall be paid.

12.3 All cheques and other instruments drawn from the bank account shall be signed by any two (2) of four (4) authorised signatories appointed by the Joint Church Council from time to time.

12.4 All income of the Co-Operating Community not designated upon receipt as being for one of the Congregations shall be apportioned in a fair and reasonable manner between the Congregations and unless otherwise apportioned shall be received equally by each Congregation.

12.5 An Auditor, who shall be at least twenty one (21) years of age and not be a member of the Joint Church Council, shall be elected annually by the Annual Meeting of members of the Co-Operating Community or appointed annually by the Joint Church Council. The Auditor shall audit the Joint Church Council bank account and provide a certified statement of accounts to the Joint Church Council and to the Annual Meeting of members of the Co-Operating Community. A copy of the audited accounts shall be provided by the Joint Church Council to the Anglican Diocese of Perth and the Uniting Church Presbytery of Western Australia, together with any annual financial returns that may be required.

12.6 All trusts and designated reserve funds held at the time of the commencement of this Covenant shall be held by The Perth Diocesan Trustees or the Uniting Church in Australia Property Trust (W.A.) and managed in accordance with the existing trusts or deeds. Income from these trusts and reserve funds may be made available to the Co-Operating Community to be used in accordance with the purpose of the trust or reserve fund. If there is any need for instructions to be given to the trustees holding any denominational based trusts or reserves funds, then those instructions shall be given by the appropriate Parish or Church Council.

12.7 Any bequests or designated gifts received after the commencement of this Covenant shall be dealt with as funds of the designated Congregation and in accordance with any trust or deed. If there are no other instructions to be followed, the funds shall be lodged with The Perth Diocesan Trustees or the Uniting Church in Australia Property Trust (W.A.) and dealt with in accordance with the practice of that denomination.

13 MINISTRY TASK GROUPS

13.1 In fulfilling its roles and to assist its functioning, the Joint Church Council may appoint an executive and other Ministry Task Groups and/or sole conveners.

13.2 Membership of the Ministry Task Groups shall not be restricted to members of the Joint Church Council.

13.3 Any Ministry Task Group or sole convener shall have only an advisory role unless it has been given a specific power to act, and shall report to the Joint Church Council on a regular basis or as required.

13.4 Ministry Task Groups may include, but not be limited to:

(a) Mission and Outreach;
(b) Worship;
(c) Pastoral Care;
(d) Christian Education;
(e) Children, Youth and Family; and

(f) Property and Grounds.

14 DENOMINATIONAL RELATIONSHIPS AND RESPONSIBILITIES

14.1 The Co-Operating Community shall be guided by the Diocese of Perth and the Presbytery of Western Australia and shall refer any points of difficulty in co-operation that relate to the function of the Co-Operating Community to a consultation between representatives of the Diocese of Perth and the Presbytery of Western Australia.

14.2 Approval of the Diocese and Presbytery is required for major property changes, the appointment of Ordained Ministers, the appointment of any stipendiary lay staff with pastoral responsibilities, the establishment or inclusion of any additional congregations and any amendments to this Covenant. The Joint Church Council shall consult representatives of the Diocese and Presbytery and keep them informed of any such matters under consideration.

14.3 The Diocese and Presbytery shall keep the Co-Operating Community informed of any matters which may affect the Co-Operating Community and will use their best efforts to assist the Co-Operating Community to maintain and extend its work and mission.

14.4 Representatives of the Diocese of Perth and the Presbytery of Western Australia have the right to meet with their own members in the Cooperating Community. Those meetings will be arranged as required and in accordance with the regulations and ordinances of the respective denominations.

15 AMENDMENTS, REVIEW AND RENEWAL

15.1 This Covenant may be amended by the written agreement of the parties at any time, and any of the parties may propose an amendment to the Covenant to each of the other parties.

15.2 The Diocese and the Presbytery shall conduct a joint review of the operation of this Covenant after the first five (5) years, and thereafter at five (5) yearly intervals. Following the review, any agreed amendments to the Covenant may be made and the parties may renew the Covenant in a service of worship.

15.3 The Diocese or the Presbytery may revoke this Covenant at any time provided that prior consultation has taken place with the appropriate body in the other denomination and with the Ordained Minister(s) and the Congregations.

Signed in the Presence of the Congregations on
the Day of

By: 2011

_____
For the Anglican Diocese of Perth
For the Presbytery of Western Australia of The Uniting Church in Australia

_____
For the Anglican Parish of Mt Hawthorn
For the Emmaus Uniting Church Congregation

_____

_____

CANON CONCERNING HOLY ORDERS, 2004[1]

Canon 10, 2007 The General Synod prescribes as follows:

Short title

1 This Canon may be cited as the *Canon concerning Holy Orders 2004*.

Definitions

2 (1) In this Canon –

"authorising bishop", in relation to an ordination, means–

(a) the bishop of the diocese in which the ordination occurs; or

(b) if a bishop ordains a person for the bishop of another diocese, the bishop of that other diocese.

(2) Nothing in this Canon shall make it lawful for a woman to be ordained to the office of deacon in a diocese in which the *Ordination of Women to the Office of Deacon Canon 1985* is not in force.

(3) Nothing in this Canon shall make it lawful for a woman to be ordained to the office of priest or consecrated to the office of bishop in a diocese in which the *Law of the Church of England Clarification Canon 1992* is not in force.

Bishops, priests and deacons

3 (1) A person shall not be accounted or taken to be a bishop, priest or deacon in this Church unless, in accordance with this Canon or the law of this Church applying at the relevant time, the person–

(a) has been consecrated or ordained to that office by bishops, or a bishop, of this Church, or by bishops, or a bishop, of a Church in communion with this Church; or

(b) has been received into the ministry of this Church by a bishop of a diocese of this Church in accordance with the *Holy Orders (Reception into Ministry) Canon 2004*.

(2) A person shall not exercise the ministry of bishop, priest or deacon in this Church unless the person has been elected or appointed to an Episcopal office pursuant to the Constitution and ordinances of this Church and the ordinances of the relevant diocese and Province or is otherwise duly authorised as mentioned in section 14 to minister as a bishop, priest or deacon in this Church.

(3) A person does not have a right to be ordained deacon or priest or to be consecrated bishop. **Age**

4 (1) Subject to sub-section (2)–

(a) a person shall not be ordained deacon unless the person is at least 23 years of age;

(b) a person shall not be ordained priest unless the person is at least 24 years of age.

(2) The Metropolitan of the Province in which the ordination of a deacon occurs or, where the ordination occurs in an extra-provincial diocese, the Primate, may, for reasons which seem to the Metropolitan or the Primate appropriate, dispense with the provisions of sub-section (1)(a).

Deacons

5 (1) A person shall not be ordained deacon unless on good and credible evidence the authorising bishop is satisfied that the person –

(a) has been baptised; and

(b) is a confirmed communicant member of this Church or has

(i) been received into this Church under the *Reception Canon 1981* or any other law of this Church providing for the reception of persons into this Church; or

(ii) been received into a Church in communion with this Church under a law of that Church corresponding to the *Reception Canon 1981* or a law of that Church providing for the reception of persons into that Church; and

(c) has a firm conviction of a calling by God to minister in Holy Orders as a deacon; and

(d) is of good character, as testified by a person specified by the authorising bishop; and

(e) is an active member of this Church or of a Church in communion with this Church and has been for no less than one year; and

(f) has completed appropriate training in theological and ministerial formation; and

(g) has a sufficient knowledge of Holy Scripture; and

(h) has a sufficient knowledge of and accepts the doctrine, discipline and principles of worship of this Church; and

(i) has a sufficient knowledge of the forms of worship of this Church; and

(j) has demonstrated the physical and mental capacity to minister.

(2) A person shall not be ordained deacon unless the authorising bishop is satisfied that the person has been designated to receive an appointment as a deacon in this Church in accordance with the Constitution and ordinances of this Church and the ordinances of the relevant diocese and Province.

(3) Notwithstanding sub-section (1)(e), a person–

(a) who has been ordained minister of another Christian Church; and

(b) of whom the authorising bishop is satisfied in respect of the other requirements of sub-section (1) – may be ordained deacon.

[1] The Diocese of Perth did not assent to Canon P2 of 2004, but subsequently adopted this canon in 2008 pursuant to the Canon concerning Holy Orders (No 10 of 2007) Adoption Statute 2008.

Priests

6 (1) A person shall not be ordained priest unless on good and credible evidence the authorising bishop is satisfied that the person–

(a) is a deacon of this Church; and

(b) has ministered satisfactorily as a deacon for not less than 9 months or, for reasons satisfactory to the authorising bishop, for such shorter period as the authorising bishop approves; and

(c) has a firm conviction of a calling by God to minister in Holy Orders as a priest; and

(d) is of good character as testified by a person specified by the authorising bishop; and

(e) has completed appropriate training in theology and ministerial formation; and

(f) has a sufficient knowledge of Holy Scripture; and

(g) has a sufficient knowledge of, and accepts, the doctrine, discipline and principles of worship of this Church; and

(h) has a sufficient knowledge of the forms of worship of this Church; and

(i) has demonstrated the physical and mental capacity to minister.

(2) A person shall not be ordained priest unless the authorising bishop is satisfied that the person has been designated to receive an appointment as a priest in this Church in accordance with the Constitution and ordinances of this Church and the ordinances of the relevant diocese or Province.

Bishops

7 A person shall not be consecrated bishop unless on good and credible evidence the Metropolitan of the Province which includes the diocese for or in respect of which the consecration takes place or, in the case of an extra-provincial diocese, the Primate or, in either case, the diocesan bishop nominated by the Primate or the Metropolitan to act in the place of the Primate or the Metropolitan for such consecration pursuant to the *Consecration of Bishops Canon 1966* is satisfied that the person –

(a) is of good character as testified by a person specified by the Metropolitan, Primate or other bishop as the case requires; and

(b) satisfies the requirements of canonical fitness; and

(c) has been duly elected or appointed to an Episcopal office in accordance with the Constitution and any other relevant canon or ordinance.

Ordaining bishop

8 Where an ordination under section 5 or 6 is not performed by the bishop of the diocese for which the person is being ordained, the ordaining bishop may act only on the written confirmation of the bishop of that diocese that the requirements of the relevant section have been satisfied. **Diaconate**

9 Nothing requires that a deacon be at some time ordained priest, the office of deacon being recognised by this Church as a full and distinctive order within the historic ministry of this Church.

Ordinal or other form of service

10 A person shall be consecrated bishop or ordained priest or deacon in this Church in accordance with the Ordinal or a form of service authorised by General Synod.

Consecration

11 Sections 1 and 2 of the Consecration of Bishops Canon 1966 as in force immediately before the enactment of this Canon apply to and in respect of the consecration of a bishop.

Day and place of consecration

12 The consecration of a bishop shall take place upon some Sunday or Holy Day unless the Metropolitan or, in the case of an extra-provincial diocese, the Primate, for special reasons appoints some other day and shall take place either in the metropolitical church of the Province or in a cathedral church or in another church or in some other place appointed by the Metropolitan or, in the case of an extra-provincial diocese, the Primate.

Place of ordination

13 Ordination to the office of priest or deacon shall take place either in the cathedral church of the diocese or in some other place nominated by the bishop.

Authority to minister

14 A bishop (not being the bishop of the diocese), a priest and a deacon may minister in that capacity in a diocese only after having received authority to do so from the bishop of the diocese, such authority ordinarily being given by licence under the hand and seal of the bishop or by written permission of the bishop.

Oaths etc and acceptance of codes of practice etc

15 (1) A bishop of a diocese, and an assistant bishop or a priest or deacon who has received authority from the bishop of a diocese to minister in that diocese shall take the oaths or affirmations, and make the declaration and assent, and the assent, required under the *Oaths Affirmations Declarations and Assents Canon 1992* as adopted by the diocese or, if that Canon is not adopted by the diocese, such other oaths, affirmations, declarations and assents as are required under the law in force in that diocese.

(2) A bishop of a diocese, an assistant bishop or, a priest or deacon who has received authority from the bishop of a diocese to minister in that diocese shall declare acceptance of such codes of practice as are from time to time in force in the diocese.

Permission to officiate

16 The bishop of a diocese of this Church may permit a bishop, priest or deacon consecrated or ordained in this Church or in a Church with which this Church is in communion, to officiate as a bishop, priest or deacon, as the case may be, in any parish or congregation of this Church within the diocese if the bishop has satisfactory evidence relating to the bishop's consecration or the priest or deacon's ordination and good standing.

Removal of bar to ordination

17 A person shall not be refused ordination as deacon or priest or consecration as a bishop on the ground that the person was born out of lawful wedlock.

Enforcement of Canon

18 (1) A person must not-

(a) in undertaking the whole, or any part, of any ordination or consecration (or purported ordination or consecration) in this Church; or

(b) in submitting or offering himself or herself for ordination or consecration in this Church, knowingly act in contravention of this Canon.

(2) A person who breaches sub-section (1) will be taken to be in wilful violation of this Canon for the purposes of the Offences Canon 1962.

Canons 31 to 37

19 The Canons numbered 31 to 37, inclusive, of the Canons of 1603, insofar as the same may have any force, either in their original form or as amended or as affected by a law of this Church, shall have no operation or effect in a diocese of this Church which adopts this canon.

Coming into force by adoption

20 The provisions of this canon affect the order and good government of this Church within a diocese and shall not come into force in a diocese unless and until the diocese adopts this canon by ordinance of the synod of the diocese.

HOLY ORDERS (RECEPTION INTO MINISTRY) CANON 2004[1]
Canon 17, 2007

The General Synod prescribes as follows:

Short title

1 This Canon may be cited as the Holy Orders (Reception into Ministry) Canon 2004.

Reception into ministry

2 (1) Subject to sub-section (2), where a person has been consecrated bishop or ordained priest or deacon in a Church which is not in communion with this Church by a bishop or bishops within the historic episcopate, the bishop of a diocese of this Church may receive that person into the ministry of this Church as bishop, priest or deacon, as the case may be.

(2) Before a bishop of a diocese receives a person into the ministry of this Church under this section, the bishop must first be satisfied by good and credible evidence –

(a) that the character and mode of living of the person as attested by witnesses specified by the bishop befit an ordained minister of this Church;

(b) that the attainments of the person in academic and theological studies are adequate for the person's proposed ministry in this Church;

(c) if the diocese is in a Province and the person is a bishop, a majority of the diocesan bishops of the Province have approved the proposed reception of the person into the ministry of this Church;

(d) if the diocese is not in a Province and the person is a bishop, a majority of the Metropolitans have approved the proposed reception of the person into the ministry of this Church;

(e) that the person's reasons for desiring to be received into the ministry of this Church are sound and proper;

(f) that the person -

(i) has a sufficient knowledge of the doctrine, discipline and forms of worship of this Church and has a sufficient understanding of the matters in which this Church differs from the Church in which the person was consecrated or ordained; and

(ii) accepts the doctrine, discipline and principles of worship of this Church.

Form of service

3 A person may be received into the Ministry of this Church in accordance with a form of service authorised by General Synod or prepared by the Liturgy Commission and approved by the Standing Committee of General Synod.

Authority to minister

4 A person received into the ministry of this Church under this Canon shall not exercise the ministry of bishop, priest or deacon in this Church unless pursuant to the Constitution and the ordinances of this Church and the ordinances of the relevant diocese and Province the person has been elected or appointed to an Episcopal office in this Church or is otherwise duly authorised by the bishop of a diocese to minister as a bishop, priest or deacon in that diocese.

Operation of Canon in diocese that has not adopted certain Canons

5 (1) Nothing in this Canon shall make it lawful for a woman ordained to the office of deacon in a Church not in communion with this Church to be received into the ministry of this Church as a deacon in a diocese in with the Ordination of Women to the Office of Deacon Canon 1985 is not in force.

(2) Nothing in this Canon shall make it lawful for a woman ordained to the office of priest or consecrated to the office of bishop in a Church not in communion with this Church to be received into the ministry of this Church as a priest or a bishop in a diocese in which the Law of the Church of England Clarification Canon 1992 is not in force.

Coming into force by adoption

6 The provisions of this canon affect the order and good government of this Church within a diocese and shall not come into force in a diocese unless and until the diocese adopts this canon by ordinance of the synod of the diocese.

[1] The Diocese of Perth adopted Holy Orders (Reception into Ministry) Canon 2004 (P1 of 2004) pursuant to the "Holy Orders (Reception into Ministry) Canon 2004 (P1 of 2004) Adoption Statute 2005" and thereafter adopted this canon pursuant to the "Holy Orders (Reception into Ministry) Canon 2004 (No. 17 of 2007) Adoption Statute 2008"

HOLY ORDERS, RELINQUISHMENT AND DEPOSITION CANON 2004[1]
Canon 10, 2004 as amended by
Canon 07, 2014

The General Synod prescribes as follows:

Short Title

1 This canon may be cited as the Holy Orders, *Relinquishment and Deposition Canon 2004 Amendment Canon 2014.*

Definitions

2 In this Canon-

"**national register**" means a National Register established pursuant to a Canon of General Synod for a purpose which includes the recording of determinations of a tribunal;

"**person in Holy Orders**" means a person ordained into, Holy Orders as bishop, priest or deacon according to the rites and ceremonies of this Church and includes a person who is (or was at a relevant time) a member of this Church in Holy Orders, and who is resident in a diocese;

"**tribunal**" means a tribunal established in accordance with the provisions of Chapter IX of the Constitution and includes a body established by canon or by an ordinance of a diocese.

Relinquishment of the Exercise of Holy Orders

3 A person in Holy Orders may relinquish the exercise of Holy Orders by -

(a) resigning all clerical licences and appointments held by that person as a bishop, priest or deacon; and

(b) executing an instrument of relinquishment in or to the effect of the form in Schedule 1 endorsed with the consent, if given -

(i) if the person last held a clerical licence or appointment in a diocese other than the diocese in which the person resides, of the bishop of that diocese; and

(ii) of the bishop of the diocese in which the person resides who must be satisfied that the person is not currently the subject of any information complaint or charge in any diocese concerning his or her conduct or fitness to hold office.

Deposition from Holy Orders

4 The bishop of a diocese in which a person in Holy Orders resides may by executing an instrument in or to the effect of the form in Schedule 3 depose the person from Holy Orders if –

(a) the person has resigned all clerical licences and appointments held by that person as a bishop, priest or deacon; and

(b) the person consents to the deposition by executing an instrument in or to the effect of the form in Schedule 2; and

(c) if the person last held a clerical licence or appointment in a diocese other than the diocese in which the person resides, the bishop of that other diocese consents by executing an instrument in or to the effect of the form in Schedule 3.

(d) the bishop is satisfied that the person is not currently the subject of any information, complaint or charge in any diocese concerning his or her conduct or fitness to hold any office.

Liturgical context

5 The relinquishment by a person of the exercise of Holy Orders or the deposition of a person from Holy Orders may, with the consent of the person, be set in a liturgical context by the bishop.

Deposition after sentence of a tribunal

6 The deposition of a person from Holy Orders by a bishop pursuant to the sentence of a tribunal shall be effected by the execution by the bishop of an instrument of deposition in or to the effect of the form in Schedule 4.

Registration

7 (1) In this section –

"bishop" means –

(a) the bishop who consents to a relinquishment of the exercise of Holy Orders in accordance with this canon; or

(b) the bishop who executes an instrument of deposition from Holy Orders in accordance with this or another Canon or an ordinance of a diocese;

"instrument" means-

(a) an instrument of relinquishment of the exercise of Holy Orders in accordance with section 3; or

(b) an instrument of deposition from Holy Orders in accordance with section 4; or

(c) an instrument of deposition from Holy Orders pursuant to a sentence of a tribunal.

(2) Upon relinquishment by instrument of the exercise of, or the deposition by instrument from, Holy Orders, the bishop must forthwith-

(a) cause the instrument to be registered in the register of the bishop; and

(b) deliver a copy of the instrument to the bishop of the diocese in or for which the person who is the subject of the instrument was ordained; and

[1] Adopted by the Diocese of Perth pursuant to the "Holy Orders, Relinquishment and Deposition Canon 2004 (No. 10, 2014) Adoption Statute 2005" and amended pursuant to the
"Holy Orders, Relinquishment and Deposition Canon 2004 Amendment Canon 2014 (No. 07, 2014) Adoption Statute 2014"

(c) in a case where registration is required under section 5(1)(b) of the National Register Canon 2007, cause a copy of the instrument, or the date and particulars of the instrument, to be registered in the national register[2].

8 (1) The bishop may give notice that a person has relinquished the exercise of his or her Holy Orders under section 3 or been deposed from Holy Orders under section 4 to such persons as the bishop considers necessary.

(2) The bishop may include in the notice under subsection (1) a statement of any circumstances relevant to the relinquishment or deposition.

Effect of relinquishment or deposition

9 A person who has relinquished the exercise of Holy Orders or who has been deposed from Holy Orders in accordance with this or another Canon or following the sentence of a tribunal-

(a) may not:

(i) officiate or act in any manner as a bishop, priest or deacon of this Church; or

(ii) accept or hold any office in this Church capable of being held only by a person in Holy Orders;

(b) ceases to have any right, privilege or advantage attached to the office of bishop, priest or deacon;

(c) shall not hold himself or herself out to be a member of the clergy;

(d) may not hold an office in a diocese which may be held by a lay person without the consent of the bishop of the diocese.

(e) shall be considered to be a lay person for the purposes of all laws, canons, rules, ordinances and regulations of the Church except for any provision enacted under Chapter IX of the Constitution.

Effect of revocation of relinquishment or deposition by consent

10 The provisions of section 8 shall not apply to a person in respect of whom the relinquishment of the exercise of Holy Orders or deposition from Holy Orders has been revoked in accordance with this Canon.

Revocation

11 (1) A person, the exercise of whose Holy Orders has been relinquished or who has been deposed from Holy Orders with the consent of the person in accordance with this Canon may petition the Metropolitan of the Province in which the person resides or. if the person resides in an extra-provincial diocese, the Primate, to issue a certificate of revocation of the instrument of relinquishment of the exercise of Holy Orders or deposition from Holy Orders.

(2) The petition shall include a statement of-

(a) the circumstances and reasons in and for which the petitioner executed the instrument of relinquishment or consented to the deposition from Holy Orders; and

(b) the nature of the work or employment upon or in which the petitioner has been engaged, and the place or places in which the petitioner has resided since executing the instrument of relinquishment or consent to the deposition as the case may be; and

(c) the circumstances and reasons in and for which the revocation is sought.

(3) The Metropolitan or the Primate, as the case requires, shall confer with the bishop of the diocese in which the petitioner last held a clerical licence or appointment and the bishop of the diocese in which the person resides and may make such other enquiries as seem appropriate.

(4) The Metropolitan or the Primate, as the case requires, may by writing under seal certify that, for all purposes, the instrument of relinquishment of the exercise of Holy Orders or the instrument of deposition from Holy Orders ceases to have any force or effect.

(5) A certificate under sub-section (4) shall be registered in-

(a) the register of the bishop of the diocese in which the instrument of relinquishment or the instrument of deposition was registered; and

(b) the register of the Primate; and

(c) the national register-

and a copy of the certificate shall be delivered to the bishop of the diocese in or for which the petitioner was ordained.

12 (1) It is an offence for a person who has relinquished the exercise of his or her holy orders under section 3 to hold out that the person continues to exercise those orders, except for the purposes of any provision enacted under Chapter IX of the Constitution.

(2) It is an offence for a person who has been deposed under section 4 to hold out that the person remains in Holy Orders, except for the purposes of any provision enacted under Chapter IX of the Constitution.

Repeal

13 The Canon numbered 76 of the Canons of 1603, insofar as it may have any force, shall have no operation or effect in a diocese of this Church which adopts this canon.

Coming into force by adoption

14 The provisions of this canon affect the order and good government of this Church within a diocese and shall not come into force in a diocese unless and until the diocese adopts this canon by ordinance of the synod of the diocese.

[2] Amended Synod 2014

SCHEDULE 1

VOLUNTARY RELINQUISHMENT OF THE EXERCISE OF HOLY ORDERS

KNOW ALL PERSONS BY THESE PRESENTS THAT I,……
a person in Holy Orders in the Anglican Church of Australia (particulars of which are set out in the Schedule)

DECLARE that I have resigned all clerical licences and appointments and positions held by me as *(bishop, priest or deacon)* and DO HEREBY RELINQUISH all rights and privileges as *(bishop, priest or deacon)* in accordance with the Constitution and Canons of the Anglican Church of Australia and shall hereafter conduct myself accordingly.

SCHEDULE

PARTICULARS OF HOLY ORDERS

FULL NAME AND ADDRESS……
……

	ORDAINING BISHOP(S)	PLACE	DATE
Ordination as deacon	……	……	……
Ordination as priest	……	……	……
Consecration as bishop	……	……	……

DATED:……..
EXECUTED BY in the presence of:……..
(Bishop or Archdeacon or legal practitioner)

CONSENT OF BISHOP OF DIOCESE IN WHICH DECLARANT LAST HELD A CLERICAL LICENCE OR APPOINTMENT:
I, ... by divine providence Bishop (Archbishop) of do hereby consent to the above Relinquishment of the exercise of Holy Orders.
DATED:……..
EXECUTED BY:……..
in the presence of:……..

CONSENT OF BISHOP OF DIOCESE IN WHICH DECLARANT RESIDES:
I, ... by divine providence Bishop (Archbishop) of do hereby consent to the above Relinquishment of the exercise of Holy Orders.

DATED:……..
EXECUTED BY:……..
in the presence of:……..

SCHEDULE 2
CONSENT TO DEPOSITION FROM HOLY ORDERS

To:……
(Bishop of Diocese)

I, ... a person in Holy Orders in the Anglican Church of Australia (particulars of which are set out in the Schedule) do hereby consent to my deposition from Holy Orders in accordance with the Constitution and Canons of the Anglican Church of Australia.

SCHEDULE
PARTICULARS OF HOLY ORDERS

FULL NAME AND ADDRESS……
……

	ORDAINING BISHOP(S)	PLACE	DATE
Ordination as deacon	……	……	……
Ordination as priest	……	……	……
Consecration as bishop	……	……	……

DATED:……
EXECUTED BY:……
in the presence of:……

SCHEDULE 3
DEPOSITION FROM HOLY ORDERS BY CONSENT

I, ... by divine providence Bishop (or Archbishop) of
……..
To
GREETING
I do by these presents and with your consent hereby depose you from Holy Orders in the Anglican Church of Australia (particulars of which are set out in the Schedule) in accordance with the Constitution and Canons of the Anglican Church of Australia.

SCHEDULE
PARTICULARS OF HOLY ORDERS

FULL NAME AND ADDRESS……
……..

	ORDAINING BISHOP(S)	PLACE	DATE
Ordination as deacon	……	……	……
Ordination as priest	……	……	……
Consecration as bishop	……	……	……

CONSENT OF BISHOP IN WHICH DECLARANT LAST HELD A CLERICAL LICENCE OR APPOINTMENT:
I, ... by divine providence Bishop or (Archbishop)
of……..
do hereby consent to the within deposition from Holy Orders.
DATED:……..
EXECUTED BY:……..
in the presence of:……..
DATED:……..
SEALED

SCHEDULE 4
DEPOSITION FROM HOLY ORDERS FOLLOWING SENTENCE OF TRIBUNAL

I, ... by divine providence Bishop (or Archbishop) of
……..

To……..
GREETING
I do by these presents hereby depose you from Holy Orders in the Anglican Church of Australia (particulars of which are set out in the Schedule) in accordance with the Constitution and Canons of the Anglican Church of Australia following the sentence of a duly constituted tribunal.

SCHEDULE
PARTICULARS OF HOLY ORDERS

FULL NAME AND ADDRESS……
……..

	ORDAINING BISHOP(S)	PLACE	DATE
Ordination as deacon	……	……	……
Ordination as priest	……	……	……
Consecration as bishop	……	……	……

DATED:……..
SEALED

HOLY ORDERS (REMOVAL FROM EXERCISE OF MINISTRY) CANON 2017
Canon 18, 2017

The General Synod prescribes as follows:

Title

1. This Canon is the Holy Orders (Removal from Exercise of Ministry) Canon 2017.

Interpretation

2. (1) In this Canon—

deposition means (without derogating from or altering the effect of section 11 of this Canon) removal of the right to the exercise of ministry in all of the Holy Orders to which a person is ordained, and "**depose**" has a similar meaning;

national register means a National Register established pursuant to a Canon of General Synod for a purpose which includes the recording of determinations of a tribunal or the recommendations or determinations of a professional standards body;

person in Holy Orders means a person who, in accordance with the Canons of the General Synod or the law of this Church applying at the relevant time has been—

(a) ordained to the order of bishop, priest or deacon by bishops, or a bishop, of this Church, or by bishops, or a bishop, of a Church in communion with this Church; or

(b) received into an order of ministry of this Church by a bishop of this Church in accordance with the Holy Orders (Reception and Ministry) Canon 2004;

professional standards body means a body established by a Canon of General Synod or the ordinance of a diocese relating to professional standards or episcopal standards that has under that Canon or that ordinance the power to recommend or determine that a person in Holy Orders be deposed;

relevant bishop means—

(a) in relation to a priest or deacon who is licensed, the Diocesan bishop of the diocese in which he or she is licensed or the Primate, or the Metropolitan of the Province in which that diocese is situated, authorized by that bishop to act in that behalf;

(b) in relation to a priest or deacon who is not licensed, the Diocesan bishop of the diocese in which he or she resides or the Primate, or the Metropolitan of the Province in which that diocese is situated, authorized by that bishop to act in that behalf;

(c) in relation to a person who is a bishop, the bishop other than that person who is—

(i) the Metropolitan of the Province in which that person is a Diocesan bishop, is licensed by a Diocesan bishop or (if neither a Diocesan bishop nor licensed) resides; or

(ii) where that person—

A. is the Diocesan bishop of; or

B. is licensed by the Diocesan bishop of; or

C. resides in—

an extra-provincial diocese, the Primate; or

(iii) where the person is a Metropolitan, the Primate; or

(iv) where the person is the Primate, the most senior Metropolitan by date of consecration;

relinquishment means (without derogating from or altering the effect of section 11 of this Canon) voluntary cessation of the right to the exercise of ministry in one or more of the orders of ministry to which a person is ordained, and "**relinquish**" has a similar meaning;

tribunal means a tribunal established in accordance with the provisions of Chapter IX of the Constitution and includes a body established by canon or by an ordinance of a diocese.

(2) For the purposes of this Canon, a person who, during any vacancy in the office of, or during the incapacity of, a Diocesan bishop or during that bishop's absence from the diocese for a period exceeding thirty days has been appointed by or under the constitution of that diocese to administer the affairs of the diocese, is to be taken to be the Diocesan bishop of that diocese.

(3) In this Canon a reference to an "**order of ministry**" is a reference to the Holy Order of bishop, the Holy Order of priest or the Holy Order of deacon.

Relinquishment of Holy Orders

3. (1) A person in Holy Orders—

(a) if a bishop, may relinquish the order of bishop, or the orders of bishop and priest, or the orders of bishop, priest and deacon; or

(b) if a priest but not a bishop, may relinquish the order of priest, or the orders of priest and deacon; or

(c) if a deacon but not a bishop or priest, may relinquish the order of deacon—

by–

(d) resigning all clerical licences and appointments held by that person as a person in the order or orders to be relinquished; and

(e) executing an instrument of relinquishment in or to the effect of the form in Schedule 1 endorsed with the consent, if given, of both—

(i) the bishop of the diocese in which the person last held a clerical licence or appointment, if that is a diocese other than the diocese in which the person resides; and

(ii) the relevant bishop.

(2) Before giving consent under sub-section (1)(e)(ii), the relevant bishop must be satisfied that the person is not currently the subject of any information, complaint or charge in this Church (including in any diocese) concerning his or her conduct or fitness to hold office.

Liturgical context

4. The relinquishment under section 3 may, with the consent of the person, be set in a liturgical context by the bishop.

Prohibition from functioning after sentence of a tribunal

5. (1) A sentence of prohibition from functioning—

(a) in relation to a bishop may concern only functioning—

(i) as a bishop, or

(ii) as a bishop and priest; or

(iii) as a bishop, priest and deacon;

(b) in relation to a priest, may concern only functioning as a priest or as a priest and deacon;

(c) may be limited or not limited by reference to place, office, role or function, time or circumstance;

(d) subject to sub-section (2), may be permanent, indefinite or for a period of time, and may be permanent, indefinite or for a period of time in different respects in relation to different functions or different limitations.

(2) A sentence of prohibition from functioning may not be permanent in respect of all the orders of ministry to which a person has been ordained.

Note: The proper sentence for a person who is to be prohibited permanently from all orders of ministry is deposition.

(3) A relevant bishop gives effect to a sentence of prohibition by a tribunal or a recommendation or determination of prohibition by a professional standards body by executing an instrument of prohibition in or to the effect of Schedule 2.

Deposition

6. The deposition of a person by a bishop pursuant to the sentence of a tribunal or following the recommendation or determination of a professional standards body shall be effected by the execution by the relevant bishop of an instrument of deposition in or to the effect of the form in Schedule 3.

Registration

7. (1) In this section–

"instrument" means–

(a) an instrument of relinquishment in accordance with section 3; or

(b) an instrument of deposition or prohibition from functioning executed pursuant to sections 5 or 6.

(2) Upon executing an instrument, the relevant bishop must forthwith–

(a) cause the instrument to be registered in the register of that bishop;

(b) deliver a copy of the instrument to the bishop of the diocese in or for which the person who is the subject of the instrument was ordained; and

(c) cause a copy of the instrument to be registered in the national register.

Giving notice of an instrument

8. (1) A bishop who executes an instrument under section 7 must give notice of that instrument and of the effect of that instrument in the form of Schedule 4 to the Primate, the General Secretary and such other persons as the bishop considers necessary.

(2) The bishop may include in or with the notice under subsection (1) a statement of any circumstances relevant to the relinquishment**,** prohibition or deposition.

(3) The General Secretary must as soon as reasonably practicable make available to the public the information contained in a notice executed under sub-section (1).

Effect of prohibition from functioning

9. (1) A prohibition from functioning has effect according to its terms.

(2) Where a person is prohibited from functioning in an order of ministry, that person—

(a) must not act in contravention of or inconsistently with that prohibition by—

(i) officiating or acting in any manner that is reserved to that order of ministry; or

(ii) accepting or holding any office in this Church capable of being held only by a person in that order of ministry;

(b) ceases to have any right, privilege or advantage attached to that order of ministry; and

(c) must not hold himself or herself out as being in that order of ministry.

Effect of relinquishment of fewer than all Holy Orders

10. A person who has relinquished one or more but not all orders of ministry in respect of any order of ministry relinquished—

(a) may not officiate or act in any manner that is reserved for that order or those orders;

(b) may not accept or hold any office in this Church capable of being held only by a person in that order or those orders;

(c) ceases to have any right, privilege or advantage attached to that order or those orders; and
(d) must not hold himself or herself out as being in that order or those orders.

Effect of relinquishment of all Holy Orders and of deposition

11. A person who has relinquished all Holy Orders or who has been deposed in accordance with this or another Canon or following the sentence of a tribunal or the recommendation or determination of a professional standards body—
(a) may not:
(i) officiate or act in any manner as a bishop, priest or deacon of this Church; or
(ii) accept or hold any office in this Church capable of being held only by a person in Holy Orders;
(b) ceases to have any right, privilege or advantage attached to the order of bishop, priest or deacon;
(c) must not hold himself or herself out to be a member of the clergy;
(d) may not hold an office in a diocese which may be held by a lay person without the consent of the bishop of the diocese; and
(e) shall be considered to be a lay person for the purposes of all laws, canons, rules, ordinances and regulations of the Church except for any provision enacted under Chapter IX of the Constitution.

Revocation

12. (1) A person who has relinquished one or more orders of ministry in accordance with this Canon may petition the Metropolitan of the Province in which he or she resides or, if the person resides in an extraprovincial diocese, the Primate, to issue a certificate of revocation of the instrument of relinquishment.
(2) The petition must include a statement of—
(a) the circumstances and reasons in and for which the petitioner executed the instrument of relinquishment;
(b) the nature of the work or employment upon or in which the petitioner has been engaged, and the place or places in which the petitioner has resided since executing the instrument of relinquishment; and
(c) the circumstances in which and the reasons for which the revocation is sought.
(3) The Metropolitan or the Primate, as the case requires, must confer with the bishop of the diocese in which the petitioner last held a clerical licence or appointment and the bishop of the diocese in which the person resides and may make such other enquiries as seem appropriate.
(4) The Metropolitan or the Primate, as the case requires, may by writing under seal certify that, for all purposes, the instrument of relinquishment ceases to have any force or effect.
(5) A certificate under sub-section (4) must be registered in—
(a) the register of the bishop of the diocese in which the instrument of relinquishment or the instrument of deposition was registered;
(b) the register of the Primate; and
(c) the national register—
and a copy of the certificate must be delivered to the bishop of the diocese in or for which the petitioner was ordained.

Effect of revocation

13. The provisions of sections 10 and 11 do not apply to a person whose relinquishment has been revoked in accordance with this Canon.

Offences under this Canon

14. (1) It is an offence for a person who has relinquished an order of ministry to hold out that the person continues to exercise that order, except for the purposes of any provision enacted under Chapter IX of the Constitution.
(2) It is an offence for a person who has been deposed to act contrary to section 11(c), except for the purposes of any provision enacted under Chapter IX of the Constitution.

Canon 76 of the Canons of 1603 to have no effect

15. The Canon numbered 76 of the Canons of 1603, insofar as it may have any force, shall have no operation or effect in a diocese of this Church which adopts this canon.

Repeal and consequential amendment

16. (1) The Holy Orders Relinquishment and Deposition Canon 2004 is repealed.
(2) In—
(a) section 17(3) of the Episcopal Standards Canon 2007; and
(b) section 23(3) of the Special Tribunal Canon 2007—
for "Holy Orders, Relinquishment and Deposition Canon 2004" substitute "Holy Orders (Removal from Exercise of Ministry) Canon 2017".

Coming into force by adoption

17. The provisions of this Canon affect the order and good government of this Church within a diocese and do not come into force in a diocese unless and until the diocese adopts this Canon by ordinance of the synod of the diocese.

SCHEDULES

SCHEDULE 1

VOLUNTARY RELINQUISHMENT OF ONE OR MORE ORDERS OF MINISTRY

KNOW ALL PERSONS BY THESE PRESENTS THAT I, ,
a person in Holy Orders in the Anglican Church of Australia (particulars of which are set out in the Schedule)
DECLARE that I have resigned the clerical licences and appointments and positions held by me as (*bishop, priest or deacon*) and **RELINQUISH** all rights and privileges as attached to the order/s of (*bishop, priest or deacon*) set out in the Schedule to this instrument in accordance with the Constitution and Canons of the Anglican Church of Australia and FURTHER DECLARE that I shall at all times from the date of this instrument conduct myself accordingly.

SCHEDULE

PARTICULARS OF HOLY ORDERS SUBJECT TO THIS DECLARATION

FULL NAME AND ADDRESS

	ORDAINING BISHOP(S)	PLACE	DATE
ORDINATION AS DEACON	……	……	…….
ORDINATION AS PRIEST	……	……	…….
CONSECRATION AS BISHOP	……	……	…….

DATED:
EXECUTED BY
in the presence of:
(Bishop or Archdeacon or legal practitioner)

CONSENT OF BISHOP OF DIOCESE IN WHICH DECLARANT LAST HELD A CLERICAL LICENCE OR APPOINTMENT

I, by Divine Providence Bishop (Archbishop) of consent to the above relinquishment.

DATED:
EXECUTED BY: in the presence of:

CONSENT OF BISHOP OF DIOCESE IN WHICH DECLARANT RESIDES:

I, by Divine Providence Bishop (Archbishop) of ……. declare that I am the relevant bishop for the purposes of the Holy Orders (Removal from Exercise of Ministry) Canon 2017 and consent to the above relinquishment.

DATED:
EXECUTED BY: in the presence of:

SCHEDULE 2

PROHIBITION FROM FUNCTIONING FOLLOWING THE SENTENCE OF A TRIBUNAL

I, by Divine Providence Bishop (or Archbishop) of

To

GREETINGS
I declare that I am the relevant bishop for the purposes of the Holy Orders (Removal from Exercise of Ministry) Canon 2017 and I by these presents **prohibit you from functioning in the exercise of Holy Orders** in the Anglican Church of Australia (as set out in the Schedule) in accordance with the Constitution and Canons of the Anglican Church of Australia following the sentence of a duly constituted tribunal.

SCHEDULE

PARTICULARS OF HOLY ORDERS SUBJECT TO PROHIBITION

FULL NAME AND ADDRESS

	ORDAINING BISHOP(S)	PLACE	DATE
ORDINATION AS DEACON	……	……	…….
ORDINATION AS PRIEST	……	……	…….
CONSECRATION AS BISHOP	……	……	…….

PARTICULARS OF PROHIBITION FROM FUNCTIONING

DATED

SEALED

SCHEDULE 3

DEPOSITION

I, by Divine Providence Bishop (or Archbishop) of

To

GREETINGS
I declare that I am the relevant bishop for the purposes of the Holy Orders (Removal from Exercise of Ministry) Canon 2017 and by these presents **depose you** in accordance with the Constitution and Canons of the Anglican Church of Australia following the sentence of a duly constituted tribunal *or* following the recommendation or determination of a professional standards body [delete as applicable] from the Holy Orders set out in the Schedule.

SCHEDULE

PARTICULARS OF HOLY ORDERS

FULL NAME AND ADDRESS

	ORDAINING BISHOP(S)	PLACE	DATE
ORDINATION AS DEACON	……	……	…….
ORDINATION AS PRIEST	……	……	…….
CONSECRATION AS BISHOP	……	……	…….

DATED

SEALED

SCHEDULE 4

NOTICE OF AN INSTRUMENT UNDER THE HOLY ORDERS (REMOVAL FROM THE EXERCISE OF MINISTRY) CANON 2017

I, by Divine Providence Bishop (or Archbishop) of

GIVE NOTICE of the instrument dated …… that concerns …… [*name*] and that is now attached being

* an instrument of relinquishment

* a prohibition from functioning pursuant to the sentence of a tribunal

* an instrument of deposition.

**delete as applicable*

STATEMENT AS TO CIRCUMSTANCES

ATTACHMENT

DATED

ARCHBISHOP'S STATUTE 2016

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BE IT RESOLVED by the Archbishop, clergy and laity of the Diocese of Perth in Synod assembled:

PART 1 – PRELIMINARY

1 Short Title

1.1 This statute shall be cited as the "Archbishop's Statute 2016".

2 Repeal

2.1 The Perth Archbishopric Statute 1978, the Assistant Bishop's Statute 2007 and the Bishop's Entry of Churches Statute are hereby repealed.

3 Interpretation

3.1 The meanings of words and phrases given in the Interpretation Statute 2016 apply in this Statute, except that for the purposes of this Statute the words and phrases listed hereunder have the meanings given as follows:

Administrator means the person appointed under section 11.1;

Archbishop means the archbishop of the Diocese elected in accordance with this Statute;

Archbishop Election Committee or **Committee** has the meaning given in section 5.1;

archdeacon means a person appointed under section 14.1;

assistant bishop means a person appointed under section 13.2;

Chancellor means the person appointed under section 12.1;

Diocese means the Diocese of Perth;

Diocesan Council means the body constituted by the Diocesan Council Statute 1888;

Diocesan Registrar means the person appointed under section 15.1;

Metropolitan means the bishop exercising the authorities, powers, rights and duties of the metropolitan of the Province of Western Australia;

national register means the national register established pursuant to the National Register Canon 2007 of the General Synod of the Anglican Church of Australia or any canon prescribed by General Synod in substitution for that canon;

Primate has the meaning given in the Constitution of the Anglican Church of Australia;

probity checks means all of the background checks referred to in section 7.3; and

Provincial Council means the council established by the Constitution of the Province of Western Australia 1914-1986.

3.2 The provisions of this Statute are subject to, and are to be read in conjunction with, the provisions of the Canon concerning Holy Orders 2004 and the Oaths Affirmations Declarations and Assents Canon 1992. In the event of an inconsistency, the provisions of the relevant Canon shall prevail over the specific provisions of this Statute.

PART 2 - ARCHBISHOP

4 Vacancy in the See of Perth

4.1 The See of Perth shall become vacant:

(a) on a date set by the Archbishop in a letter addressed to Diocesan Council;

(b) on the death of the Archbishop; or

(c) for cause.

4.2 For the purposes of the Archbishop Election Committee and for no other purpose any vacancy occurring under section 4.1(a) may be deemed to have occurred as from the date of the acceptance of the letter by Diocesan Council.

5 Archbishop Election Committee

5.1 The Synod of the Diocese shall at the first session of each Synod elect from the members thereof ten clerical and ten lay representatives to act as a committee to be known as The Archbishop Election Committee in the choice of an Archbishop whenever the See of Perth becomes vacant. Committee members shall retire at the first session of the

next Synod provided that should the Committee be sitting at the time of Synod they shall continue to hold office until the following session of Synod.

5.2 In case of any vacancy in the Committee by death, incapacity, resignation or cessation of membership, Diocesan Council shall appoint a clerical or lay member of Synod as the case may be to fill such vacancy. Any person so elected shall hold office only until the next session of Synod subject to the proviso expressed in section 5.1.

5.3 Whenever the See of Perth becomes vacant the Archbishop Election Committee shall meet to consider the choice of a new Archbishop.

5.4 All meetings of the Committee shall be held in Perth and shall be convened by the Administrator of the Diocese who shall chair the meeting. The presence of at least seven clerical representatives and seven lay representatives will be necessary to constitute a quorum for the meeting of the Committee.

5.5 If the Administrator is a candidate for election then, while the Administrator's candidature is under discussion, the Committee shall elect a chairperson from amongst its members who shall have a deliberative but not a casting vote.

5.6 Any clerical member who, with the consent of that member, is a candidate for election, together with any spouse, partner, parent, sibling or child of that clerical member, shall cease to be a member of the Committee and there shall be a vacancy on the Committee.

5.7 In the event of any vacancy occurring on the Committee, other than that of the Administrator, it shall be filled by an appointment by Diocesan Council. Diocesan Council must keep confidential and not disclose the names of any persons who have ceased to be a member of the Committee for any reason.

5.8 The meeting of the Committee may be adjourned from time to time as the members think fit.

6 Procedure of the Archbishop Election Committee

6.1 The procedure adopted by the Archbishop Election Committee shall, subject to section 7, be determined by the Committee.

6.2 The procedure may include consultation and the taking of advice as to the desirable qualities of the next person to be elected Archbishop before nominations are called.

6.3 The procedure may also include soliciting expressions of interest and interviewing persons considered for nomination.

7 Nominations

7.1 Before the date of compulsory retirement or resignation of the Archbishop and in any event at a time determined by the Administrator, the Administrator shall give notice, call an initial meeting of the Committee and invite each of the diocesan Bishops of the Province to submit in writing the names of persons they think should be considered for the appointment by a date by which such nominations must be received.

7.2 Any member of the Committee may nominate in writing to the Administrator additional candidates for election to be considered by the Committee together with the names submitted by the diocesan Bishops.

7.3 As nominations are received from the diocesan Bishops of the Province and/or members of the Committee, the Administrator must:

(a) inspect or cause the inspection of the national register and the registers of all participating dioceses whose Synods have enacted professional standards legislation; and

(b) undertake or cause to be undertaken all background checks, screenings or clearances required by Diocesan statute or policy,

and confirm that the nominee has passed all of the relevant checks. The Administrator must then add the name of that nominee to the list of candidates.

7.4 The Administrator must not include on the list of candidates the name of any person who does not pass the probity checks. The Administrator must keep confidential the information in the registers and must not unnecessarily disclose the names of any persons who have not passed the probity checks.

7.5 Once the list contains three or more candidates, the Administrator shall call a further meeting for the Committee to consider the candidates.

7.6 Not less than two weeks before the date of that Committee meeting, the Administrator shall cause to be sent to each member of the Committee:

(a) the names of the candidates submitted by the Diocesan Bishops; and

(b) the names of all other candidates,

together with such information concerning each of them as the Administrator shall determine.

7.7 No candidate shall be considered for nomination unless a majority of the clerical members and a majority of the lay members of the Committee voting by secret ballot agree to that candidate's suitability for nomination as Archbishop.

7.8 The Administrator may repeat some or all of the process in section 7, until two or more candidates obtain the majority votes required under section 7.7. The Committee shall then consider these candidates and proceed to the ballot for the election of an Archbishop.

8 Ballot

8.1 No person shall be elected as Archbishop until they have received the votes of at least seven of the clerical members and at least seven of the lay members of the Committee.

8.2 Voting shall be by secret ballot.

8.3 The person obtaining at least seven of the votes of the persons present in each order shall be the Archbishop elect.

8.4 If no nominee receives the requisite majority of votes in each order, or the Archbishop elect declines to accept the See, then the procedure under this Statute shall commence again with the Administrator giving notice in accordance with section 7.1.

8.5 In the event of failure to elect within a period of twelve calendar months from the date of the vacancy of the See the election shall vest in Diocesan Council unless it extends the period for election by the Committee, which it may do for periods of six months at a time.

9 Confirmation

9.1 When a person has been elected as Archbishop, the Administrator of the Diocese shall certify the name of the person elected to the Primate or the Senior Bishop of the Province of Western Australia or the Chancellor of the Diocese for confirmation as to canonical fitness as defined in section 74(1) of the Constitution of the Anglican Church of Australia.

9.2 If canonical fitness is not confirmed within fourteen days of such certification, such election shall be null and void and proceedings shall be taken as if the vacancy in the See occurred at the time of such certification.

9.3 On receipt of the confirmation of canonical fitness, the Administrator of the Diocese shall inform the diocesan Bishops of the Province of Western Australia of the name of the elected person.

10 Powers and functions of the Archbishop

10.1 When an election has been confirmed as required the person so elected (subject to their consecration if necessary) shall be the Archbishop of the See of Perth and shall be entitled to exercise the functions of the Archbishop as from the date of enthronement in the Cathedral Church of the See of Perth.

10.2 The Archbishop has the right at all times to:

(a) enter every Church building within the Diocese for purposes including the saying of public prayers, administering the sacraments, preaching and performing all other rites and ceremonies according to the use of the Anglican Church; and

(b) attend the meetings of parish council or any annual or special meetings of parishioners of any parish.

PART 3 – ADMINISTRATOR

11 The appointment and role of the Administrator

11.1 At any time the Archbishop may appoint a member of clergy to be Administrator of the Diocese to administer the affairs of the Diocese, including chairing the meetings of Diocesan Council. This appointment must be signed and sealed by the Archbishop. The appointment shall be for such period and subject to such conditions as the Archbishop may determine, except that Diocesan Council must consent to the appointment an Administrator to serve during a vacancy in the See.

11.2 The person so appointed shall act as the Administrator of the Diocese:

(a) when so requested by the Archbishop;

(b) during the absence from the Diocese of the Archbishop;

(c) during the incapacity from any cause of the Archbishop; or

(d) during a vacancy in the See, unless and until their appointment has expired by effluxion of time or been revoked in writing by the Archbishop.

11.3 Where no Administrator has been appointed, or where the Administrator is unable or unwilling to act or is absent from the Diocese, the office of Administrator shall be exercised by a member of clergy appointed by Diocesan Council.

11.4 The Administrator shall exercise the authorities, powers, rights and duties (including membership of Diocesan Council) conferred or imposed on the Archbishop by the Constitution of the Anglican Church of Australia, other than the authorities, powers, rights and duties relating to the office of Metropolitan, while administering the Diocese. Nothing in this section confers on an Administrator who is not a bishop a right to vote as a bishop, where voting on Provincial Council requires a vote by orders.

11.5 During a vacancy in the See the Administrator shall and may exercise those powers and authorities until such time as a new Archbishop is enthroned.

11.6 The Archbishop may remove the Administrator from office in the sole discretion of the Archbishop at any time.

PART 4 - CHANCELLOR

12 The appointment and role of the Chancellor

12.1 The Archbishop may appoint as Chancellor to the Archbishop a person who meets the qualifications of a chancellor as set out in the Chancellors Canon 2001. The appointment shall be for such period and subject to any conditions as the Archbishop may determine, made under seal and otherwise in accordance with the provisions of the Chancellors Canon 2001.

12.2 Before entering the execution of the office, the Chancellor must make such oaths and declarations as are required by the Chancellors Canon 2001, the Statutes of the Diocese and as otherwise required by the Archbishop.

12.3 The Chancellor shall be the principal confidential adviser to the Archbishop in legal and related matters. Subject to the Chancellor's overriding duty to the Archbishop, the Chancellor may from time to time provide advice to the Synod and other agencies of the Diocese with the consent of the Archbishop.

12.4 The Chancellor has such other powers, duties and responsibilities and holds such other positions as may be prescribed by the Constitution of the Anglican Church of Australia, the Constitution of the Diocese, and any canons or statutes.

12.5 The Archbishop may remove the Chancellor from office in the sole discretion of the Archbishop at any time.

12.6 The Archbishop may appoint a deputy Chancellor either as a continuing officer or to act in the absence of the Chancellor or during a vacancy in the
office of Chancellor. A deputy Chancellor must meet the qualifications of a chancellor and will be subject to the provisions in relation to tenure in the Chancellors Canon.

PART 5 – ASSISTANT BISHOPS

13 The appointment and role of assistant bishops

13.1 The Synod may from time to time create the office of assistant bishop and may create more than one such office. The Synod acknowledges and preserves the 3 offices of assistant bishop which were created before the adoption of this Statute but acknowledges that there is no requirement for all 3 offices of assistant bishop to be filled at any time.

13.2 The appointment of an assistant bishop shall be made by the Archbishop with the concurrence of Diocesan Council.

13.3 Before making any such appointment the Archbishop shall notify the Primate of the intention of making the appointment.

13.4 No priest appointed to the office of an assistant bishop in the Diocese shall be consecrated unless their appointment as to canonical fitness has been confirmed by the Primate or one or more Metropolitans or the Chancellor of the Diocese. The definition of "canonical fitness" in section 74(1) of the Constitution of this Church shall apply to any such confirmation.

13.5 An assistant bishop shall be licensed by the Archbishop for such period and on such conditions as the Archbishop may determine. An assistant bishop shall undertake such work and perform such episcopal acts as may be required or permitted by the Archbishop. The assistant bishops may have such other powers, duties and responsibilities as are prescribed by canons or statutes.

13.6 An assistant bishop shall continue in office notwithstanding a vacancy in the See.

13.7 No assistant bishop shall be appointed with a right of succession to the See.

13.8 Nothing in this Statute affects any office of assistant bishop created or appointment made before the adoption of this Statute.

13.9 The Archbishop may remove an assistant bishop from office in the sole discretion of the Archbishop at any time.

PART 6 - ARCHDEACONS

14 The appointment and role of archdeacons

14.1 Subject to compliance with any Statutes, the Archbishop may collate one or more members of clergy as archdeacons either for a set period or until the next vacancy in the See or as otherwise permitted by statute or custom.

14.2 An archdeacon has such powers, duties and responsibilities as are allocated by the Archbishop, including to assist the Archbishop in administrative matters and liaison with clergy, parishes and allied ministries.

14.3 The Archbishop may remove an archdeacon from office in the sole discretion of the Archbishop at any time.

PART 7 – DIOCESAN REGISTRAR

15 The appointment and role of Diocesan Registrar

15.1 Subject to compliance with any Statutes, the Archbishop may at any time appoint a person to keep the register of official records of the Diocese.

15.2 The appointment shall be for such period and subject to such conditions as the Archbishop may determine.

15.3 If the person appointed as the Diocesan Registrar is a lay person, they must subscribe to the lay officers' declaration in accordance with the requirements of the Diocesan Council Statute.

15.4 The Archbishop may remove the Diocesan Registrar from office in the sole discretion of the Archbishop at any time.

CONSECRATION OF BISHOPS CANON 1966[1]
Canon 3, 1966 as amended by
Canon 6, 1969

A canon to provide for the consecration of bishops

The General Synod prescribes as follows:

1. A bishop shall be consecrated by at least three bishops that is to say:
   (i) by the metropolitan of the province in which the diocese is situated, assisted by two or more other bishops of this Church; or
   (ii) if the diocese is not within a province, by the Primate assisted by two or more other bishops of this Church; or
   (iii) by any diocesan bishop of this Church nominated by the Primate or metropolitan to act in his stead for such consecration, assisted by two or more other bishops of this Church

   provided however, where the consecration is for or in respect of a diocese within a province, nothing in this canon shall preclude any other bishop in office in that province from assisting at such consecration

   provided also that nothing in this canon shall preclude any other bishop from assisting at such consecration with the consent of the metropolitan or Primate responsible for such consecration provided further that nothing in this canon shall preclude the consecration of a bishop of this Church in a Church in communion with this Church in accordance with section 6 of the Constitution of this Church by the metropolitan or other bishop of such church assisted by two or more bishops of a church in communion with this Church with the concurrence of the metropolitan and a majority of the bishops of the province of this Church in which the diocese is situated for which such bishop is to be consecrated or if such diocese is not within a province then with the concurrence of the Primate of Australia.
2. In this canon "Metropolitan" and "Primate" shall have the same meaning as in the Constitution of this Church.
3. That this canon affects the order and good government of the Church and shall not come into force in any diocese unless and until the diocese by ordinance adopts the said canon.
4. Clause 5 of Determination II, Session 1905 of the General Synod of the Church of England in Australia and Tasmania as amended shall cease to have any operation in any diocese on the passing of an Ordinance by the Synod of such diocese adopting this canon.
5. This canon may be cited as the “Consecration of Bishops Canon, 1966”.

[1] The Diocese of Perth adopted this canon on 18/04/67 and 01/10/72 pursuant to the "Consecration of Bishops Canon 1966 (No 3 of 1966) Adoption Statute" and adopted the amendments pursuant to the "Consecration of Bishops Canon Amendment Canon 1969 (no 6 of 1969) Adoption Statute 1970"

BISHOP (INCAPACITY) CANON 1995[1]
Canon 18, 1995 as amended by
Canon 1, 1998

A canon to provide for the vacation of the See of a bishop incapable of fulfilling office and for other purposes.

The General Synod prescribes as follows:

Short title

1 This canon may be cited as the "Bishop (Incapacity) Canon 1995".

Definitions

2 In this canon -

"**incapable**", in relation to a person who is the bishop of a diocese, means -

(a) incapable, continuously or intermittently, of managing the person's affairs; or

(b) by reason of a physical or mental disability of any kind, unable, continuously or intermittently, to make reasonable judgments in respect of matters relating to all or any part of the carrying out of the person's affairs or the affairs of the person's office as the bishop of the diocese;

"**registrar**", in relation to a diocese, means the person holding office as the chief executive officer (by whatever name called) of the registry of the bishop of the diocese, and includes a person acting in such an office;

"**relevant Metropolitan**", in relation to the bishop of a diocese, means -

(a) unless paragraph (c) or (d) applies, the Metropolitan of the Province in which the diocese is situated; or

(b) if the diocese is an extra provincial diocese, the Primate; or

(c) if the bishop is the Metropolitan but not the Primate, the Primate; or

(d) if the bishop is the Primate, the person who, at the relevant time, is the next most senior Metropolitan who is available, seniority being determined by the date of consecration.

Where court, tribunal or other body determines bishop incapable

3 (1) If a court, tribunal or other body established by law having authority to make such orders, makes an order an effect of which is that a person who is the bishop of a diocese is declared, determined or otherwise found to be incapable, the relevant Metropolitan may, subject to section '12, by notice in writing given to the registrar of the bishop's diocese, declare the See vacant.

(2) The relevant Metropolitan, before making a declaration under sub-section (1), shall make or cause to be made an enquiry of a chancellor of a diocese of the Anglican Church of Australia and such other enquiries as the relevant Metropolitan thinks fit.

(3) The relevant Metropolitan shall cause a copy of the notice under sub-section (1) to be given to the bishop to whom it relates, to the registrar of the relevant Metropolitan's diocese and, unless the bishop is the Primate, to the Primate.

Where suspected Inability reported to relevant Metropolitan

4 If three members of the synod of a diocese consider on reasonable grounds that the bishop of the diocese may be incapable, those members may, in writing, report the matter to the relevant Metropolitan.

Relevant Metropolitan may appoint panel of inquiry

5 (1) The relevant Metropolitan, upon receiving a report under section 4, may, if the relevant Metropolitan considers it appropriate, appoint a panel to inquire into the matter the subject of the report.

(2) The panel shall consist of at least 3 persons appointed by the relevant Metropolitan, at least one of whom is a qualified medical practitioner and at least one of whom is a qualified legal practitioner.

(3) The relevant Metropolitan shall appoint one of the members of the panel to chair the panel.

(4) Subject to this canon, the panel shall determine its own procedure.

Authority to Disclose Information

6 This canon shall be sufficient authority from the Bishop concerned, who shall be deemed to have given such authority, for any medical practitioner who has treated the Bishop at any time in the previous 2 years to disclose information relating to the Bishop's medical condition to the panel, or the Tribunal, or any member thereof.

Report by panel

7 (1) A panel appointed under this canon shall report to the relevant Metropolitan within 2 months after being appointed or, if the relevant Metropolitan approves a longer period, within that longer period.

(2) The relevant Metropolitan -

(a) shall send a copy of the report of the panel to the bishop of the diocese; and

(b) if the panel reports that it considers that there are reasonable grounds for considering that the bishop is incapable, shall, in writing, ask the bishop for a response to the report within 21 days after the bishop receives the copy.

Suspension of bishop from office

8 (1) If the panel reports that it considers that there are reasonable grounds for considering that the bishop is incapable, the relevant Metropolitan may, by notice given to the bishop, suspend the bishop from office.

(2) The relevant Metropolitan shall cause a copy of the notice under sub-section (1) to be given to the registrar of the bishop's diocese, to the registrar of the relevant Metropolitan's diocese and, unless the bishop is the Primate, to the Primate.

(3) The suspension -

[1] Adopted by the Diocese of Perth pursuant to the "Bishop (incapacity) (Amendment) Canon 1998 (No 1 of 1998) Adoption Statute 1998"

(a) has effect as an absence of the bishop from the See; and
(b) ceases to have effect -
(i) upon a determination by a tribunal appointed under section '10 or 11 that the bishop is not incapable; or
(ii) upon the See becoming vacant (whether or not under this canon)
whichever first occurs.

See may be declared vacant if report not contested

9 (1) Unless the bishop of a diocese to whom a report is sent under section 7 contests the report in accordance with section 10, the relevant Metropolitan may, subject to section 12 by notice given to the bishop, declare the See vacant.
(2) The relevant Metropolitan shall cause a copy of the notice under sub-section (1) to be given to the registrar of the bishop's diocese, to the registrar of the relevant Metropolitan's diocese and, unless the bishop is the Primate, to the Primate.

Where report of panel contested

10 (1) If the bishop of a diocese, by notice in writing given to the relevant Metropolitan within 21 days after receiving the copy of a report under section 7, contests the report, the relevant Metropolitan shall appoint a tribunal to determine the matter.
(2) The tribunal shall consist of 3 persons appointed by the relevant Metropolitan of whom one shall be a chancellor of a diocese of the Anglican Church of Australia, who shall be president of the tribunal, one shall be a bishop of another such diocese and one shall be a qualified medical practitioner.
(3) A person who has been concerned in any way with an investigation or report into the capacity of the bishop, or who is or has been a member of the synod of that diocese while that bishop has been the bishop of the diocese, is ineligible to be a member of a tribunal appointed under this section in relation to the bishop.
(4) Subject to this canon, the tribunal shall determine its own procedure.

Determination by tribunal under section 10 and appeal

11 (1) The tribunal under section 10 shall determine whether or not, in its opinion, the bishop of the diocese is incapable and shall report its determination in writing to the relevant Metropolitan.
(2) The relevant Metropolitan shall give a copy of the determination of the tribunal under section 10 to the bishop to whom it relates and to the registrar of the bishop's diocese.
(3) The bishop may appeal, on a question of law only, from a determination of the tribunal under section 10 to a tribunal consisting of the members for the time being of the Appellate Tribunal.
(4) Subject to this canon, the procedure of a tribunal under this section shall, so far as practicable, be the procedure of the Appellate Tribunal.
(5) If the bishop does not, within 7 days after a copy is given to the bishop or the registrar of the bishop's diocese, whichever is the later, of a determination of the tribunal under section 10 that the bishop is incapable, give notice in writing to the Registrar of the Appellate Tribunal of an appeal to the tribunal under this section on a question of law, the relevant Metropolitan may, subject to section 12 by notice in writing given to the bishop or the registrar of the bishop's diocese, declare the See vacant.
(6) If the bishop appeals on a question of law in accordance with sub-section (5) and the tribunal under this section, in determining the appeal, upholds the determination of the tribunal under section 10, the relevant Metropolitan may, subject to section 12 by notice in writing given to the bishop or the registrar of the bishop's diocese, declare the See vacant.
(7) The relevant Metropolitan shall cause a copy of a notice under sub-section (5) or (6) to be given to the registrar of the relevant Metropolitan's diocese and, unless the bishop is the Primate, to the Primate.
(8) Despite section 8(3), if a bishop who is suspended from office under section 8(1) appeals to a tribunal under this section, the suspension continues until –
(a) the tribunal under this section determines that the bishop is not incapable; or
(b) the See becomes vacant (whether or not under this canon),
whichever first occurs.

Consultation with Diocesan Council or Standing Committee

12 Before declaring a See vacant in accordance with the provisions of this canon the relevant Metropolitan shall convene a meeting in the diocese concerned, of the members of the relevant Diocesan Council or Standing Committee in order to consult with them as to the making or implementation of any declaration of the vacancy in the See.

Reimbursement by Diocese of Expenditure

13 Any expenditure incurred by the relevant Metropolitan in the administration of this canon in relation to the Bishop of a Diocese, including expenses incurred in relation to the panel and any Tribunal shall be paid or reimbursed by that Diocese.

Canon affects order and good government

14 This canon affects the order and good government of this Church and shall not come into operation in a diocese unless and until the diocese adopts and assents to this canon by ordinance of the synod of the diocese.

Determination V1, 1891 to cease to have effect

15 The Determination of the General Synod of the Dioceses in Australia and Tasmania made on 3 October 1891 ceases to have effect in a diocese which adopts this canon.

EPISCOPAL STANDARDS STATUTE 2016
RELATING TO PROFESSIONAL STANDARDS OF THE ARCHBISHOP, AND FOR OTHER PURPOSES

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PART 1 – PRELIMINARY

1 **Short title**

1.1 This Statute may be cited as the Episcopal Standards Statute.

2 **Commencement**

2.1 This Statute or provisions of this Statute come into operation on a day this Statute is signed by the Archbishop.

3 **Definitions and Interpretation**

3.1 In this Statute, unless the context otherwise requires:

abuse means physical abuse, neglect of a child or sexual abuse;

Administrator means the person who would, in the absence or incapacity of a bishop, be the administrator of a Diocese;

Archbishop means the Archbishop of Perth and former Archbishop has a corresponding meaning;

Board means the Episcopal Standards Board established under Part 11;

ceremonial includes ceremonial according to the use of this Church, and also the obligation to abide by such use;

child means a person under 18 years of age;

Church means the Anglican Church of Australia within the Diocese;

Church agency means any separately incorporated entity of the Church in the Diocese, which has been established by the Synod, The Perth Diocesan Trustees or the Diocesan Council and includes all Church schools;

Church body includes a parish, an incumbent, a parish council, a school, agency, entity and any body corporate, organization or association that exercises ministry within, or on behalf of, the Church;

Church entity means an unincorporated entity including a committee, commission, a parish or a parish council in the Diocese, the Cathedral or Chapter of the Cathedral, that exercises ministry within, or on behalf of, the Church with the actual or apparent authority of the Church;

Church school means a school of the Anglican Schools Commission (Inc) or other school or educational institution within the meaning of section 1(1)(f) of The Constitution Act of the Diocese of Perth 1871 as well as the Provincial schools within the Diocese, which are affiliated with the Church;

code of conduct means a code of conduct approved from time to time under Part 2;

complainant means a person who makes a complaint;

complaint means a complaint made under Part 8 of this Statute;

Constitution means the Constitution of the Anglican Church of Australia;

Council of Bishops in relation to a complaint has the meaning in sections 3.3, 3.4 and 3.5;

Diocese means the diocese of Perth;

diocese means a diocese of the Anglican Church of Australia;

Diocesan Council means the council of the Diocese established pursuant to the Diocesan Council Statute 1888;

Diocesan Registrar means the person appointed by the Archbishop to keep the register of official records of the Diocese;

Director means the Director of Episcopal Standards appointed under Part 7;

Episcopal Standards Committee or **ESC** means the Episcopal Standards Committee established under Part 6;

equivalent body means a body of another diocese exercising powers, duties or functions under legislation with

respect to professional standards or discipline of a church worker, similar to those of the ESC or the Board as the case may be, or where there is no such body, the bishop of the diocese;
excluded conduct has the meaning in section 3.6;
faith includes the obligation to hold the faith. Unless the context or subject matter otherwise indicates, any reference to faith shall extend to doctrine;
incapable in relation to the Archbishop has the meaning in section 2 of the Bishop (Incapacity) Canon 1995;
medical includes psychiatric, psychological and other areas of health practice;
misconduct has the meaning in section 3.7;
ministry means ordained ministry in Bishop's orders;
national register means the national register established pursuant to the National Register Canon 2007 or any canon prescribed by General Synod in substitution for that canon;
neglect of a child means the neglect of a child where the child has suffered, or is likely to suffer, significant harm to his or her wellbeing or development;
physical abuse means any intentional or reckless act, use of force or threat to use force causing injury to, or involving unwelcome physical contact with, another person but does not include lawful discipline by a parent or guardian;
prescribed person means –

(a) the complainant other than the Director; or
(b) any witness other than either the Archbishop or a witness as to character; or
(c) any person against whom a prescribed sexual offence is alleged to have been committed;

prescribed sexual offence means:

(a) a sexual offence; or
(b) such other offence as may be prescribed under legislation of the relevant State or Territory for the purposes of prohibiting the publication of details of the identity of a victim of crime;

protocol means the protocol or policy approved from time to time by the Diocesan Council under Part 5;
Provincial Tribunal means the Provincial Tribunal of a province **established** under Chapter IX of the Constitution;
relevant Metropolitan in relation to the Archbishop means:

(a) unless paragraph 3.1(c) applies, the Metropolitan of the Province in which the diocese of the former Archbishop is situated; or
(b) if the Archbishop is not the Primate, the Primate; and
(c) if the Archbishop is the Primate, the person who, at the relevant time, is the next most senior Metropolitan who is available, seniority being determined by the date of consecration;

Review Board means the Episcopal Standards Review Board established under Part 14;
ritual includes rites according to the use of this Church, and also the obligation to abide by such use;
sexual abuse means sexual assault, sexual exploitation or sexual harassment or sexually inappropriate behaviour in relation to a child or adult, and in relation to a child includes the use of a child by another person for that person's own sexual stimulation or gratification or for that of others;
sexual assault means any intentional or reckless act, use of force or threat to use force involving some form of sexual activity against an adult without consent or against a child;
sexual exploitation means any form of sexual contact or invitation to sexual contact with another person, with whom there is a pastoral or supervisory relationship, whether or not there is consent and regardless of who initiated the contact or invitation. It does not include such contact or invitation within a marriage;
sexual harassment means unwelcome conduct of a sexual nature, whether intended or not, in relation to a person where the person reasonably feels in all circumstances offended, belittled or threatened;
sexual offence means a sexual offence as defined in s36A of the Evidence Act 1906 (WA) and in relation to a particular jurisdiction, has the meaning given it by the applicable legislation of that jurisdiction; and
Special Tribunal means the Special Tribunal established under the Constitution.

3.2 In this Statute, a reference to conduct shall be read as a reference to—

(a) doing or refusing to do any act;
(b) refraining (otherwise than inadvertently) from doing an act; or
(c) making it known that an act will not be done.

3.3 **Council of Bishops**
Council of Bishops in relation to a complaint, means a council of Bishops comprising:

(a) the Primate;
(b) the most senior Metropolitan in office as at the date of the complaint (seniority being determined by date of consecration) as may be willing and able to act;
(c) the most senior Bishop in office as at the date of the complaint (seniority being determined by date of consecration), other than a Metropolitan, as may be willing and able to act, each of whom shall have consented in writing to act as a member of the Council of Bishops in relation to the complaint and to abide by the provisions of Part 18 (Confidentiality and Publication).

3.4 If the Primate, Metropolitan, or a Bishop referred to in section 3.3 -

(a) is a respondent to the complaint;
(b) is a respondent to any other complaint that, as at the date of the first mentioned complaint, has been–
    (i) either referred to the Board under Part 12 or Part 13 of this Statute and has not yet been dealt

with by the Board or Review Board; or

(ii) dealt with, has resulted in a recommendation to the Council of Bishops pursuant to section 40, 45 or 58;

(c) is unable to act because of illness or absence from his or her Diocese;

(d) otherwise ceases to hold office; or

(e) declines for whatever reason to consent in writing as set out in section 3.3 —

the Primate, Metropolitan or Bishop shall be ineligible, or shall cease, to be a member of the Council of Bishops and the place of that office holder –

(i) if the Primate, shall be taken by the Primate's successor in office or, if the office is vacant or the Primate is incapable, by the Metropolitan or Bishop who would exercise the authorities, powers, rights and duties of the Primate during such vacancy or incapacity;

(ii) if the most senior Metropolitan (other than the Primate), shall be taken by the Metropolitan next senior to that Bishop (if any); and

(iii) if the most senior Bishop, shall be taken by the next most senior Bishop.

3.5 If the Metropolitan or Bishop who would exercise the authorities, powers, rights and duties of the Primate, when the office was then vacant, takes the place of the Primate and is already or would otherwise be a member of the Council of Bishops as senior Metropolitan, the place shall be taken by the Metropolitan next senior to that Bishop not already or otherwise a member of the Council of Bishops.

3.6 The expression **excluded conduct** in relation to the Archbishop means –

(a) any act or omission or refusal of the Archbishop to ordain, appoint, correct, discipline, counsel, admonish, transfer, demote, suspend, retrench or dismiss a person, revoke a licence or refuse to renew a licence, permission, consent or authority;

(b) any other act or omission or refusal of the Archbishop in the course of episcopal ministry; or

(c) any decision of the Archbishop relating to the same if the Archbishop has acted or omitted or refused to act or make a decision in the lawful discharge of the duties and functions of the Archbishop.

Nothing in this definition shall be read as imposing any duty or function on the Archbishop.

3.7 The expression **misconduct** in relation to the Archbishop means –

(a) physical abuse;

(b) neglect of a child;

(c) sexual abuse;

(d) any offence under a Statute of the Diocese;

(e) any of the offences under section 2.(1) 1. to 3. inclusive, 5. and 6. of the Offences Canon 1962 or any canon in substitution or amendment of that canon;

(f) wilful or reckless failure to comply with a condition imposed by the Council of Bishops;

(g) wilful or reckless failure to comply with an undertaking given to the Board, the Review Board or the Council of Bishops;

(h) an act or omission, or series of acts or omissions, made inappropriately or unreasonably in response to a complaint relating to discipline or professional or episcopal standards about the conduct of a person in the Diocese who is subject to a canon of General Synod or a Statute of the Diocese;

(i) any breach of the duty to report a matter referred to below in section 8;

(j) any other conduct that is unbecoming or inappropriate to the office and duties and functions of an Archbishop, other than excluded conduct;

(k) fraudulent conduct in relation to money or property;

(l) alcohol, drug or substance abuse; or

(m) conviction of any sexual offence,

by the Archbishop occurring after the commencement of this Statute which, if established, would on its face call into question:

(i) the fitness of the Archbishop to hold office, or to be or remain in Holy Orders;

(ii) the fitness of the Archbishop, whether temporarily or permanently, to exercise ministry and perform any duty or function of the office; or

(iii) whether, in the exercise of ministry or in the performance of any duty or function, the Archbishop should be subject to any condition,

but excludes for the purposes of this Statute any breach of faith, ritual or ceremonial.

4 **Overriding purposes of Statute**

4.1 The overriding purposes of this Statute and of any protocol or policy made under this Statute, in their application to any complaint under this Statute, are to facilitate the just, expedient and efficient resolution of the real issues in the complaint and to regulate fitness for ministry of the Archbishop for the protection of the community.

5 The Director, the ESC, the Board and the Review Board must each seek to give effect to the overriding purposes when exercising any power given by this Statute or by any protocol and when interpreting any provision of this Statute or of any such protocol.

PART 2 – CODE OF CONDUCT

6 **Approval of code of conduct**

6.1 The Synod or Diocesan Council may from time to time by resolution approve a code of conduct for observance by the Archbishop, which does not make provision for any matter concerning faith, ritual or ceremonial.

7 **Promotion of code of conduct**

7.1 The Diocesan Council through the ESC and by such other means as may be considered appropriate must take such steps as may be necessary or desirable to promote the knowledge, understanding and observance in the Church of the code of conduct.

PART 3 – DUTY TO REPORT

8 **Duty to report**

8.1 If the Archbishop –

(a) believes on reasonable grounds that a person has suffered harm, or is at risk of harm, as a result of abuse by a person who is subject to a canon of General Synod or a Statute of the Diocese relating to discipline or professional or episcopal standards; and

(b) has no reason to believe that the Director of Professional Standards or the Director of Episcopal Standards (as the case may be) appointed under that canon or Statute or any member of the Professional Standards Committee or Episcopal Standards Committee appointed under that canon or Statute is aware of those facts,

the Archbishop must as soon as possible report the matter to that Director or to a member of that Professional Standards Committee or that Episcopal Standards Committee as the case may be.

8.2 This section does not affect the operation of the Canon Concerning Confessions 1989 of General Synod or any other canon or legislative instrument relating to confessions in force in the Diocese.

PART 4 – OTHER DUTIES OF THE ARCHBISHOP

9 **Duties concerning the process**

9.1 The Archbishop must subject to subsection 9.2–

(a) comply with a requirement of the ESC pursuant to section 27.1(a) of this Statute to meet with an investigator to answer questions in relation to a complaint against the Archbishop;

(b) comply with a requirement of the ESC pursuant to section 27.1(b) and 27.1(c) of this Statute to provide a verified detailed report to the ESC within a reasonable time; and

(c) truthfully answer any question put by or on behalf of the ESC or the Board or the Review Board in the exercise of powers conferred by this Statute.

9.2 If the Archbishop declines to answer a question on the ground that the answer might tend to incriminate him or her, a written record shall be made of the question and of the ground of refusal.

9.3 The Archbishop must–

(a) not mislead the ESC or the Board or the Review Board or a member of any of them or a delegate of the ESC;

(b) not unreasonably delay or obstruct the ESC, the Board or the Review Board or a member of any of them or a delegate of the ESC in the exercise of powers conferred by this Statute; and

(c) attend a mediation, conciliation, neutral evaluation or other dispute resolution meeting arranged by the ESC in relation to a complaint.

10 **Duty to comply with an undertaking or direction**

10.1 The Archbishop must -

(a) comply with any undertaking given to the Board, the Review Board or the Council of Bishops; and

(b) comply with a direction made by the Council of Bishops to give effect to a recommendation of the ESC, the Board or the Review Board (as the case may be) or any permitted variation or modification of that recommendation.

10.2 Failure of the Archbishop to comply with an undertaking or direction is an offence.

10.3 The ESC may institute proceedings forthwith in the Special Tribunal in respect of an offence against this section or, if the bishop is no longer Archbishop, shall refer the matter, together with such relevant information concerning the alleged offence as may be in its possession, to the Metropolitan of the Diocese in which the former Archbishop is then resident.

PART 5 –PROTOCOL

11 **Making and content of protocols**

11.1 Diocesan Council must from time to time consider and approve a protocol or policy not inconsistent with this Statute for implementation in relation to complaints against the Archbishop.

11.2 The protocol or protocols must include:

(a) procedures for receiving a complaint;

(b) the appointment, role and function of support persons and carers;

(c) provision for informing a complainant and victim of alleged misconduct, and the Archbishop, of rights, remedies and relevant procedures available to them;

(d) provision for assisting or supporting, as appropriate, any person affected by alleged conduct the subject of a complaint or the Archbishop;

(e) an explanation of the processes for investigating and dealing with a complaint;
(f) provisions for dealing fairly with each party to a complaint;
(g) processes for mediation, conciliation and reconciliation, as appropriate, of a complaint or grievance;
(h) provisions for information, reports, advice and recommendations to the Primate or the relevant Administrator at each stage of the process of dealing with a complaint;
(i) procedures for working, where necessary, with law enforcement, prosecution or child protection authorities of the States and Territories and of the Commonwealth of Australia.

12 **Promoting knowledge and understanding of any protocol**

12.1 Diocesan Council through the Director and the ESC and by such other means as they may consider appropriate must take steps to make this Statute and any protocols or policies publicly available.

PART 6 – EPISCOPAL STANDARDS COMMITTEE

13 **Establishment of ESC**

13.1 There shall be an Episcopal Standards Committee constituted in accordance with the provisions of this Part.

13.2 The members of the ESC including its chair shall be appointed by Diocesan Council, meeting when the Archbishop is not present.

13.3 The members of the ESC shall hold office on such terms and conditions as may be determined from time to time by Diocesan Council, meeting when the Archbishop is not present.

13.4 The ESC shall have at least 3 members including the chair, any of whom may reside outside the Diocese.

13.5 The membership of the ESC shall be constituted, so far as reasonably possible, so as collectively to provide experience and appropriate professional qualifications in:
(a) law;
(b) episcopal ministry; and
(c) human resources, pastoral ministry, investigations, social work, ethics or counselling.

13.6 The ESC shall –
(a) include at least one person who is not a member of the Anglican Church of Australia;
(b) so far as it is reasonably practicable have at least one man and at least one woman; and
(c) not include a person who is a bishop or a clergy person holding a licence or other authority from the Archbishop.

13.7 The members of the ESC may constitute or include the members of an equivalent body either generally or for a particular complaint or matter.

13.8 A member of the ESC must not act in a matter unless the member has agreed in writing to abide by this Statute.

14 **Conduct of business**

14.1 The ESC may meet from time to time as determined by the chair or a majority of its members and may conduct its business by telephone or electronic communication.

14.2 The chair must convene a meeting of the ESC at the request of the Director.

14.3 The procedures of the ESC shall be as determined by the ESC.

14.4 A majority of the members shall constitute a quorum.

14.5 A decision taken other than at a meeting of the ESC, if supported by a majority of members of the ESC, constitutes a decision of the ESC.

14.6 The ESC must act in all things as expeditiously as possible.

15 **Validity of proceedings**

15.1 An act or proceeding of the ESC is not invalid by reason only of a vacancy in its membership and, notwithstanding the subsequent discovery of a defect in the nomination or appointment of a member, any such act or proceeding is as valid and effectual as if the member had been duly nominated or appointed.

16 **Functions of the ESC**

16.1 The ESC has the following functions:
(a) to implement a protocol;
(b) to receive a complaint against the Archbishop;
(c) to act on a complaint in accordance with the provisions of this Statute and any protocol and to obtain independent legal advice for that purpose;
(d) to appoint suitable persons to fulfil the several roles required to implement a protocol in each particular case;
(e) where appropriate, to recommend the conciliation, mediation or other dispute resolution of any complaint;
(f) to investigate or cause to be investigated a complaint in a timely and appropriate manner;
(g) where appropriate, to recommend to Diocesan Council any changes to a protocol and any other changes to Church processes, structures and education programmes that would reduce the risk of misconduct;
(h) subject to any limit imposed by the by Diocesan Council to authorise such expenditure as may be necessary or appropriate to implement, in a particular case, a protocol and the provisions of this Statute;
(i) to advise any relevant Church body as to the financial, pastoral or other needs of a person affected by conduct the subject of a complaint and in connection with any legal proceedings, anticipated or existing, against such Church body arising out of that alleged conduct;
(j) to refer any information in its possession to a law enforcement, prosecution or child protection authority of a State or Territory or of the Commonwealth of Australia for which the information is or may be relevant;

(k) to maintain proper records of all complaints received and of action taken in relation to each of them; and
(l) to exercise such other powers and functions as are conferred on it by this or any other Statute or by a protocol.

17 **Power of the ESC to delegate**

17.1 Subject to subsection 17.2, the ESC may delegate, upon such terms and conditions as the ESC may approve, any of its functions under this Statute to any person.

17.2 The ESC cannot delegate:
(a) its functions under section 17.1;
(b) its functions under sections 16.1(e) and 16.1(g);
(c) its functions under Part 12 (suspension); or
(d) its functions under sections 28 and 29.

17.3 A delegation under this section must be made by instrument in writing signed by a member of the ESC.

PART 7 – DIRECTOR OF EPISCOPAL STANDARDS

18 **Appointment of the Director**

18.1 There shall be a Director of Episcopal Standards.

18.2 The Director shall be appointed by Diocesan Council meeting when the Archbishop is not present.

18.3 The Director shall hold office on such terms and conditions as may be determined from time to time by Diocesan Council meeting when the Archbishop is not present.

18.4 The Director may act in a corresponding capacity as a Director of Episcopal Standards for another diocese either generally or for a particular case or matter.

19 **Functions of the Director**

19.1 The Director shall have the following functions under this Statute:
(a) to receive any complaint on behalf of the ESC;
(b) in his or her discretion to make a complaint against the Archbishop;
(c) to manage the implementation of the protocol in respect of any complaint or grievance;
(d) to be the executive officer of the ESC;
(e) to attend meetings of the ESC except for any part of a meeting which deals with conditions of employment, remuneration or performance of the Director;
(f) to provide advice about the code of conduct, the protocol and procedures under this Statute;
(g) to provide or arrange care or treatment of the complainant and Archbishop;
(h) to provide input into education and vocational training programs for the Archbishop;
(i) to provide information to complainants and the Archbishop about the operation of the protocol, with particular emphasis on helping the Archbishop to understand and discharge his or her responsibilities under the protocol;
(j) to keep proper records of complaints, decisions, meetings, employment screening details, police checks, and people affected by any allegation of misconduct;
(k) to consult and co-operate with other persons and bodies in the Church with responsibility for professional standards;
(l) in cases of alleged illegal behaviour, to support the complainant in making a report to police or child protection authorities;
(m) to report to the ESC on any recommended changes to the protocol and any other changes to Church processes, structures and education programmes that would reduce the risk of misconduct; and
(n) such specific functions and duties, consistent with this Statute, as may be determined from time to time by the ESC.

19.2 The Director must act in all things as expeditiously as possible.

PART 8 – COMPLAINTS

20 **Making a complaint of misconduct**

20.1 Any person including the Director may make a complaint of misconduct to the ESC in relation to the Archbishop.

20.2 If the Director receives or makes a complaint against the Archbishop, the Director must request the Diocesan Registrar to, and the Diocesan Registrar must, constitute the Council of Bishops in accordance with sections 3.3, 3.4 and 3.5 of this Statute.

21 **Form of a complaint**

21.1 A complaint may be in any form, oral or in writing, whether by electronic means or otherwise.

21.2 Where a complaint is oral, the Director must make a written record of the complaint as soon as practicable after receiving it.

21.3 A complaint must include details of the misconduct complained about.

21.4 The Director must not make a complaint based only on information provided anonymously.

21.5 The ESC must not act on an anonymous complaint.

21.6 Non-compliance with sections 21.2 and 21.3 of this section does not invalidate a complaint.

22 **ESC may require more information and verification**

22.1 The ESC may require a complainant to—

(a) give further details of the complaint; and
(b) verify the accuracy of the written record or details of the complaint by statutory declaration.

22.2 A requirement under subsection 21.1 must be in writing and allow the complainant a reasonable time to comply.

23 **ESC may dismiss a complaint or take no further action**

23.1 The ESC may dismiss a complaint or take no further action in relation to a complaint if—
(a) the ESC is of the opinion that the complaint does not fall within the provisions of this Statute;
(b) the complainant has failed to provide further details to the ESC or to verify the allegations by statutory declaration when requested by the Director to do so;
(c) the ESC is of the opinion that the complaint is false, vexatious, malicious, misconceived, frivolous or lacking in substance; or
(d) the ESC is of the opinion that there is insufficient reliable evidence to warrant an investigation or further investigation,

and may take no further action or may delay further action in relation to a complaint if—
(e) the behaviour that is the subject matter of the complaint can properly be dealt with by other means; or
(f) the subject matter of the complaint is under investigation by some other competent person or body or is the subject of legal proceedings.

24 **ESC must give the complainant notice of the outcome of complaint and reasons**

24.1 If a complaint is dealt with by the ESC under section 23, the ESC must give the complainant a written notice of the outcome including the reasons for the outcome.

PART 9 – INVESTIGATIONS

25 **When ESC is to investigate**

25.1 Subject to this Statute, the ESC must investigate each complaint as expeditiously as possible.

25.2 The ESC may investigate the conduct of the Archbishop if the ESC has reason to believe that the conduct may amount to misconduct under this Statute, whether or not a complaint about the conduct has been withdrawn.

25.3 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 to the Archbishop;
(b) the investigation of the complaint by the ESC or its delegate;
(c) the ESC otherwise dealing with it under this Statute;
(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 with this Statute; and
(e) the making of recommendations to the Council of Bishops in accordance with this Statute.

25.4 If the complainant (other than the Director) has not given the written consent referred to in the preceding subsection–
(a) the ESC shall not be required to investigate the complaint or otherwise to refer it to the Board; and
(b) the ESC may dismiss the complaint or take no further action in relation to the complaint.

26 **ESC to obtain material**

26.1 For the purpose of an investigation the ESC or its delegate shall obtain such statutory declarations, written statements, recorded conversations, reports, documents and other material as the ESC or its delegate considers necessary or advisable for presentation to the ESC.

27 **Archbishop to respond to ESC**

27.1 The ESC may by notice in writing to the Archbishop require the Archbishop—
(a) to meet with an investigator to answer questions in relation to a complaint;
(b) to provide a detailed report to the ESC within a reasonable time specified in the notice in relation to any matter relevant to the investigation; and
(c) to verify the report by statutory declaration or another specified manner.

PART 10 – OUTCOMES OF ESC

28 **How ESC may or must respond after receipt of complaint**

28.1 At any time after the ESC receives a complaint, the ESC may:
(a) recommend mediation, conciliation, neutral evaluation or other alternative resolution of the complaint;
(b) if it considers on reasonable grounds that the Archbishop may be incapable, report the matter in writing to the Primate;
(c) if the Archbishop whose conduct is under investigation ceases to be the Archbishop prior to any reference of the complaint to the Board, refer the complaint, together with such information as it shall have received, to:
    (i) the equivalent body having jurisdiction in the Diocese by whose Bishop the former Archbishop is licensed or, where the former Archbishop is not licensed, in which the former Archbishop resides; or
    (ii) the Primate, if the Archbishop has been appointed Metropolitan or bishop in another diocese; and
(d) exercise its powers under section 23 of this Statute to dismiss a complaint or to take no further action in relation to a complaint.

29 **Actions of the ESC following investigation**

29.1 At any time after investigation of a complaint in accordance with Part 9, the ESC:

(a) must, if required under section 52 of this Statute to do so, refer the complaint to the Board; and

(b) may institute, amend or withdraw proceedings by way of charge against the Archbishop before the Special Tribunal.

30 **If a complaint is settled or resolved**

30.1 The fact that the subject matter of a complaint may be settled or resolved in whole or in part between the parties affected thereby does not prevent the ESC from taking any of the steps referred to in sections 28.1(b), 28.1(c) and 28.1(d) and 29 in respect of the subject matter of the complaint.

30.2 Any term of settlement or resolution referred to in section 30.1 which purports to:

(a) prevent or to limit the institution of action; or

(b) purports to dispose of, dispense with or dismiss proceedings, under either of sections 28.1(b), 28.1(c) and 28.1(d) and 29, shall be of no effect.

30.3 The ESC may agree with the Archbishop for the submission to the Board or the Review Board of either or both a statement of the facts relevant to the complaint and any recommendation proposed to be made by the Board or the Review Board to the Council of Bishops.

30.4 The Board or the Review Board may in its discretion proceed on the basis of the statement of agreed facts and determine any recommendation to be made to the Council of Bishops, having regard to but not bound by any proposed recommendation agreed between the ESC and the Archbishop.

PART 11 – EPISCOPAL STANDARDS BOARD

31 **Establishment of the Board**

31.1 There shall be an Episcopal Standards Board comprising 3 persons and constituted and appointed in accordance with the provisions of this Part.

32 **Functions of the Board**

32.1 Subject to the provisions of this Statute, the functions of the Board are to –

(a) make a determination and where appropriate make a recommendation under section 45 of this Statute;

(b) enquire into and determine a complaint referred to it under section 55; and

(c) make a determination and where appropriate make a recommendation under section 58.

33 **Board appointed from a panel**

33.1 The members of the Board in a particular case shall be appointed from an independent panel of at least 6 persons who are members of the Anglican Church of Australia comprising:

(a) a President and a Deputy President, both of whom shall be or shall have been either a judicial officer, or a practising barrister or solicitor of at least 10 years' standing of a Supreme Court of a State or Territory; and

(b) at least four other persons of whom at least—

(i) two shall be clergy who are or have been a Bishop; and

(ii) two shall be lay persons who are members of the Anglican Church of Australia.

33.2 As far as reasonably practicable the members of the panel should comprise an equal number of men and women.

34 **Appointment of members of the panel**

34.1 The members of the panel shall be appointed by Diocesan Council, meeting when the Archbishop is not present.

34.2 The members of the panel shall hold office on such terms and conditions as may be determined from time to time by Diocesan Council, meeting when the Archbishop is not present.

34.3 Any vacancy in the membership of the panel shall be filled by Diocesan Council, meeting when the Archbishop is not present.

35 **Appointment of members of the Board**

35.1 The members of the Board to be convened for a complaint referred to the Board shall be determined by the President or, if there is a vacancy in the office of President, by the Deputy President.

35.2 For the purpose of any reference to the Board, the Board shall consist of–

(a) the President or Deputy President, who shall be the presiding member;

(b) one person who is or has been a Bishop; and

(c) one lay person.

35.3 The Board must so far as reasonably practicable have at least one man and at least one woman.

35.4 A member of the Board may reside outside the Diocese.

35.5 A member of the Board must not act in a matter unless the member has agreed in writing to abide by this Statute.

35.6 The members of the Board may constitute or include the members of an equivalent body either generally or for a particular complaint or matter.

36 **Quorum of Board**

36.1 The quorum for a meeting of the Board shall be all the members of the Board except where the Board by its presiding member makes directions under section 81 of this Statute.

37 **Secretary to the Board**

37.1 There shall be a Secretary to the Board who shall be appointed by the President of the Board on such terms and conditions as may be determined from time to time by the President of the Board. The Secretary shall not be a member of the Board.

38 **Filling vacancies on the Board**

38.1 Any vacancy in the membership of the Board shall be filled by the President of the Board, or if the President is not available, the Deputy President of the Board.

38.2 Where a member of the Board is unable to enquire into and determine a complaint, a substitute member may be appointed by the President of the Board, or if the President is not available, the Deputy President of the Board.

39 **Validity of proceedings**

39.1 An act or proceeding of the Board is not invalid by reason only of the subsequent discovery of a defect in the nomination or appointment of a member of the Board or the Panel, and any such act or proceeding is as valid and effectual as if the member had been duly nominated or appointed.

PART 12 – SUSPENSION

40 **ESC may refer to Board or recommend suspension**

40.1 Where after receipt of a complaint or at any time during the progress of a complaint under this Statute, the ESC is satisfied that if the Archbishop remains in office pending the outcome of the complaint–

(a) there is an unacceptable risk of harm to any person; or

(b) there will be serious damage to the reputation or mission of the Church,

the ESC must refer the matter to the Board or, as the urgency of the matter requires, make a recommendation to the Council of Bishops that pending that outcome–

(i) the Archbishop be suspended from the duties of office or certain of those duties; and

(ii) such other action be taken as may be thought fit.

41 **Archbishop to be given notice**

41.1 Before making a recommendation pursuant to section 40 or referring the matter to the Board, the ESC must give the Archbishop notice that grounds exist for the ESC to be satisfied as stated in section 40 (specifying the same) and notice of any proposed recommendation and request the Archbishop to show cause in writing within 7 days why the recommendation should not be made.

42 **No notice where immediate unacceptable risk**

42.1 The provisions of the preceding section shall not apply if the ESC is satisfied that there is an immediate unacceptable risk of harm to any person if the Archbishop is given notice.

43 **Referral to the Board**

43.1 Where the ESC is satisfied that there is an immediate unacceptable risk of harm to any person if the Archbishop is given notice and makes a recommendation to the Council of Bishops pursuant to section 40-

(a) the ESC must forthwith refer the matter to the Board; and

(b) the Director must as soon as practicable give the Archbishop notice that—

(i) the recommendation has been made without notice and the grounds relied on;

(ii) the ESC will report the recommendation to the Board at its next meeting (specifying the date) and that the Board will consider whether the recommendation should stand; and

(iii) the Archbishop may advance written submissions to the Board prior to the next meeting if he or she wishes to do so.

44 **ESC or Board to consider Archbishop's response**

44.1 The ESC or the Board (as the case may be) must consider the response if any from the Archbishop received within the time specified above or any further period allowed, before making a decision on the recommendation to be made.

44.2 The provisions of section 44.1 shall not apply in relation to any recommendation of the ESC to the Council of Bishops under section 42.

45 **Powers of Board if satisfied as to unacceptable risk or serious damage to reputation or mission**

45.1 If the Board is satisfied that if the Archbishop remains in office pending the outcome of the complaint–

(a) there is an unacceptable risk of harm to any person; or

(b) there will be serious damage to the reputation or mission of the Church,

the Board may after considering the response if any from the Archbishop determine accordingly and make a recommendation to the Council of Bishops that pending that outcome action be taken as referred to above in section 40.

Where the ESC has already made a recommendation under section 40, the Board may:

(c) affirm or vary that recommendation; or

(d) set aside that recommendation and make another in substitution for it.

46 **Matters to be considered by ESC or Board before recommending**

46.1 Before making a recommendation under this Part, the ESC or the Board (as the case may be) must take into account:

(a) the seriousness of any alleged misconduct;

(b) the nature of the material to support or negate the allegations;

(c) the extent to which any person is at risk of harm;

(d) any breach of a duty imposed on the Archbishop under this Statute;

(e) after consultation with Diocesan Council, the effect on the Archbishop, and on the Church and its reputation or mission, of acting and of not acting under this Part; and

(f) any other allegation of similar conduct previously made to the ESC or to an equivalent body and may take

into account any other relevant matter.

47 **Power of the Council of Bishops**

47.1 The Council of Bishops to whom a recommendation is made under this Part must, and is hereby empowered to give effect to –

(a) that recommendation of the ESC or the Board; or

(b) any variation or modification of that recommendation, consistent with any facts found by the body making the recommendation provided that the substance of that recommendation is preserved, as the Council of Bishops sees fit.

47.2 Subject to section 47.3, the Council of Bishops must release to the public as soon as practicable a written statement disclosing their decision on the recommendation received and the steps to be taken or that have been taken pursuant to this section to give effect to it.

47.3 The Council of Bishops must ensure that any statement so released is anonymised and redacted so as not to contain any particulars that identify or are likely to lead to the identification of a prescribed person.

48 **Decision of the Council of Bishops to be decided by a majority of the votes**

48.1 A question before the Council of Bishops under this Part may be decided by a majority of the votes of the members of the Council of Bishops.

49 **Criminal charges – Notice of suspension by the relevant Metropolitan**

49.1 If the Archbishop is charged in any jurisdiction in Australia with a sexual offence or an offence relating to child pornography whether committed within or outside the Diocese, the Archbishop must forthwith stand down from the duties of office pending the determination of the charge.

49.2 If the Archbishop fails to do so, the Primate or the relevant Metropolitan may serve on the Archbishop a notice of suspension signed by the Primate or relevant Metropolitan.

49.3 Upon service of that notice, the Archbishop shall be deemed to have been suspended pending the outcome of the hearing of the charge.

50 **Effect and consequences of suspension**

50.1 A suspension of the Archbishop made by the Council of Bishops following a recommendation under this Statute or a suspension deemed under the preceding section:

(a) has effect as an absence of the Archbishop from the see; and

(b) continues until it ceases to have effect by reason of:

(i) the ESC terminating the investigation of the complaint without referring the matter to the Board;

(ii) a determination to that effect by the Council of Bishops;

(iii) the Council of Bishops giving effect to a recommendation of the Board or such a recommendation as varied or modified by the Council of Bishops under section47.1; or

(iv) the see becoming vacant (whether or not under this Statute) whichever first occurs.

51 **Continuation of stipend, allowances and other benefits**

51.1 During any such suspension or any voluntary standing down from the duties of office pending the outcome of a complaint, the Archbishop is entitled to receive whatever stipend, allowances and other benefits as would otherwise have accrued and they are to be met or reimbursed by the body normally responsible for their payment.

PART 13 – REFERENCE OF A COMPLAINT TO THE BOARD

52 **ESC to refer certain matters to the Board**

52.1 After investigation of a complaint in accordance with Part 9, where the ESC has formed the opinion that the conduct the subject of the complaint if established would call into question whether—

(a) the Archbishop is unfit –

(i) to hold office or to be or remain in Holy Orders; or

(ii) whether temporarily or permanently, to exercise ministry and perform any duty or function of the office; or

(b) in the exercise of ministry or in the performance of any duty or function, the Archbishop should be subject to any condition, the ESC must refer the complaint to the Board.

53 **How ESC to refer matters**

53.1 The ESC must refer the complaint to the Board by delivering to the Secretary of the Board a written report of its investigation and opinion signed by a member of the ESC.

53.2 As soon as practicable after delivering the report referred to in section 53.1, the ESC shall cause to be delivered to the Archbishop a copy of the report and opinion and notify the Archbishop that he or she may advance any submissions to the Board if he or she wishes to do so.

54 **If Archbishop resigns from office**

54.1 If after a complaint is referred to the Board, the Archbishop resigns from office, the Board may continue to enquire into and determine the complaint, notwithstanding such resignation.

55 **Documents and materials to be delivered to the Board**

55.1 Within 14 days of the date of the reference of a complaint to the Board or as soon as practicable following the receipt of further documents or materials the ESC must cause to be delivered to the Secretary of the Board any documents and material relevant to the reference.

56 **Board to deal with application expeditiously**

56.1 The Board must deal with a complaint as expeditiously as possible.

57 **Powers of Board**

57.1 If the Board is:

(a) not satisfied that the Archbishop committed any misconduct; or

(b) satisfied that the complaint is false, vexatious or misconceived,

the Board may determine accordingly and must dismiss the complaint.

57.2 If the Board is satisfied that the Archbishop has committed misconduct, but is not satisfied as to the matters in sections 58.1(a) or 58.1(b) , the Board may determine accordingly and must take no further action in relation to the complaint.

58 **Board's recommendation to Council of Bishops**

58.1 If the Board is satisfied that the Archbishop has committed misconduct and that–

(a) the Archbishop is unfit –

(i) to hold office or to be or remain in Holy Orders; or

(ii) whether temporarily or permanently, to exercise ministry and perform any duty or function of the office; or

(b) in the exercise of ministry or in the performance of any duty or function, the Archbishop should be subject to any condition;

the Board may determine in writing accordingly and may recommend to the Council of Bishops any one or more of the following:

(c) that the Archbishop be counselled;

(d) that for a specified period the Archbishop's holding of office or performance of a function as the case may be, shall be subject to such conditions or restrictions as the Board may specify;

(e) that the Archbishop be suspended from office or from performing a function as the case may be for such period recommended by the Board;

(f) that the Archbishop be directed to do or to refrain from doing a specified act;

(g) that the Archbishop be removed from office and the See be declared vacant;

(h) that the implementation of a determination shall be suspended for such period and upon such conditions as the Board shall specify;

(i) that a charge be promoted against the Archbishop before the Special Tribunal;

(j) that the Archbishop be prohibited from functioning as a bishop;

(k) that the Archbishop be deposed from Holy Orders; or

(l) otherwise as the Board sees fit.

59 **Board's recommendation if Archbishop unfit**

59.1 If the Board is satisfied that the Archbishop is unfit-

(a) to hold office or to be or remain in Holy Orders; or

(b) whether temporarily or permanently, to exercise ministry and perform any duty or function of the office,

its recommendation must include one or more of those recommendations specified in sections 58.1(e), 58.1(g), 58.1(j) and 58.1(k).

60 **Board may adjourn on terms**

60.1 The Board may defer making any recommendation under section 58 on a complaint and may for that purpose adjourn any hearing from time to time for a period or periods not exceeding in the aggregate 12 months, on terms that the Archbishop given an undertaking for a specified period and in a form approved by the Board to do one or more of the following acts –

(a) stand down from the duties of office or from performing specified episcopal duties;

(b) undertake counselling from a person approved by the Board;

(c) submit to periodic medical examination or testing by a person approved by the Board;

(d) undertake a specified program of medical treatment or rehabilitation whether as an outpatient or inpatient;

(e) provide medical or other evidence requested by the Board to assist it in deciding on any final recommendation; or

(f) perform or refrain from performing some other specified act.

60.2 If, within a period specified by the Board, the Archbishop declines to give an undertaking in accordance with subsection 60.1, the Board must proceed to make a determination and recommendation.

60.3 The Board may take into account the failure of the Archbishop to comply with his or her undertaking under subsection 60.1 in deciding on any recommendation on a complaint.

PART 14 – EPISCOPAL STANDARDS REVIEW BOARD

61 **Establishment of the Review Board**

61.1 There shall be an Episcopal Standards Review Board comprising 5 persons and constituted and appointed in accordance with the provisions of this Part.

62 **Function of the Review Board**

62.1 Subject to the provisions of this Statute, the function of the Review Board is to determine any application authorised by this Statute for review of a decision of the Board.

63 **Panel of Review Board members**

63.1 The members of the Review Board in a particular case shall be appointed from a panel of 10 persons comprising:

(a) a President and a Deputy President, both of whom shall be or shall have been either a judicial officer, or a practising barrister or solicitor of at least 10 years' standing of a Supreme Court of a State or Territory; and

(b) eight other persons of whom—

(i) two shall be clergy who are or have been a Bishop;

(ii) two shall be clergy not in bishop's orders; and

(iii) four shall be lay persons.

64 **Appointment of members of Review Board Panel**

64.1 The members of the panel shall be appointed by Diocesan Council, meeting when the Archbishop is not present.

64.2 The members of the panel shall hold office on such terms and conditions as may be determined from time to time by Diocesan Council, meeting when the Archbishop is not present.

64.3 The members of the panel may constitute or include the members of an equivalent body either generally or for a particular complaint or matter.

64.4 Any vacancy in the membership of the panel shall be filled by Diocesan Council, meeting when the Archbishop is not present.

65 **Convening a Review Board**

65.1 The members of the Review Board to be convened for any review of a decision of the Board shall be determined by the President or, if there is a vacancy in the office of President, by the Deputy President.

65.2 For the purpose of any application to the Review Board, the Review Board shall consist of the President or Deputy President, who shall be the presiding member, one clergy person in bishop's orders, one clergy person not in bishop's orders and two lay persons.

65.3 So far as it is reasonably practicable, the Review Board shall include at least one man and at least one woman.

65.4 The quorum for a meeting of the Review Board shall be all the members of the Review Board except where the Review Board by its President or Deputy President makes directions under section 81 of this Statute.

65.5 A member of the Review Board shall not act as such a member unless the member has agreed in writing to abide by this Statute.

66 **Secretary to the Review Board**

66.1 There shall be a Secretary to the Review Board who shall be appointed on such terms and conditions as may be determined from time to time by the President of the Review Board. The Secretary shall not be a member of the Review Board.

67 **Separately constituted Review Boards may sit simultaneously**

67.1 The Review Board, separately constituted in accordance with this Part, may act simultaneously for the purpose of applications made to it.

68 **Review Board's proceedings valid despite vacancies etc**

68.1 An act or proceeding of the Review Board is not invalid by reason only of a vacancy in its membership or in the membership of the panel and, notwithstanding the subsequent discovery of a defect in the nomination or appointment of a member of the panel or the Review Board, any such act or proceeding is as valid and effectual as if the member had been duly nominated or appointed.

PART 15 – APPLICATION FOR REVIEW

69 **Interpretation**

69.1 In this Part, **reviewable decision** means any finding of fact, determination or recommendation by the Board under section 58 of this Statute.

70 **Application to Review Board**

70.1 Where the Board has made any reviewable decision, the Archbishop or the ESC may within 30 days from the date of the decision or such further period as the Review Board may allow, apply to the Review Board for review of the decision.

71 **Stay**

71.1 Except in so far as the Board or the Review Board may direct otherwise, the application for review shall not operate as a stay of the action on any recommendation by the Council of Bishops required under this Statute.

72 **Documents and material to be delivered following application**

72.1 Within 14 days of the date of the application to the Review Board or as soon as practicable following the receipt of further documents or materials the ESC shall cause to be delivered to the Secretary of the Review Board any documents and material relevant to the application for review including the reasons of the Board for its determination and any recommendations.

73 **President to determine membership of Review Board**

73.1 Upon delivery to the Secretary of the Review Board the documents and material relevant to the application for review, the President or Deputy President of the Review Board as the case may be shall as soon as possible determine the membership of the Review Board for the purpose of the application for review.

74 **Review Board may exercise the powers of the Board**

74.1 The Review Board may exercise all the powers of the Board under this Statute and may—

(a) affirm the decision under review;

(b) vary the decision under review;
(c) set aside the decision under review and make another decision in substitution for it; or
(d) set aside the decision under review and remit the matter for reconsideration by the Board in accordance with any directions or recommendations of the Review Board.

75 **Review Board to deal with application expeditiously**

75.1 The Review Board must deal with the application as expeditiously as possible and must consider any further written submissions from the Archbishop or the ESC.

PART 16 - PROCEEDINGS OF THE BOARD AND THE REVIEW BOARD

76 **Conduct of proceedings**

76.1 Each of the Board and the Review Board—
(a) must act with fairness and according to equity, good conscience, natural justice and the substantial merits of the case without regard to technicalities or legal form; and
(b) is not bound by the rules of evidence but may inform itself on any matter in such manner as it thinks fit.

77 **Powers and duties of the Board and Review Board**

77.1 Subject to this Statute, each of the Board and the Review Board—
(a) may regulate the proceedings of its meetings as it sees fit;
(b) may conduct its business and any proceedings by video link, conference telephone or by any electronic means of communication;
(c) may inform itself from the transcript or other record of proceedings in any court or tribunal and may adopt any findings, and accept as its own, the record of any court or tribunal;
(d) may give any other person to whom notice of the proceedings was given or who satisfies them that he or she has a proper interest in the matter a reasonable opportunity to make written submissions to them; and
(e) must give written reasons for any determination and recommendation, other than by way of directions in the course of an application, unless the determination is made by consent of the Archbishop and the ESC.

77.2 The Board must give the ESC and the Archbishop a reasonable opportunity to adduce evidence, to examine or cross-examine witnesses and to make submissions to the Board.

78 **Hearings generally to be private**

78.1 Subject to subsections 78.2 and 78.3, any hearing of the Board or the Review Board must be held in private with attendance only by-
(a) the members of the Board or the Review Board (as the case may be);
(b) the Secretary of the Board or the Review Board and any person providing transcription services;
(c) the Director and any member of the ESC and any person representing any of them;
(d) the Archbishop and any person representing the Archbishop;
(e) the complainant;
(f) a person whom the complainant wishes to have present for the purpose of providing emotional support to him or her, who is reasonably available and who is approved by the Board or the Review Board to be present;
(g) any witness while giving evidence; and
(h) any other person to whom notice of the proceedings was given or who satisfies the Board that he or she has a proper interest in the matter.

78.2 Each of the Board and the Review Board may direct –
(a) that the whole or part of a proceeding be held in public; or
(b) that any other persons or classes of persons specified by it may be present during the whole or any part of a proceeding.

78.3 Each of the Board and the Review Board may only make a direction under the preceding subsection if satisfied that the direction is in the public interest in the proper administration of justice.

79 **Review Board not obliged to hold hearing or admit certain evidence**

79.1 Subject to this Statute, the Review Board is not obliged –
(a) to hold a hearing at which-
(i) evidence is adduced, whether by oral examination or signed statement or statutory declaration; or
(ii) submissions are heard orally; or
(b) to admit evidence that was not adduced before the Board in relation to the facts relevant to the complaint unless –
(i) the evidence could not have been obtained with reasonable diligence for use at the hearing before the Board; and
(ii) that there is a high probability that the result would have been different had it been received at that hearing.

80 **Legal representation**

80.1 The ESC, and the Archbishop at his or her own expense, may appoint a legal representative to assist in the process.

81 **Directions**

81.1 Each of the Board and the Review Board may at any time and from time to time give directions as to the:
(a) inspection by and supply of copies to the Archbishop or any other person of the documents or material relevant to the reference; and

(b) conduct of its inquiry into the reference,

and for that purpose, the Board or the Review Board may be constituted by the President or Deputy President alone.

82 **Board and Review Board may appoint a person to assist**

82.1 Each of the Board and the Review Board may, for the purpose of any particular reference, appoint such person or persons, to assist it in inquiring into (but not determining) a reference as the Board or the Review Board thinks fit.

83 **Directions to ESC**

83.1 Each of the Board and the Review Board may at any time and from time to time give directions to the ESC as to any further inquiries or investigation it requires to be carried out for the purposes of the reference and the ESC must to the best of its ability cause such directions to be carried out.

84 **Board and Review Board may receive written evidence**

84.1 Without limiting the meaning or effect of sections 76 and 77, each of the Board and the Review Board may receive a statutory declaration or a signed statement without the need for the personal attendance of the maker of the statutory declaration or statement and may also in its discretion use electronic means such as video link or conference telephone to receive evidence and submissions.

85 **Board and Review Board may rely on decisions of other bodies**

85.1 In any proceedings before it, where the Board or the Review Board is satisfied that the Archbishop—

(a) has been convicted by a court within Australia of an offence involving conduct as described in any of sections 3.7(a) to 3.7(e), 3.7(h), 3.7(l) or 3.7(m) of this Statute (specified conduct);

(b) has been found guilty (without conviction) by a court within Australia of an offence involving specified conduct;

(c) has admitted in proceedings before a court or tribunal within Australia having engaged in specified conduct;

(d) has been found by a court or tribunal within Australia to have engaged in specified conduct; or

(e) has been disqualified by a court or tribunal within Australia from professional practice on account of specified conduct,

then—

(f) a certificate, reasons for judgment or other record from the court or tribunal (as the case may be) shall be conclusive evidence that the Archbishop engaged in the specified conduct; and

(g) neither the Archbishop nor any other party shall be at liberty to call or give evidence or make submissions for the purpose of calling into question the conviction or finding of guilt of the Archbishop or denying that the Archbishop engaged in the specified conduct.

86 **Standard of proof applying to Board and Review Board**

86.1 The standard of proof to establish an allegation is that of a reasonable satisfaction on the balance of probabilities.

86.2 Each of the Board and the Review Board must scrutinize evidence with greater care if there is a serious allegation to be established, or an inherent unlikelihood of an occurrence of a given description or if there are grave consequences that would flow from a particular finding.

87 **Individual members of Board and Review Board not to meet or communicate with parties**

87.1 No member of the Board or the Review Board shall individually meet or communicate with either the complainant or the Archbishop or anyone acting on their behalf while the matter is in progress.

88 **Disqualification where personal interest**

88.1 Where a member of the Board or the Review Board has or develops a personal interest in a matter before it, the member shall be disqualified from participating in the matter.

88.2 The opinion of the presiding member of the Board or the Review Board (as the case may be) as to whether any other member of the Board or the Review Board has at the time a personal interest in a matter shall be conclusive.

89 **Medical examination**

89.1 The ESC or the Board or the Review Board may request the Archbishop to submit within a specified time to a medical examination or testing by a person or service provider approved by the ESC or the Board or the Review Board (as the case may be) the cost of which shall be met from church funds under the control of the Diocesan Council.

89.2 A copy of the report of an examination or tests under subsection 89.1 shall be provided to the Archbishop, the Director, the ESC, the Board and, if applicable, the Review Board.

90 **No further action where Special Tribunal unlikely to find Archbishop guilty**

90.1 If the Board or the Review Board is satisfied that there is no reasonable likelihood that the Special Tribunal would find the Archbishop guilty of any offence, the Board or the Review Board shall not recommend that a charge be promoted against the Archbishop in the Special Tribunal.

91 **Certain matters not to be inquired into**

91.1 Neither the Board nor the Review Board shall, in the course of considering a complaint or reconsidering a decision respectively:

(a) inquire into any matter which is the subject of any completed formal investigation or enquiry and determination conducted—

(i) pursuant to any provision of the Constitution; or

(ii) pursuant to this Statute, a canon or a Statute of a diocesan Synod in any case relating to the discipline or professional standards of Church workers by a board of enquiry, tribunal or other body—

save to the extent of any fresh evidence that was not reasonably available during the previous formal investigation or enquiry, but may take into account the finding of any such formal investigation or enquiry;

or

(b) inquire into, make any findings in relation to or take into account any alleged breach of faith, ritual or ceremonial or excluded conduct.

92 **Matters Board and Review Board to consider**

92.1 Where a matter is referred to the Board or application for review is made to the Review Board, the Board or Review Board (as the case may be) shall consider the complaint or decision and may make any finding on any relevant question of fact, taking into account—

(a) the final report (if any) of the investigator including any attachments;
(b) such report of the ESC as may be submitted;
(c) any further material received from the complainant and the Archbishop relevant to its consideration;
(d) any other relevant evidentiary material;
(e) any standards prescribed by the code of conduct approved under this Statute;
(f) the conduct of the Archbishop as it finds it to have been;
(g) any failure of the Archbishop to comply with a provision of this Statute; and
(h) in the case of the Review Board, the determination and reasons of the Board.

93 **No costs to be awarded**

93.1 Neither the Board nor the Review Board has the power to award costs of any complaint or matter before it.

94 **Making of rules**

94.1 The President of the Board may make rules of the Board reasonably required in relation to the practice and procedure of the Board.

94.2 The President of the Review Board may make rules of the Review Board reasonably required in relation to the practice and procedure of the Review Board.

94.3 The ESC, the Archbishop and any other party joined to a complaint or matter by leave of the Board or the Review Board shall comply with the rules of the Board or the Review Board (as the case may be) and with any directions given by either the Board or the Review Board.

95 **Single member sitting alone**

95.1 The rules of the Board or the Review Board made under this Part may provide that, in relation to the exercise of specified functions, or in relation to matters of a specified class, other than the determination of an application including the making of a recommendation, the Board or the Review Board (as the case may be) may, at the direction of the presiding member, be constituted by a single member sitting alone.

96 **Practice and procedure**

96.1 Subject to this Statute and the relevant rules, the practice and procedure of the -

(a) Board will be as directed by the presiding member of the Board; and
(b) Review Board will be as directed by the presiding member of the Review Board.

97 **Questions of law and other decisions**

97.1 In any proceedings of the Board or the Review Board:

(a) any question of law or procedure shall be determined by the presiding member; and
(b) any other question will be determined by majority decision of the members, and in the case of an equality of votes the opinion of the presiding member shall prevail.

97.2 Where the Board or the Review Board is constituted by a member sitting alone who is not the President or the Deputy President, any question of law that arises must be referred to the President or Deputy President for decision and any decision made on such a reference is a decision of the Board or the Review Board (as the case may be).

98 **Vacancy in Board or Review Board**

98.1 If a member of the Board or the Review Board, other than the presiding member, dies or is for any other reason unable to continue with any complaint referred to the Board or any matter before the Review Board, the Board or the Review Board constituted by the presiding member and the other member or members may, if the presiding member so determines, continue and complete the matter.

99 **To whom a copy of the determination and recommendation to be provided.**

99.1 Subject to this section, each of the Board and the Review Board must cause a copy of the determination and recommendations together with reasons (whether under section 45, 58 or 74) to be provided to—

(a) the Council of Bishops;
(b) the complainant;
(c) the Archbishop;
(d) the Director and the ESC;
(e) Diocesan Council; and
(f) the Professional Standards Commission of the Anglican Church of Australia,

and must cause any required relevant details to be forwarded for entry onto the national register.

99.2 Each of the Board and the Review Board must ensure that the determination and recommendations together with reasons are anonymised and redacted so as not to contain any particulars that identify or are likely to lead to the identification of a prescribed person.

99.3 Each of the Board and the Review Board must release to the public as soon as practicable –

(a) its determination and reasons for decision; and
(b) the recommendations made to the Council of Bishops anonymised and redacted as referred to above.

99.4 If to be effective, a recommendation must identify a prescribed person, the Board or the Review Board may communicate confidentially the name of that person to the Council of Bishops.

PART 17 - THE COUNCIL OF BISHOPS

100 **Council of Bishops must give effect**

(a) Subject to section 71 of this Statute, the Council of Bishops to whom a recommendation under sections 58 or 74 is made must, and is hereby empowered to give effect to,–

(b) the recommendation of the Board or if applicable, the Review Board; or

(c) any variation or modification of that recommendation, consistent with any facts found by the body making the recommendation provided that the substance of that recommendation is preserved, as the Council of Bishops sees fit.

101 **Decision by majority of votes**

101.1 A question before the Council of Bishops may be decided by a majority of the votes of the members of the Council of Bishops.

102 **Publication of decision of the Council of Bishops**

102.1 Subject to subsection 102.2, the Council of Bishops –

(a) must release to the public as soon as practicable a written statement disclosing its decision on any recommendation received and the steps to be taken or that have been taken pursuant to section 100 to give effect to it; and

(b) may release to the public such further material as it may determine with respect to the exoneration of the Archbishop or any action taken against the Archbishop.

102.2 The Council of Bishops must ensure that any statement or further material so released is anonymised and redacted so as not to contain any particulars that identify or are likely to lead to the identification of a prescribed person.

102.3 The Council of Bishops must cause any required relevant details of a variation or modification to a recommendation made to it to be forwarded for entry onto the national register.

PART 18 – CONFIDENTIALITY AND REPORTING

103 **Duty of confidentiality**

103.1 Subject to the provisions of this Statute, the Director, a member of the ESC, a member of the Board or the Review Board or of a Council of Bishops or a person employed or engaged on work related to the affairs of the ESC, the Board or the Review Board must not divulge information that comes to his or her knowledge by virtue of that office or position except:

(a) in the course of carrying out the duties of that office or position, including for the purposes of obtaining legal advice;

(b) as may be authorised by or under this Statute or any protocol;

(c) as may be authorised or required by or under the National Register Canon 2007 or any canon prescribed by General Synod in substitution for that canon;

(d) in any proceedings before a Diocesan Tribunal, a provincial tribunal, the Special Tribunal or the Appellate Tribunal;

(e) as may be required by law; or

(f) to any insurer or insurance broker of a Church body or Council of Bishops where the information may give rise to or be relevant to a claim for indemnity by the Church body or Council of Bishops against the insurer or is relevant to obtaining or continuing insurance cover.

104 **Duty of disclosure to other church bodies**

104.1 The ESC must disclose to an equivalent body information in its possession concerning alleged misconduct of a former Archbishop, which is information:

(a) relevant to, or coming to notice during the course of an investigation undertaken by the equivalent body of the Diocese to whom the former Archbishop has been appointed Metropolitan or bishop, or by whose Bishop the former Archbishop is licensed or in which the former Archbishop is residing; or

(b) concerning misconduct alleged to have occurred in the diocese of the equivalent body,

and must co-operate with the equivalent body.

104.2 The ESC may disclose to a person or body of another church or Christian denomination exercising powers, duties or functions similar to those of the ESC, in relation to clergy, details of information in its possession concerning the alleged misconduct of a former Archbishop and the ESC must co-operate with such person or body to whom the information is disclosed.

105 **ESC to report annually to Diocesan Council**

105.1 The ESC must report annually to Diocesan Council on its activities for that calendar year.

105.2 The report of the ESC pursuant to the preceding subsection may identify the Archbishop as the Archbishop who has been exonerated from an allegation the subject of a complaint or who has been the subject of a determination or recommendation by the Board or the Review Board, favourable to the Archbishop.

106 **ESC to report to Primate or senior Metropolitan**

106.1 Subject to subsection 106.2, the ESC must, in respect of every complaint with which it is dealing under this Statute, report either orally or in writing to the Primate with such frequency and as fully as the Primate may reasonably

require.

106.2 If the matter relates to the conduct of the Archbishop who is the Primate, such reports must be made to and at the direction of the senior Metropolitan at the time in Australia who is not the Primate.

PART 19 – INDEMNITY

107 **Indemnification of those with functions under the Act**

107.1 The Perth Diocesan Trustees may indemnify and is hereby authorised, with the approval of Diocesan Council, out of church funds under the control of Diocesan Council, to indemnify –

(a) the Director and any delegate of the Director;
(b) any carer appointed under this Statute or any protocol;
(c) the members of the ESC and each of them;
(d) any delegate of the ESC;
(e) the members of the Board and each of them;
(f) the Secretary to the Board;
(g) any person appointed by the Board pursuant to this Statute;
(h) the members of the Review Board and each of them;
(i) the Secretary to the Review Board;
(j) any person appointed by the Review Board pursuant to this Statute; and
(k) the members of the Council of Bishops and each of them,

for any act or omission respectively by them in good faith and in the exercise or purported exercise of powers or functions, or in the discharge or purported discharge of duties under this Statute in relation to the Archbishop.

PART 20 – REGULATIONS

108 **Making amending or repealing Regulations or protocols**

108.1 The Diocesan Council may from time to time make amend or repeal Regulations or protocols, not inconsistent with the provisions of this Statute, providing for records arising out of or incidental to the operation of this Statute, and for all or any of the purposes whether general or to meet particular cases, which may be convenient for the administration of this Statute or which may be necessary or expedient to carry out the objects and purposes of this Statute.

EPISCOPAL STANDARDS (CHILD PROTECTION) CANON 2017

Incorporating in full the provisions of the Episcopal Standards Canon 2007 as incorporated and modified for the purpose of examinable conduct as defined in the Episcopal Standards (Child Protection) Canon 2017

Canon 5, 2017

The General Synod prescribes as follows:

PART 1

Title

1. This Canon is the Episcopal Standards (Child Protection) Canon 2017.

Definitions

2. (1) In this Canon, unless the context otherwise requires:

actual knowledge includes—

(a) wilfully shutting one's eyes to the obvious; or

(b) wilfully and recklessly failing to make such inquiries as an honest and reasonable person would make;[1]

Administrator means the person who would, in the absence or incapacity of a Bishop, be the administrator of a diocese;

assistant to the Primate means any bishop assistant to the Primate in the Primate's capacity as Primate;

authorisation to function means a licence or any written instrument by which a member of the clergy is appointed, authorised, permitted or sanctioned to exercise ministry as a member of the clergy and **authorising to function** and **authorised to function** have a corresponding meaning;[2]

Bishop means a bishop who is or was a member of the House of Bishops or an assistant to the Primate;

bishop means a person in bishop's orders;

Board means the Episcopal Standards Board established under Part 6;

child has the same meaning as in the National Register Canon 2007;

child abuse has the same meaning as in the National Register Canon 2007;

Church means the Anglican Church of Australia;

Church body includes the Primate, the General Synod, a diocese, diocesan synod, diocesan council, diocesan trustee or trust corporation or other body responsible for administering the affairs of a diocese, or an institution or agency of this Church or of a diocese;

Church Worker means a person who is not a member of the clergy and who –

(a) is permitted to function by the Bishop of a diocese;

(b) is employed by a Church body; or

(c) whether for payment or not, holds a position or performs a function with the actual or apparent authority of a Church authority or a Church body.[3]

Code of Conduct means a code of conduct approved from time to time under Part 2;

complying ordinance means an ordinance of a diocese relating to episcopal standards or professional standards in which examinable conduct or misconduct which may give rise to a question of fitness to be determined by the board constituted under that ordinance is defined as including examinable conduct as defined in this canon and which applies to a Bishop;

Director means the Director of the ESC appointed under the Special Tribunal Canon 2007;

Episcopal Standards Commission or **ESC** means the Episcopal Standards Commission appointed under the Special Tribunal Canon 2007;

examinable conduct means:

(a) in relation to a Bishop who is a member of the House of Bishops or assistant to the Primate, any conduct or omission, other than exempt conduct, involving:

(i) child abuse; or

(ii) conduct that impedes or undermines a professional standards process; or

(iii) the failure without reasonable excuse to perform a duty or a function under a professional standards process; or[4]

(iiia) the failure without reasonable excuse to exercise a power to initiate, or to investigate whether to initiate, a professional standards process;[5]

(iv) the failure without reasonable excuse to comply with the laws of the Commonwealth, a State or Territory requiring the reporting of child abuse to the police or other authority;

(v) subject to section 60(2) of the Constitution, the failure without reasonable excuse to give

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[1] New definition inserted by Part 4 section 4.1(a) of Canon 11, 2022

[2] New definition inserted by Part 2 Division 6 section 2.14(a) of Canon 11, 2022

[3] New definition inserted by Part 2, Division 2 section 2.5 of Canon 11, 2022

[4] Amended by Part 2 Division 5 section 2.12 of Canon 11, 2022

[5] Inserted by Part 4 section 4.1(b)(i) of Canon 11, 2022

effect to a recommendation to the Bishop under a professional standards process;

(vi) the Bishop ordaining or authorising to function a member of the clergy or permitting to function a church worker contrary to, or in the absence of, a recommendation of a screening authority, or with actual knowledge or reasonable grounds for suspecting that the screening authority may not have properly discharged its statutory functions in making its relevant recommendation;

(vii) the Bishop ordaining or authorising to function a member of the clergy, or permitting to function a church worker, who poses a serious risk to the safety of children with actual knowledge or reasonable grounds for suspecting that the person poses that risk;[6]

wherever or whenever occurring, and the subject of information which, if established, might call into question the fitness of the Bishop to hold office or to remain in Holy Orders, but excludes any breach of faith, ritual or ceremonial;

(b) in relation to a Bishop who was a member of the House of Bishops or an assistant to the Primate, any conduct or omission involving:

(i) child abuse; or

(ii) conduct that impedes or undermines a professional standards process; or

(iii) the failure without reasonable excuse to perform a function under a professional standards process; or

(iv) the failure without reasonable excuse to comply with the laws of the Commonwealth, a State or Territory requiring the reporting of child abuse to the police or other authority;

(v) subject to section 60(2) of the Constitution, the failure without reasonable excuse to give effect to a recommendation given to the Bishop under a professional standards process;

(vi) ordaining or authorising to function a member of the clergy or permitting to function a church worker contrary to, or in the absence of, a recommendation of a screening authority, or with actual knowledge or reasonable grounds for suspecting that the screening authority may not have properly discharged its statutory functions in making its relevant recommendation;

(vii) the Bishop ordaining or authorising to function a member of the clergy, or permitting to function a church worker, who poses a serious risk to the safety of children with actual knowledge or reasonable grounds for suspecting that the person poses that risk.[7]

occurring while a member of the House of Bishops or assistant to the Primate whether before or after the commencement of this canon, and the subject of information which, if established, might call into question the fitness of the Bishop to hold office or to remain in Holy Orders, but excludes any breach of faith, ritual or ceremonial;

exempt conduct means any conduct or omission which would be examinable conduct, had not the Bishop disclosed the material facts of such conduct to the ordaining bishop prior to the Bishop's ordination as a deacon;

former Bishop means a Bishop whose conduct falls within paragraph (b) of the definition of examinable conduct;

information means information of whatever nature and from whatever source relating to the alleged misconduct or omission of a Bishop wherever or whenever occurring;

member of the clergy means a person who is a bishop, priest or deacon in the Church.[8]

national register means a national register established pursuant to a Canon of General Synod for a purpose which includes the recording of determinations of the Board;

permission to function means a licence or any written instrument by which a person who is not a member of the clergy is appointed, authorised, permitted or sanctioned to exercise ministry and **permitting to function** and **permitted to function** have a corresponding meaning.[9]**professional standards process** means a process for determining the fitness for office of clergy or lay persons under any canon of the General Synod or diocesan ordinance or a process under Chapter IX of the Constitution, where the conduct that is the subject of the process relates to child abuse;

protocol means the protocol approved from time to time by the Standing Committee under Part 3;

recommendation includes a recommendation validly varied or modified pursuant to a diocesan ordinance;[10]

relevant diocesan bishop in relation to a former Bishop means the bishop of the diocese in which the former Bishop is authorised to function or resides.[11]

relevant Metropolitan, means:

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[6] Subsections (a) (v), (vi) and (vii) inserted by Part 4 section 4.1(b)(ii) of Canon 11, 2022

[7] Subsections (b) (v), (vi) and (vii) inserted by Part 4 Clause 4.1(b)(iii) of Canon 11, 2022

[8] New definition inserted by Part 2 Division 3 section 2.9 of Canon 11, 2022

[9] New definition inserted by Part 2 Division 6 section 2.14(b) of Canon 11, 2022

[10] New definition inserted by Part 4, section 4.1(a) of Canon 11, 2022

[11] Amended by Schedule 1.1(a) of Canon 11, 2022

(a) in relation to the bishop of a diocese:
  (i) unless paragraph (iii) or (iv) applies, the Metropolitan of the Province in which the diocese is situated; or
  (ii) if the diocese is an extra-provincial diocese, the Primate; or
  (iii) if the bishop is the Metropolitan but not the Primate, the Primate; or
  (iv) if the bishop is the Primate, the person who, at the relevant time, is the next most senior Metropolitan who is available, seniority being determined by the date of consecration; and
(b) in relation to any other member of the House of Bishops or an assistant to the Primate, the Primate;
(c) in relation to a former Bishop;
  (i) the Metropolitan of the Province in which the Bishop is authorised to function or resides; or[12]
  (ii) if the Bishop is authorised to function or resides in an extra provincial diocese, the Primate.[13]

respondent means a Bishop whose alleged conduct or omission is the subject of information;

sexual offence relating to a child means —

(a) sexual activity by a person against, with or in the presence of a child, or

(b) the possession, production or distribution by a person of any form of child pornography—

in respect of which—

(c) the person has been convicted, or been found guilty without a conviction being recorded, under the laws of the Commonwealth, State or Territory; or

(d) a court, commission or tribunal of the Commonwealth, a State or a Territory has made an adverse finding of fact in relation to that person; or

(e) the person has been convicted, or been found guilty without a conviction being recorded, in some other country under the laws of that country that are equivalent to a law of the Commonwealth or of a State or Territory; or

(f) the person has not been tried by a court of competent jurisdiction and which if proved—
  (i) if alleged to have been committed within Australia, would constitute a criminal offence in the State or Territory in which it is alleged to have occurred; and
  (ii) if alleged to have been committed in a country other than Australia, would if committed in Australia constitute a criminal offence under a law of the Commonwealth or of a State or Territory.[14]

Standing Committee means the Standing Committee of General Synod;

Standard of screening means—

(a) in a diocese in which the Safe Ministry to Children Canon 2017 is in force, a standard of screening applying under Part 3 of that Canon; or

(b) in a diocese in which the Safe Ministry to Children 2017 Canon is not in force, the standard of screening applying in that diocese;[15]

Tribunal means the Special Tribunal.

(1A) For the purposes of this Canon, a person has a conflict of interest when their responsibilities arising from their role may be influenced or affected, or may be perceived as being influenced or affected, by—
  (a) their personal financial interest, or those of their family or friends;
  (b) their reputation, or that of their family or friends;
  (c) their obligations or loyalty to another person or organisation;
  (d) their previous or current relationship (whether personal or professional) with someone who might be affected by how they discharge those responsibilities; or
  (e) their previous or current involvement in another capacity in a matter now falling within those responsibilities.[16]

(2) Where there is examinable conduct in relation to a former Bishop, the examinable conduct extends to any other conduct or omission of the former Bishop that falls within subparagraphs (i) to (iv) of paragraph (b) of the definition of examinable conduct (other than exempt conduct), but occurring before or after any period in which the Bishop was a member of the House of Bishops or an assistant to the Primate, and is the subject of information that, if established, together with the relevant conduct or omission occurring while a member of the House of Bishops or assistant to the Primate, might call into question the fitness of the Bishop to hold office or to remain in Holy Orders (but excluding any breach of faith, ritual or ceremonial).

PART 2 – CODE OF CONDUCT

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[12] Amended by Schedule 1.1(b) of Canon 11, 2022
[13] Amended by Schedule 1.1(b) of Canon 11, 2022
[14] New definition inserted by Part 2, Division 1 section 2.1 of Canon 11, 2022
[15] New definition inserted by Part 2 Division 7 section 2.20 of Canon 11, 2022
[16] New section 1A inserted by Part 6 Division 1 section 6.1 of Canon 11, 2022

3. The General Synod or the Standing Committee shall from time to time by resolution approve a Code of Conduct for observance by Bishops, which does not make provision for any matter concerning faith, ritual or ceremonial, provided that any changes to the Code of Conduct made by the Standing Committee shall be referred to the next session of General Synod for ratification.
4. The Standing Committee through the ESC and by such other means as may be considered appropriate shall take such steps as may be necessary or desirable to promote the knowledge, understanding and observance in this Church of the Code of Conduct. A code of conduct must not make provision for any matter concerning faith, ritual or ceremonial.

PART 3 – THE PROTOCOL

5. (1) The Standing Committee shall from time to time consider and approve a protocol for implementation in relation to information.
   (2) The protocol must include:
   (a) procedures for receiving information;
   (b) provision for informing complainants and victims of alleged conduct the subject of information, and respondents, of rights, remedies and relevant procedures available to them;
   (c) provision for assisting or supporting, as appropriate, all persons affected by alleged conduct the subject of information;
   (d) an explanation of the processes for investigating and dealing with information;
   (e) provisions for dealing fairly with respondents;
   (f) processes for referral to mediation and conciliation in appropriate circumstances;
   (g) provisions for information, reports, advice and recommendations to the Primate, the relevant Metropolitan and to the relevant Administrator at each stage of the process of dealing with information;
   (h) procedures for working, where appropriate, with law enforcement, prosecution or child protection authorities of the States and Territories and of the Commonwealth of Australia.
6. The Standing Committee through the ESC and by such other means as it may consider appropriate shall take such steps as may be necessary or desirable to promote throughout the Church a knowledge and understanding of the protocol.

PART 4 – THE EPISCOPAL STANDARDS COMMISSION

7. (1) In addition to the powers conferred on it by the Special Tribunal Canon 2007 and subject to the provisions of this Canon the ESC has the following powers and duties:
   (a) to implement the protocol to the extent that the protocol is not inconsistent with this Canon;
   (b) to receive information;
   (c) to act on information in accordance with the provisions of this Canon, and the protocol to the extent that it is not inconsistent with this Canon;
   (d) to appoint suitable persons to fulfil the several roles required to implement the protocol in each particular case;
   (e) where appropriate, to arrange for the conciliation or mediation of any complaint the subject of information;
   (f) to investigate information in a timely and appropriate manner;
   (g) where appropriate, to recommend to the Standing Committee any changes to the protocol;
   (h) subject to any limit imposed by the Standing Committee to authorise such expenditure on behalf of the General Synod as may be necessary or appropriate to implement, in a particular case, the protocol and the provisions of this Canon;
   (i) to advise any relevant Church body as to the financial, pastoral or other needs of a person affected by conduct the subject of information and as to any possible or actual legal proceedings against such Church body arising out of the alleged conduct of a bishop;
   (j) to refer any information in its possession to a member of a law enforcement, prosecution or child protection authority of a State or Territory or of the Commonwealth of Australia to which the information is or may be relevant;
   (k) to maintain proper records of all information received and of action taken in relation to such information;
   (l) to have carriage under this Canon of the referral of a question to the Board from an equivalent body to the ESC under a complying ordinance.
   (2) The Director may receive information on behalf of the ESC and shall carry out such functions under this Canon as the ESC may determine.

8. (1) In the exercise of its powers and duties under this Canon the provisions of sections 8, 9 and 10 of the Special Tribunal Canon 2007 shall apply to the ESC as if reference therein to the Tribunal were a reference to the Board and reference to a complaint were a reference to information.
   (2) Subject to subsection (3), the ESC may delegate, upon such terms and conditions as the ESC may approve, any of its powers or functions under this Canon to any person.

(3) The ESC cannot delegate:
  (a) its powers under subsection (2);
  (b) its powers under section 13; or
  (c) its powers under section 16.

(4) A delegation under this section must be made by instrument in writing signed by a member of the ESC.

PART 5 – EXAMINABLE CONDUCT

9. Subject to this Canon, where the ESC considers that the subject matter of information constitutes examinable conduct it shall investigate the information.

10. The ESC may decide not to investigate the information or may refrain from further investigation of the information if:
  (a) in its opinion, the allegations the subject of the information are vexatious or misconceived, or their subject matter is trivial;
  (b) the subject matter is under investigation by some other competent person or body or is the subject of legal proceedings;
  (c) the person making allegations of examinable conduct or a person affected by the conduct the subject of the information has failed, when requested by the ESC, to provide further particulars or to verify the allegations by statutory declaration; or
  (d) in its opinion there is insufficient reliable evidence to warrant an investigation or further investigation.

11. For the purpose of an investigation the ESC or an investigator shall obtain such statutory declarations, written statements, recorded conversations, reports, documents and other material as the ESC or its delegate considers necessary or desirable.

12. (1) The ESC may by notice in writing to a respondent require the respondent to provide a detailed report to the ESC within the time specified in the notice in relation to any matter relevant to the investigation.
  (2) It is the obligation of a respondent:
    (a) not to mislead the ESC or a member or delegate of the ESC;
    (b) not unreasonably to delay or obstruct the ESC or a member or delegate of the ESC in the exercise of powers conferred by this Canon.
  (3) If a respondent declines to answer a question on the ground that the answer might tend to incriminate the person a written record shall be made of the question and of the ground of refusal.

12A When the ESC has commenced an investigation of information under this Part, it must conduct an initial assessment to identify any risks to children and must take whatever steps are reasonably available and practicable to minimise risks identified.[17]

13. (1) At any time after the ESC has commenced or caused to be commenced an investigation of information under this Part in circumstances where it considers that action may be taken under paragraph (b) or (c) of section 16, it may recommend to the Diocesan Council or, in the case of a Bishop who is not a diocesan bishop, to the Primate, that the Bishop be suspended from the duties of office.
  (2) If the Diocesan Council, meeting when the Bishop is not present, or the Primate, as the case may be, concurs in the recommendation, the President of the Board, after considering any submission from the Bishop, may suspend the Bishop from the duties of office.
  (3) The meeting of the Diocesan Council referred to in sub-section (2) shall be chaired by a Diocesan Bishop appointed by the Primate with the concurrence of a majority of the Metropolitans. The Diocesan Bishop so appointed shall not have a vote at the meeting.
  (4) Where an investigation has been commenced against the Primate under this part, the powers and functions of the Primate under sub-section (3) shall be exercised by the person who would exercise the authorities, powers, rights and duties of the Primate if there were a vacancy in the office.
  (5) For the purposes of this section a reference to the Metropolitans excludes a Metropolitan who at the time is the subject of an investigation under this part.

14. Before suspending a Bishop from the duties of office under section 13 the President of the Board shall take into account:[18]
  (a) the seriousness of the conduct alleged in the information;
  (b) the nature of the material to support or negate the allegations;
  (c) whether any person is at risk of harm;
  (d) after consultation with the relevant Diocesan Council or its representative, the effect on the respondent, a relevant Church body and on the Church in the diocese of acting and of not acting under section 13; and
  (e) any other allegation of similar examinable conduct previously made to the ESC or to an equivalent body within the previous ten years;

  and may take into account any other relevant matter.

15. (1) A suspension under section 13 or a voluntary standing down from office by the Bishop as a result of an investigation by the ESC:

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[17] New section 12A inserted by Part 5 section 5.2 of Canon 11, 2022

[18] Amended by Part 2 Division 9 Clause 2.25 of Canon 11, 2022

(a) has effect as an absence of the Bishop from the see or from office as the case may require; and
(b) continues until it ceases to have effect by reason of:
(i) the ESC terminating the investigation without taking action under section 16;
(ii) a determination to that effect by the Board or the Tribunal as the case may be; or
(iii) the see or the office becoming vacant (whether or not under this Canon);
whichever first occurs.

(2) During any such suspension or voluntary standing down the Bishop is entitled to receive whatever stipend, allowances and other benefits that would otherwise have accrued and which are to be met or reimbursed by the body normally responsible for their payment.

16. At any time after the commencement of an investigation under this Part the ESC may:
(a) if it considers on reasonable grounds that the Bishop may be incapable, report the matter in writing to the relevant Metropolitan, and such report shall be a report for the purposes of section 4 of the Bishop (Incapacity) Canon 1995 as if it were made by three members of the synod of a diocese pursuant to that section;
(b) refer to the Board the fitness of the Bishop, whether temporarily or permanently, to hold office or to remain in Holy Orders;
(c) whether or not the information the subject of the investigation is also the subject of a complaint under the Special Tribunal Canon 2007, institute, amend or withdraw proceedings by way of charge against the Bishop before the Tribunal.

17. (1) The fact that the subject matter of a complaint or dispute concerning examinable conduct may be settled or resolved in whole or in part between the parties affected thereby does not prevent the ESC from taking any of the steps referred to in section 16 in respect of the subject matter of the complaint or dispute.
(2) Any term of settlement or resolution referred to in sub-section (1) which purports to prevent or to limit the institution of such proceedings shall be of no effect.
(3) A matter shall not be referred to the Board, a reference to the Board shall not continue and proceedings shall not be instituted or maintained in the Special Tribunal where the bishop concerned has relinquished or has been deposed from Holy Orders in accordance with the Holy Orders Relinquishment and Deposition Canon 2004.

PART 6 – EPISCOPAL STANDARDS BOARD

18.[19] There shall be an Episcopal Standards Board constituted and appointed in accordance with the provisions of this Part.

19. (1) Subject to the provisions of this Canon the function of the Board is to inquire into and determine a question referred to it pursuant to section 16 or pursuant to a corresponding provision of a complying ordinance, to make a determination referred to in section 49 and where appropriate to make a recommendation in accordance with the provisions of this Canon.
(2) Subject to section 17(3) the Board may make a determination and recommendation referred to in sub-section (1) notwithstanding that the bishop whose conduct is the subject of the reference has ceased, after the reference, to be a Bishop.
(3) Where there is a referral of a question to the Board from an equivalent body to the ESC under a complying ordinance, if the equivalent body would have, but for this Canon, referred at the same time other complaints against the Bishop to the board constituted under the complying ordinance in respect of conduct that does not fall within examinable conduct as defined in this Canon which might call into question the fitness of the Bishop to hold office or to remain in Holy Orders, the equivalent body may refer to the Board, and the Board may determine, the question arising from the conduct other than the examinable conduct in conjunction with the question arising from the examinable conduct.

20. (1) The members of the Board in a particular case shall be appointed from a panel comprising:
(a) a President and a Deputy President, both of whom shall be persons who are eligible for appointment as lay members of the Appellate Tribunal;
(b) five persons in bishop's orders; and
(c) five persons who are members of the Church not in bishop's orders.
(2) A person who is a member of the panel from whom the members of the Tribunal may be appointed is eligible for appointment to the panel.

21. The members of the panel shall be appointed by the Standing Committee and shall hold office in accordance with a resolution of the Standing Committee.

22. Any vacancy in the membership of the panel shall be filled by or in accordance with a resolution of the Standing Committee.

23. (1) The members of the panel to be convened for any reference to the Board shall be determined by the President or, if there is a vacancy in the office of President, by the Deputy President.

[19] The Episcopal Standards Board established by Part 6 of the Episcopal Standards Canon 2007 is the Episcopal Standards Board for the purpose of this Canon.

(2) For the purpose of any reference to the Board, the Board shall consist of the President or Deputy President, who shall be the presiding member, and an equal number not exceeding two of the episcopal and other members of the panel.

(3) Where possible, the Board shall include at least one man and at least one woman.

(3A) A member of the panel must without delay disclose to the President, or if there is a vacancy in the office of President to the Deputy President, any conflict of interest that the member has in relation to a matter before the Board.[20]

(4) Where, in the opinion of the President or, if there is a vacancy in the office of the President, in the opinion of the Deputy President a member of the panel has a conflict of interest in relation to a matter before the Board the member shall be disqualified from participating in the reference.[21]

(5) For the purposes of this section a vacancy in the office of President includes a situation in which the President is not able to act because of a conflict of interest in relation to a matter, illness or absence from Australia.[22]

24. (1) The Rules of the Board made under this Part may provide that, in relation to the exercise of specified functions, or in relation to matters of a specified class, the Board may, at the direction of the presiding member, be constituted by a single member sitting alone.

(2) The Board, if constituted by a single member sitting alone, cannot make a determination under section 49.

25. If a member of the Board, other than the presiding member, dies or is for any other reason unable to continue with any matter referred to the Board, the Board constituted of the presiding member and the other member or members may, if the presiding member so determines, continue and complete the reference.

26. The Board, separately constituted in accordance with this Part, may sit simultaneously for the purpose of matters referred to it or for conducting separate business of the Board.

27. An act or proceeding of the Board is not invalid by reason only of a vacancy in its membership or of the membership of the panel and, notwithstanding the subsequent discovery of a defect in the nomination or appointment of members of the panel or the Board, any such act or proceeding is as valid and effectual as if the member had been duly nominated or appointed.

28. There shall be a Secretary to the Board who shall be appointed by or in accordance with a resolution of the Standing Committee, and whose duties shall be defined by the President.

29. (1) In any proceedings of the Board where the Board is constituted by two or more members:
(a) any question of law or procedure will be determined by the presiding member; and
(b) any other question will be determined by majority decision of the members, and in the case of an equality of votes the opinion of the presiding member shall prevail.

(2) Where the Board is constituted by a member sitting alone who is not the President or the Deputy President, any question of law that arises must be referred to the President or Deputy President for decision and any decision made on such a reference is a decision of the Board.

(3) The Board must act with fairness and according to equity, good conscience and the substantial merits of the case without regard to technicalities or legal forms and is not bound by the rules of evidence but may inform itself on any matter in such manner as it thinks fit.

(4) Without limiting the meaning and effect of sub-section (3), the Board may receive evidence of a witness in the form of an affidavit, statutory declaration or a signed statement without the need for the personal attendance of the witness, and may also use electronic means such as video link or conference telephone to receive evidence and submissions, but must permit the respondent and his representative (if any) opportunity to adequately cross- examine each witness

(5) The Board may inform itself from the record of any court, tribunal or commission of inquiry and may adopt any findings, and accept as its own, the record of any court, tribunal or commission of inquiry.[23]

30. The Board may, for the purpose of any particular reference and at the cost of the General Synod, appoint such person or persons, including the Director, to assist it in inquiring into (but not determining) that reference as the Board thinks fit.

31. The Board must give reasons for any determination, other than by way of directions in the course of an inquiry, unless the determination is made by consent of the respondent.

32. (1) The Board has no power to award costs of any proceedings before it.

(2) A bishop in relation to whom a question is the subject of a reference to the Board may apply to the Standing Committee for the provision of legal assistance.

(3) The Standing Committee may grant legal assistance to a bishop on such terms and subject to such conditions as it shall determine.

33. (1) The President may make Rules of the Board reasonably required by or pursuant to this Canon and in relation to the practice and procedure of the Board.

(2) Subject to this Canon and the relevant Rules, the practice and procedure of the Board will be as directed by the presiding member of the Board.

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[20] New sub section inserted by Part 6 Division 1 section 6.2(a) of Canon 11, 2022

[21] Amended by Part 6 Division 1 section 6.2(b) of Canon 11, 2022

[22] Amended by Part 6 Division 1 section 6.2(c) of Canon 11, 2022

[23] Amended by Part 2 Division 9 section 2.26 of Canon 11, 2022

PART 7 – REFERENCE OF MATTERS TO THE EPISCOPAL STANDARDS BOARD

34. A question shall be referred to the Board by delivering to the Secretary of the Board a written report of the investigation of the ESC signed by a member of the ESC.

35. The Board shall not, in the course of inquiring into any question:
    (a) inquire into any matter which is or has been the subject of any formal investigation or enquiry conducted;
        (i) under or pursuant to any provision of the Constitution; or
        (ii) under or pursuant to a Canon of the General Synod or an Ordinance of a diocese relating to the discipline of clergy or Church workers by a board of enquiry, tribunal or other body;
    but may take into account the finding of any such formal investigation or enquiry;
    (b) inquire into, make any findings in relation to or take into account any alleged breach of:
        (i) faith of the Church, including the obligation to hold the faith;
        (ii) ritual of the Church, including the rites according to the use of the Church and the obligation to abide by such use; or
        (iii) ceremonial of the Church, including ceremonial according to the use of the Church and the obligation to abide by such use.

36. (1) Upon delivery of the report to the Secretary of the Board, the President or Deputy President as the case may be shall as soon as possible determine the membership of the Board for the purpose of the reference.
    (2) The President or Deputy President as the case may require shall thereupon cause to be convened a sitting for the purpose of giving directions.
    (3) A person or body appearing or represented before the Board shall comply with the Rules of the Board and with any directions given by the Board.

37. Within 14 days of the date of the reference of a matter to the Board or within 14 days of the date of the document or material coming to existence, whichever is the later, the ESC shall cause to be delivered to the Secretary of the Board any documents and material relevant to the reference.

38. The ESC, as soon as practicable after delivering the report referred to in section 34 to the Secretary of the Board, shall cause a signed copy of the report to be delivered to the respondent.

39. The Board may at any time and from time to time give directions:
    (a) as to the inspection by and supply of copies to the respondent or any other person of the documents or material relevant to the reference;
    (b) as to the conduct of its inquiry into the reference.

40. The Board may at any time and from time to time give directions to the ESC as to any further inquiries or investigation it requires to be carried out for the purposes of the reference and the ESC shall to the best of its ability cause such directions to be carried out.

41. (1) The Board shall deal with any reference as expeditiously as possible.
    (2) The Board may, if it sees fit, proceed with the determination of a reference notwithstanding that there may be mediation or conciliation proceedings relating to the subject matter of the reference being conducted by or at the direction of the ESC and notwithstanding that there may be criminal or other proceedings being taken against the respondent or some other person.

42. (1) The place and time of sitting of the Board comprising two or more members shall be as determined by the presiding member.
    (2) The place and time of sitting of the Board comprising one member shall be as determined by that member.

43. (1) Subject to sub-section (2), the Board must give the following persons reasonable notice of the time and place of a sitting of the Board:
        (a) the Director; and
        (b) the respondent; and
        (c) such other persons as the Board believes have a proper interest in the matter.
    (2) The Board is not obliged to give notice of a sitting to a person whose whereabouts cannot, after reasonable enquiries, be ascertained.

44. In any proceedings before the Board:
    (a) the ESC and any person may be represented by a legal practitioner or, with leave of the Board, by any other person;
    (b) the ESC or its appointed representative shall do all in its power to assist the Board and shall carry out any directions of the Board;
    (c) the Board:
        (i) must give the ESC and the respondent a reasonable opportunity to call or give evidence, to examine or cross-examine witnesses and to make submissions to the Board; and
        (ii) must give any other person to whom notice of the proceedings was given or who satisfies the Board that he or she has a proper interest in the matter a reasonable opportunity to make submissions to the Board.

45. (1) Subject to sub-section (2), a sitting of the Board on a reference before the Board is an open sitting.
    (2) On any such sitting before the Board, the Board has an absolute discretion:
        (a) to direct that no person other than:
            (i) the respondent and any person representing him or her in the proceedings; and

(ii) witnesses or persons making submissions (while giving evidence or making those submissions); and
(iii) officers of the Board or persons assisting the Board; and
(iv) members of or persons appointed by the ESC; be present in the room while the Board is sitting; or
(b) to direct that a particular person (other than a person referred to in paragraph (a)) not be present in the room while the Board is sitting.

46. The Board may make a determination in any proceedings in the absence of a person affected by the determination if satisfied that reasonable efforts were made to give that person an opportunity to appear.

47. (1) The Board may require a respondent to submit within a specified time to a medical, psychiatric or psychological examination by a person approved by the Board the cost of which shall be met from funds under the control of the General Synod.
(2) A copy of the report of an examination under subsection (1) shall be provided to the respondent and to the Board.

48. In making any determination the Board shall take into account:
(a) the conduct of the bishop as it finds it to have been;
(b) in the material before the Board, any other fact or circumstance relevant to the determination of the question before it; and
(c) any failure of the bishop to comply with a provision of this Canon or with a direction of the Board.

49. (1) Subject to subsection (2), if after investigating the question referred to it about a bishop, the Board is satisfied that:[24]
(a) the bishop should be counselled;
(b) the bishop's continuation in office should be subject to conditions or restrictions;
(c) the bishop is unfit, whether temporarily or permanently, to hold office; or
(d) the bishop is unfit to remain in Holy Orders;
the Board may determine accordingly and may:
(e) direct that the bishop be counselled;
(f) direct that the bishop's holding of office shall be subject to such conditions or restrictions as the Board may specify;
(g) direct that the bishop cease to carry out the duties and functions of his office from such time and for such period determined by the Board;
(h) direct that the bishop resign from the office, within such time as is specified by the Board;
(i) direct that the operation of a determination referred to in paragraphs (f) to (h) shall be suspended for such period and upon such conditions as the Board shall specify;
(j) direct that the bishop relinquish Holy Orders within such time as is specified by the Board;
(k) give such other direction as the Board sees fit;
(l) determine that the bishop be prohibited, either temporarily or permanently, from functioning as a bishop or as a bishop and priest; or[25]
(m) determine the bishop be deposed from the exercise of Holy Orders.[26]
(2) Where the Board is satisfied that the bishop has been convicted by a court exercising criminal jurisdiction of committing while a member of the clergy a sexual offence relating to a child, the Board must determine that the bishop be deposed from the exercise of Holy Orders.[27]

50. The Board shall cause a copy of each determination and direction to be provided:
(a) to the Primate;
(b) to the relevant Metropolitan;
(c) to the respondent;
(d) to the relevant administrator;
(e) to the ESC;
(f) where appropriate, to any relevant complainant;
(g) in the case of a former Bishop, to the relevant diocesan bishop; and
shall cause relevant details to be forwarded for entry into the national register.

50A. The relevant Metropolitan and, where applicable, the relevant diocesan bishop, is authorised and must give effect to the determination of the board.

51. (1) The bishop shall comply with a direction of the Board.
(2) [deleted]
(3) The ESC may institute proceedings forthwith in the Tribunal in respect of an offence against this section or, if the bishop is no longer a Bishop, shall refer the matter, together with such relevant information concerning the alleged offence as may be in its possession, to the bishop of the diocese in which the bishop is then resident.

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[24] Amended by Part 5 section 5.4(a) of Canon 11, 2022
[25] Amended by Part 5 section 5.4(b) of Canon 11, 2022
[26] Amended by Part 5 section 5.4(c) of Canon 11, 2022
[27] Sub section (2) inserted by Part 5 section 5.4(d) of Canon 11, 2022

PART 8 – APPEAL

52. In this Part, unless the context otherwise requires
reviewable decision means a recommendation or determination of the Board other than by way of an interlocutory order;
Review Board means the Episcopal Standards Review Board constituted for the purposes of this Part.
53. [deleted]
54. A Bishop or the ESC, if aggrieved by a reviewable decision, may appeal by notice to the General Secretary.
55. (1) The Review Board will be constituted from the members of the panel referred to in section 20 and the members of the panel to be convened for an appeal to the Review Board will be determined by whichever of the President or the Deputy President was not a member of the Board which made the determination that is the subject of the appeal, as soon as possible after the appeal is notified to the President or Deputy President.
(2) For the purpose of an appeal, the Review Board shall consist of the President or Deputy President, who shall be the presiding member, and an equal number not exceeding two from the episcopal members and two from the other members of the panel who were not members of the Board which made the determination that is the subject of the appeal.
(3) Subsections (3) to (5) of section 23, subsection (1) of section 24, sections 25 to 27, 29 and 31 to 33, subsections (2) and (3) of section 36, and sections 41(1), 42, 45 and 46 apply to an appeal to the Review Board, as if the reference to the Board is a reference to the Review Board.
56. For a reviewable decision, the provisions of section 51 shall not apply until the time for lodging an appeal has passed, and no application has been lodged.
57. The making of an appeal acts as a stay of the reviewable decision pending determination by the Review Board.
58. For a reviewable decision, the Board shall not cause the relevant details to be forwarded for entry into the national register under section 50 until:
(a) the time for lodging an appeal has passed, and no notice of appeal has been lodged; or
(b) where an appeal has been heard and determined, the determination has been made.
59. If the Review Board on appeal confirms, varies or makes another determination in substitution for a reviewable decision, the Review Board must cause the details of the confirmed, varied or substituted determination to be forwarded to the General Section and the persons referred to in section 50 and the General Secretary shall cause relevant details to be forwarded for entry into the national register.
60. If a Review Board's determination refers a matter back to the Board, then the Board must:
(a) determine to take no further action in respect of the matter; or
(b) deal with the matter in accordance with Part VII of this Canon, in accordance with such directions or recommendations as the Review Board may make in the Review Board's determination; or
(c) deal with the matter in accordance with Part VII of this Canon applying such of the provisions of Part VII as, in the discretion of the Board and in accordance with the Review Board's determination, the Board sees fit.
61. An appeal against the reviewable decision must be made within 28 days of a copy of the Board's determination under section 50 being provided to the Bishop and the ESC. The notice of appeal must:
(a) be in writing addressed to the General Secretary; and
(b) set out the grounds for appeal in the application.
62. On receipt of an application for review[28], the General Secretary must immediately seek the appointment of a Review Board.
63. [deleted]
64. Unless otherwise specified in this Canon, the manner in which the appeal is to be conducted will be determined by the Review Board.
65. On an appeal of a reviewable decision, the Review Board may make all or any of the following determinations:
(a) a determination quashing or setting aside the reviewable decision and making another determination in substitution for it;
(b) a determination referring the matter to which the reviewable decision relates to the Board for further consideration, subject to such directions (including the setting of time limits for the further consideration, and for the steps to be taken in the further consideration) as the Review Board determines;
(c) [deleted]
(d) [deleted]
(e) a determination confirming or varying the reviewable decision.
66. [deleted]
67. The appeal shall be by way of rehearing.

PART 9 – REGULATIONS

68. The Standing Committee may from time to time make, amend or repeal Regulations, not inconsistent with the provisions of this Canon, providing for records arising out of or incidental to the operation of this Canon, and for all

[28] Consistent with other changes made to this Part, the reference to 'an application for review' should be read as 'a notice of appeal'.

or any of the purposes whether general or to meet particular cases, which may be convenient for the administration of this Canon or which may be necessary or expedient to carry out the objects and purposes of this Canon.

Coming into force by adoption

69.[3] The provisions of this Canon affect the order and good government of this Church within a diocese and do not come into force in a diocese unless and until the diocese adopts this canon by ordinance of the synod of the diocese.

OFFENCES CANON 1962

Canon 4, 1962 as amended by
Canon 7, 1981
Canon 12, 1992
Canon 20, 1998
Canon 5, 2007
Canon 7, 2017

A canon to specify offences under sections 54, 55 & 56 of the Constitution.

The General Synod prescribes as follows:

1.[1] A diocesan tribunal and a provincial tribunal in its original jurisdiction in addition to their respective powers under section 54(2) and section 55(3) of the Constitution may hear and determine charges made in respect of the following offences alleged to have been committed by a person who, at the time the charge is preferred, is authorised to function by the bishop of the diocese or is in holy orders resident in the diocese:[2]

1. Unchastity.
2. Drunkenness.
3. Habitual and wilful neglect of ministerial duty after written admonition in respect thereof by the bishop of the diocese.
4. Wilful failure to pay just debts.
5. Conduct, whenever occurring,
   (a) which would be disgraceful if committed by a member of the clergy, and
   (b) which at the time the charge is preferred is productive, or if known publicly would be productive, of scandal or evil report.
6. Any other offence prescribed by an ordinance of the synod of the diocese.
7.[3] Child abuse.
8.[4] Failure without reasonable excuse to comply with the laws of the Commonwealth or a State or Territory requiring the reporting of child abuse to the police or other authority.
9. Authorising to function a member of the clergy or permitting to function a church worker contrary to, or in the absence of, a recommendation of a screening authority, or with actual knowledge or reasonable grounds for suspecting that the screening authority may not have properly discharged its statutory functions in making its relevant recommendation.[5]

2.[6] The Special Tribunal in addition to its powers under section 56(6) of the constitution may hear and determine charges against any person referred to in paragraphs (a) and (b) of section 56(6) of the constitution made in respect of the following offences:

1. Unchastity.
2. Drunkenness.
3. Wilful failure to pay just debts.
4. Conduct, whenever occurring,
   (a) which would be disgraceful if committed by a member of the clergy, and
   (b) which at the time the charge is preferred is productive, or if known publicly would be productive, of scandal or evil report.
5. Wilful violation of the constitution or of the canons made thereunder or of the ordinances of provincial synod or of his diocesan synod.
6. Any conduct involving wilful and habitual disregard of his consecration vows.
7.[7] Child abuse.
8. Failure without reasonable excuse to comply with the laws of the Commonwealth or a State or Territory requiring the reporting of child abuse to the police or other authority.
9. Failure to comply with a direction of the Episcopal Standards Board established under the Episcopal Standards Canon 2007 or the Episcopal Standards (Child Protection) Canon 2017 or any other Board established under an ordinance of a provincial synod or diocesan synod for dealing with the fitness of a bishop to hold office or to be or remain in Holy Orders.

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1 Amended by Canon 7, 1981; amended by Canon 20, 1998.
2 Amended by Schedule 1.2 of Canon 11, 2022
3 Added by Canon 7, 2017.
4 Added by Canon 7, 2017.
5 Inserted by Part 4 section 4.2 of Canon 11, 2022
6 Amended by Canon 7, 1981; sub-section (2) repealed by Canon 12, 1992, amended by Canon 20, 1998; further amended by Canon 5, 2007, amended by Canon 7, 2017.
7 Sub-sections 2(7) to 2B added by Canon 7, 2017.

10. Subject to section 60(2) of the Constitution, failure without reasonable excuse to give effect to a recommendation given to the person under section 53 of the Constitution or by a Board established by or under an ordinance of a provincial synod or diocesan synod for dealing with the fitness of a member of the clergy or church worker to be or to remain in Holy Orders or in other ministry.[8]
11. Ordaining or authorising to function a member of the clergy or permitting to function a church worker contrary to, or in the absence of, a recommendation of a screening authority, or with actual knowledge or reasonable grounds for suspecting that the screening authority may not have properly discharged its statutory functions in making its relevant recommendation. [9]
12. Ordaining or authorising to function a member of the clergy, or permitting to function a church worker, who poses a serious risk to the safety of children with actual knowledge or reasonable grounds for suspecting that the person poses that risk.[10]

2A. The Special Tribunal may hear and determine charges against any person referred to in paragraph (c) of section 56(6) of the Constitution made in respect of the following offences committed while a member of the House of Bishops or assistant to the Primate:

1. Wilful violation of the constitution or of the canons made thereunder or of the ordinances of provincial synod or of the bishop's diocesan synod relating to child abuse.
2. Child abuse.
3. Failure without reasonable excuse to comply with the laws of the Commonwealth or a State or Territory requiring the reporting of child abuse to the police or other authority.
4. Conduct relating to child abuse (whenever the child abuse occurred),
   (a) which would be disgraceful if committed by a member of the clergy, and
   (b) which at the time the charge is preferred is productive, or if known publicly would be productive, of scandal or evil report.5. Subject to section 60(2) of the Constitution, failure without reasonable excuse to give effect to a recommendation given to the person under section 53 of the Constitution or by a Board established by or under an ordinance of a provincial synod or diocesan synod for dealing with the fitness of a member of the clergy or church worker to be or to remain in Holy Orders or in other ministry.[11]
6. Ordaining or authorising to function a member of the clergy or permitting to function a church worker contrary to, or in the absence of, a recommendation of a screening authority, or with actual knowledge or reasonable grounds for suspecting that the screening authority may not have properly discharged its statutory functions in making its relevant recommendation.[12]
7. Ordaining or authorising to function a member of the clergy, or permitting to function a church worker, who poses a serious risk to the safety of children with actual knowledge or reasonable grounds for suspecting that the person poses that risk.[13]

2B. In this canon, unless the context otherwise requires,

actual knowledge includes—
(a) wilfully shutting one's eyes to the obvious; or
(b) wilfully and recklessly failing to make such inquiries as an honest and reasonable person would make;[14]

authorisation to function means a licence or any written instrument by which a member of the clergy is appointed, authorised, permitted or sanctioned to exercise ministry as a member of the clergy and **authorising to function** and **authorised to function** have a corresponding meaning;[15]

child has the same meaning as in the National Register Canon 2007;[16]

child abuse has the same meaning as in the National Register Canon 2007;

church worker means a person who is not a member of the clergy and who—
(a) is permitted to function by the Bishop of a diocese;
(b) is employed by a Church body; or
(c) whether for payment or not, holds a position or performs a function with the actual or apparent authority of a Church authority or a Church body.[17]

member of the clergy means a person who is a bishop, priest or deacon in the Church;[18]

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8 Inserted by Part 4 section 4.3(1) of Canon 11, 2022
9 Inserted by Part 4 section 4.3(1) of Canon 11, 2022
10 Inserted by Part 4 section 4.3(1) of Canon 11., 2022
11 Inserted by Part 4 section 4.3(2) of Canon 11, 2022
12 Inserted by Part 4 section 4.3(2) of Canon 11, 2022
13 Inserted by Part 4 section 4.3(2) of Canon 11, 2022
14 Definition inserted by Part 4 section 4.4 of Canon 11, 2022
15 Definition inserted by Part 2 Division 6 section 2.15(a) of Canon 11, 2022
16 Definition inserted by Part 2 Division 1 section 2.3 of Canon 11, 2022
17 Definition inserted by Part 2 Division 2 section 2.6 of Canon 11, 2022
18 Definition inserted by Part 2 Division 3 section 2.8 of Canon 11, 2022

permission to function means a licence or any written instrument by which a person who is not a member of the clergy is appointed, authorised, permitted or sanctioned to exercise ministry and **permitting to function** and **permitted to function** have a corresponding meaning;[19]

recommendation includes a recommendation validly varied or modified pursuant to a diocesan ordinance;[20]

standard of screening means—

(a) in a diocese in which the Safe Ministry to Children Canon 2017 is in force, a standard of screening applying under Part 3 of that Canon; or

(b) in a diocese in which the Safe Ministry to Children Canon 2017 is not in force, the standard of screening applying in that diocese.[21]

3. This canon may be cited as the "Offences Canon 1962".

4.[22] The offences added to this canon by the Offences Amendment Canon 2017 apply to conduct committed after the date the Offences Amendment Canon 2017 was passed by the General Synod.

5. The offences in Item 9 of section 1, Items 10, 11 and 12 of section 2 and Items 5, 6 and 7 of section 2A apply only to conduct occurring after Part 4 of the Safe Ministry Legislation Amendments Canon 2022 has been adopted in the diocese in which the offences allegedly have occurred.[23]

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[19] Definition inserted by Part 2 Division 6 section 2.15(b) of Canon 11, 2022

[20] Definition inserted by Part 4 section 4.4 of Canon 11, 2022

[21] Definition inserted by Part 2 Division 7 section 2.21 of Canon 11, 2022

[22] Added by Canon 7, 2017.

[23] Inserted by Part 4 Clause 4.5 of Canon 11, 2022

CLERGY APPOINTMENT AND LICENSING STATUTE 2021

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To provide for the licensing and appointment of clergy to parishes and allied ministries, and the status, functions and obligations of clergy.

BE IT RESOLVED by the Archbishop, clergy and laity of the Diocese of Perth in Synod assembled as follows

PART 1 PRELIMINARY

1 Short Title

1.1 This Statute shall be cited as the "Clergy Appointment and Licensing Statute 2021".

2 Repeal

2.1 The Clergy Appointments Statute 1996, Clergy Retiring Age Statute 2003, The Regulation of the Institution of Clergy Statute 1903, and the Ordination of Men and Women as Priests Statute 1989-1991 are repealed.

3 Interpretation

3.1 In this Statute, unless the context or subject matter otherwise requires:

assistant curate means a newly ordained deacon or priest duly licensed by the Archbishop to assist the Rector or Priest-in-Charge in the parish;

assistant priest means a member of the clergy in priest's orders duly licensed by the Archbishop to assist the Rector or Priest-in-Charge in the parish;

curate means a member of the clergy in priest's orders duly licensed by the Archbishop to have the cure of souls in the parish;

incapacity means medical incapacity and includes a physical, mental, emotional, social or behavioural condition that is recognised by experts in medicine or psychology which substantially prevents a member of the clergy from performing the duties and responsibilities associated with their appointment;

organisation includes a relevant agency, institution, organisation or school which contains an allied ministry;

Priest-in-Charge means a member of the clergy duly licensed by the Archbishop to perform the duties of a Priest-in-Charge as prescribed by this Statute;

professional supervision means a formal process that provides professional support to enable members of the clergy to develop their knowledge and competence;

Rector means a member of the clergy duly licensed by the Archbishop, without limitation, to perform the duties of a Rector as prescribed in this Statute;

restorative engagement means a facilitated process in which people affected by an act of harm and/or events which has led to conflict meet together voluntarily in a facilitated group conference to explore what has happened, how people have been affected, and to collaboratively decide what is necessary to repair harm, prevent recurrence and reset (renew or release) relationships;

spiritual direction means spending time with a spiritual director, approved by the Archbishop, to deepen and expand a relationship with God. It is not psychotherapy or counselling**.**

3.2 In this Statute, unless the context or subject matter otherwise requires, terms defined in the Interpretation Statute 2016 have the same meaning as in that statute.

4 Application to the Cathedral

4.1 This Statute applies to all clergy licensed by the Archbishop to the Cathedral, including the Dean, but does not apply to:

(a) vacancies in the office of Dean of the Cathedral; and

(b) the election of the Dean.

4.2 Subject to section 4.1, for the purposes of this Statute the term parish includes the Cathedral.

PART 2 - ORDINATION

5 Ordination

5.1 Clergy will be ordained or received into ministry and licensed subject to, and in accordance with the:

(a) Canon Concerning Holy Orders 2004,

(b) Holy Orders (Reception into Ministry) Canon 2004,

(c) Oaths, Affirmations, Declarations and Assents Canon 1992,
(d) Defence Force Ministry Canon 1985,
(e) Archdeacons Canon 1995,
(f) Ordination of Women to the Office of Deacon Canon 1985,
(g) Holy Orders (Removal from Exercise of Ministry) Canon 2017,

and any other relevant Canons or Statutes from time to time.

5.2 Notwithstanding any other law of the Church, a person may be ordained in the order of bishop, priest or deacon in this Diocese in accordance with the form appropriate to that order set out in the ordinal included in the *Book of Common Prayer* or in the ordinal included in *An Australian Prayer Book* or *A Prayer Book for Australia* or in accordance with any other form appropriate to that office and approved for use in the Church.

PART 3 – APPOINTMENT

6 Appointment by the Archbishop

6.1 The Archbishop alone has the right to appoint a member of the clergy to a parish.

6.2 Prior to the appointment of any member of the clergy to a parish, the Archbishop or the Archbishop's nominee will:

(a) inspect, or cause the inspection of, the national register and/or the registers of any participating dioceses whose synods have enacted professional standards legislation, to ensure that there are no matters of concern recorded in relation to a nominee who is licensed in another diocese; and
(b) undertake, or cause to be undertaken, all background checks, screenings or clearances required by any statute or policy in relation to the nominee.

PART 3.1 - PARISHES

7 Vacancy in a Parish

7.1 A vacancy in a parish is deemed to occur:

(a) three (3) months prior to the actual date of resignation or retirement where the Rector or Priest-in-Charge gives more than three (3) months' notice of their resignation or retirement or upon the date of such notice when less than three (3) months' notice is given;
(b) when the Rector or Priest-in-Charge ceases active ministry in the parish; or
(c) in all other cases, immediately upon the Rector or Priest-in-Charge ceasing to hold office in the parish

whichever is the earlier.

7.2 The Archbishop will advise the members of the Diocesan clergy of any vacancy in a parish within a reasonable time of such vacancy occurring.

8 Locum Tenens

8.1 When:

(a) a vacancy occurs in a parish, or
(b) the Rector or Priest-in-Charge is stood aside or suspended, or
(c) the Rector or Priest-in-Charge is absent from the parish for a prolonged period,

the Archbishop or Archbishop's nominee may, after consultation with the parish council, appoint a Locum Tenens.

8.2 The appointment of a Locum Tenens may be for a specific time or for the duration of the vacancy, standing aside, suspension or absence and may be either full-time or part-time.

8.3 The stipend and emoluments of a Locum Tenens shall be in accordance with the policies of the Diocese.

8.4 An assistant priest or assistant curate appointed and licensed to the parish at the time any of the events listed in section 8.1 occurs may be appointed Locum Tenens.

8.5 Where, at the conclusion of the tenure of a Locum Tenens, no permanent appointment has been made to the parish, the term of the Locum Tenens may be renewed or extended or a new Locum Tenens appointed.

8.6 Unless otherwise approved by the Archbishop, any Locum Tenens appointed to a parish will not be eligible for permanent appointment to the parish.

9 Parish Vacancy Consultation

9.1 Prior to the first meeting of the Board of Nominators or Consultation Committee, unless the Archbishop otherwise directs, the Archbishop or the Archbishop's nominee will arrange for a vacancy consultation to be held in the parish.

9.2 A report of the consultation will be prepared, and copies made available to the Board of Nominators or Consultation Committee in time for its first meeting and to all members of the clergy who expressed interest in being considered for appointment to the parish.

10 Right of Nomination

10.1 A parish will possess a right of nomination if, at the time of its inauguration or of a vacancy occurring in the parish, it has:

(a) paid in full the stipend due to the outgoing member of the clergy;
(b) satisfied the Archbishop of its ability to provide:
    (i) the minimum stipend and other allowances prescribed by Diocesan Council and

(ii) a suitable rectory or residence within the parish or within a reasonable distance of the parish or, in lieu thereof, a housing allowance in accordance with any policy; and

(c) paid to the Diocese all assessments, interest on loans, insurances and all other sums due to the Diocese except arrears of capital repayments (if any) on loans from the Diocese which have been deferred with the Diocesan Council's approval.

11 Board of Nominators

11.1 Where a parish has the right of nomination, the Board of Nominators responsible for nominating members of the clergy to the Archbishop to fill any clerical vacancy that occurs in the parish consists of:

(a) the Archbishop or the Archbishop's nominee;

(b) the Archdeacon of the archdeaconry concerned or, if the Archdeacon is unavailable, a member of the clergy from within the Diocese nominated by the Archbishop;

(c) two clerical nominators being members of the clergy chosen from a panel of ten (10) clergy who are members of Synod and elected by Synod during the first session thereof; and

(d) four (4) lay enrolled members of the parish, including a warden, who have been elected as Nominators of Clergy in accordance with the Parish Governance Statute.

12 Vacancies in the Board of Nominators

12.1 Once the Board of Nominators has been convened, the members of the Board then serving will, unless they resign, become incapacitated or leave the parish, remain on the Board until the Board's work is completed. Any new Nominators of Clergy elected after a Board has been convened will not take up their office until after the Board's work is completed.

12.2 Casual vacancies of members of the Board of Nominators will only be filled when required to maintain a quorum.

12.3 Casual vacancies that occur in the Board of Nominators and need to be filled to maintain a quorum must, in the case of clerical nominators, be filled by the Archbishop or Archbishop's nominee from the panel of clerical nominators and, in the case of Nominators of Clergy, be filled by the parish council.

13 Role of the Board of Nominators

13.1 The role of the Board of Nominators is to select and nominate to the Archbishop a member of the clergy in priest's orders to fill a clerical vacancy in a parish.

13.2 The Board of Nominators will have six (6) months to select and nominate a member of the clergy in priest's orders to the Archbishop.

13.3 If the Archbishop does not accept a nomination by the Board of Nominators, the Board must select another priest for nomination to the Archbishop. The Archbishop's decision with regard to a nomination will be final and the Archbishop will not be required to disclose any reasons for that decision.

13.4 Should the nominee not accept the nomination, the Board must select another priest for nomination to the Archbishop.

13.5 If the Archbishop or nominee does not accept the nomination and the identification and nomination of another priest may significantly delay the nomination process, the Archbishop may extend, for a reasonable period, the time in which the process must be completed.

13.6 If no member of the clergy is nominated within six (6) months from the date on which the Board of Nominators first meets and no reason is provided for the delay to the satisfaction of the Archbishop, responsibility for the nomination of a member of the clergy to fill a vacancy in the parish will vest in the Archbishop.

13.7 If no member of the clergy is nominated within six (6) months from the date on which the Board of Nominators first meets but the Archbishop is satisfied that the delay is justified in the circumstances, the Archbishop may, for a reasonable period, extend the time for the process to be completed.

13.8 If the Archbishop is satisfied with the suitability of the nominee for the parish, and the nominee passes the probity checks required under section 6.2, and if the Archbishop is prepared to licence that person as Rector or Priest-in-Charge, the Archbishop will invite the nominee to take up the appointment to the parish.

14 Procedure and Meetings of the Board of Nominators

14.1 The Archbishop or Archbishop's nominee will fix a date and summon the Board of Nominators within one (1) month of a vacancy occurring in a parish.

14.2 The first meeting of the Board of Nominators must occur within three (3) months of the vacancy occurring in the parish.

14.3 The quorum for meetings of the Board will be four (4), two (2) of whom must be Nominators of Clergy.

14.4 The Archbishop or Archbishop's nominee will be the chairperson, preside over all meetings of the Board of Nominators, and will have an original and a casting vote.

14.5 Individual members of the clergy may express an interest to the Archbishop in being considered for nomination by the Board of Nominators to fill a vacancy in a parish. The Archbishop must present the names of members of the clergy expressing an interest to the Board of Nominators. The Archbishop may make any comments on the members of the clergy expressing an interest which the Archbishop considers appropriate.

14.6 If a member of the clergy who is also a member of the Board of Nominators wishes to be considered to fill the clerical vacancy in the parish that nominator must resign from the Board of Nominators prior to expressing an interest under section 14.5.

14.7 The Board of Nominators may consider any priest in addition to those who express interest in filling a vacancy in a parish.

14.8 The Board of Nominators may meet with anyone who expresses an interest in filling a vacancy in a parish as well as any other potential nominee.

14.9 The chairperson of the Board must make all arrangements associated with meeting those to be considered for nomination. For the avoidance of doubt, meetings may be conducted by teleconference or an alternative electronic medium.

14.10 The parish will bear the reasonable expenses incurred by those being considered for nomination attending a meeting with the Board of Nominators.

14.11 Any priest who is under consideration by the Board of Nominators may not approach the Board or its members concerning a nomination unless invited to do so by the chairperson of the Board.

14.12 Members of the Board of Nominators must maintain strict confidentiality concerning the Board's proceedings except that the parish may be kept informed, in general terms, of progress without the identity of possible nominees or of any parishes involved being divulged.

15 Consultation Committee

15.1 Parishes without the right of nomination will have a Consultation Committee to consult with the Archbishop, or the Archbishop's nominee, prior to the appointment by the Archbishop of a member of the clergy to fill any clerical vacancy within the parish. The Consultation Committee will consist of four (4) lay enrolled members of the parish, including a warden, who has been elected as Nominators of Clergy in accordance with the Parish Governance Statute 2016.

16 Role of the Consultation Committee

16.1 The Consultation Committee will consult with the Archbishop, or the Archbishop's nominee, regarding the appointment of a member of the clergy to fill a clerical vacancy in the parish.

16.2 The Archbishop or Archbishop's nominee will convene a meeting with the Consultation Committee within three (3) months of a vacancy occurring in a parish.

16.3 Individual members of the clergy may express an interest to the Archbishop in being considered for appointment to the parish to fill a vacancy in a parish. For the avoidance of any doubt the Archbishop is not required to present the names of members of the clergy expressing an interest to the Consultation Committee.

16.4 The Consultation Committee may propose to the Archbishop, or the Archbishop's nominee, names of members of the clergy for appointment to the parish. For the avoidance of any doubt, names proposed to the Archbishop, or the Archbishop's nominee, are not a nomination and the Archbishop, or the Archbishop's nominee, is not required to take any steps following such a proposal.

16.5 Prior to the Archbishop making an appointment under section 6, the Archbishop, or the Archbishop's nominee, will meet with the Consultation Committee to discuss the proposed appointment. For the avoidance of any doubt, the Consultation Committee cannot veto any appointment made by the Archbishop.

16.6 Any member of the clergy who is under consideration by the Archbishop must not approach the Consultation Committee or its members unless invited to do so by the Archbishop.

16.7 Members of the Consultation Committee must not approach a member of the clergy being considered by the Archbishop for appointment to the parish unless invited to do so by the Archbishop.

16.8 Members of the Consultation Committee must maintain strict confidentiality concerning the committee's meetings except that the parish may be kept informed, in general terms, of progress without the identity of members of the clergy under consideration or of any parishes involved being divulged.

17 Appointment of Assistant Curate, Assistant Priest and Deacon

17.1 The Archbishop may, with the consent of the Rector or Priest-in-Charge and the parish council, appoint a member of the clergy as assistant curate or assistant priest, to work in association with the Rector or Priest-in-Charge, in the parish.

17.2 The Archbishop may, with the consent of the Rector or Priest-in-Charge and the parish council, appoint a member of the clergy in deacon's orders as deacon to work, in association with the Rector or Priest–in-Charge, in the parish.

17.3 Where a Rector or Priest-in-Charge considers that the appointment of an assistant priest or deacon to their parish is desirable they must consult with the Archbishop, or the Archbishop's nominee, prior to advertising or approaching a member of the clergy about the proposed role. For the avoidance of any doubt the appointment of any member of the clergy to a parish in the Diocese is at the sole discretion of the Archbishop.

17.4 The appointment of an assistant curate, assistant priest or deacon may be on a full time or part-time basis. The appointment of an assistant curate, assistant priest or deacon may be stipendiary or non-stipendiary.

17.5 An appointment as assistant curate, assistant priest or deacon may be terminated by the Archbishop on the giving of at least 60 days' written notice to the member of the clergy, the Rector or Priest-in-Charge and the parish council. Prior to issuing the 60 days written notice the Archbishop will:

(a) consult with the member of the clergy, the Rector or Priest-in-Charge, and the wardens regarding any proposed termination; and

(b) act in accordance with the principles of fairness and natural justice when terminating an appointment.

17.6 Where the Archbishop terminates the appointment of an assistant curate, assistant priest or deacon under section 17.5, the member of the clergy concerned and the Rector or Priest-in-Charge may ask the Archbishop to provide reasons for the decision. The reasons provided by the Archbishop will be confidential and must not be

disclosed to any other party except in accordance with the statutes or policies of this Diocese, with the written consent of both the Archbishop and the member of the clergy concerned, or as required by law.

17.7 An assistant curate, assistant priest or deacon may be paid out in lieu of the 60 days written notice provided for in section 17.5 at the discretion of the Archbishop.

18 Parish School Relationships

18.1 If a school and parish share the same Church building:

(a) in the case of a parish with the right of nomination the Board of Nominators must consult with the principal and school chaplain prior to any nomination to the Archbishop with respect to the appointment of a member of the clergy to the parish;

(b) in the case of a parish without the right of nomination the Archbishop or the Archbishop's nominee will consult the principal and school chaplain before an appointment is made; and

(c) the Archbishop will consult with the school and the Rector or Priest-in-Charge and wardens of the parish prior to the appointment by the principal of a school chaplain.

18.2 If a school and parish share the same Church building the additional arrangements for the appointment of a member of the clergy to the parish or chaplain to the school may be set out in a memorandum of understanding between the school and the parish.

PART 3.2 – ALLIED MINISTRIES

19 Vacancy in an Allied Ministry

19.1 A vacancy in an allied ministry is deemed to occur:

(a) three (3) months prior to the actual date of resignation or retirement where the member of the clergy gives more than three (3) months' notice of their resignation or retirement or upon the date of such notice when less than three (3) months' notice is given;

(b) when a new allied ministry is established; and

(c) in all other cases, immediately upon the member of the clergy ceasing to hold office.

19.2 When a vacancy occurs, the Archbishop or the Archbishop's nominee will consult with the organisation as to its requirements for the interim or permanent appointment of a member of the clergy to the organisation.

19.3 The Archbishop, in agreement with the chief executive officer of the organisation, may give notice to the clergy of the Diocese upon any vacancy occurring in an organisation.

20 Right of Nomination to an Allied Ministry

20.1 An organisation requiring a chaplain may nominate a member of the clergy to undertake that ministry or, in the absence of such nomination, seek the assistance of the Archbishop or the Archbishop's nominee to find a suitable candidate.

20.2 After consultation with the Archbishop or the Archbishop's nominee, the organisation may select a member of the clergy who satisfies its requirements and nominate that person to the Archbishop.

20.3 When a nomination for an allied ministry is received from an organisation, the Archbishop will:

(a) inspect, or cause the inspection of, the national register and the registers of all participating dioceses whose synods have enacted professional standards legislation to ensure there are no matters of concern recorded in relation to a nominee who is licensed in another diocese; and

(b) undertake, or cause to be undertaken, all background checks, screenings or clearances required by any statute or policy in relation to the nominee.

20.4 If the Archbishop is satisfied with the suitability of the nominee for the organisation, and the nominee passes the probity checks in section 20.3, and if the Archbishop is prepared to licence that person to undertake the ministry, the Archbishop will invite the nominee to take up the appointment to the allied ministry and inform the organisation accordingly.

20.5 Upon acceptance by the nominee, the Archbishop will licence that person to the organisation requiring the chaplaincy on the terms and conditions determined by the Archbishop (subject to section 34) and in accordance with any memorandum of understanding or protocol between the Diocese and the relevant organisation.

20.6 If the Archbishop declines to accept a nomination or appointment, the Archbishop's decision will be final and the Archbishop will not be required to disclose any reasons for that decision, however, the organisation requiring the chaplaincy may propose another member of the clergy to the Archbishop.

20.7 Should the nominee not accept the nomination, the organisation requiring the chaplaincy may, after consultation with the Archbishop, select another member of the clergy for nomination to the Archbishop.

21 Interim Appointments and Arrangements

21.1 Where:

(a) a vacancy occurs in an organisation, or

(b) a member of the clergy in an organisation is stood aside or suspended, or

(c) a member of the clergy in an organisation is absent from the organisation for a prolonged period,

the Archbishop may, after consultation with the relevant organisation, licence a member of the clergy as Locum Tenens to undertake the ministry during the vacancy, suspension or prolonged absence.

PART 4 – FINANCIALLY UNSUSTAINABLE MINISTRIES AND BREAKDOWN OF PASTORAL RELATIONSHIPS

22 Current Role Financially Unsustainable

22.1 Financial unsustainability of a parish will be determined in accordance with the Parish Governance Statute 2016 and relevant Diocesan policies.

22.2 Where it is determined that the current appointment of a member of the clergy to a parish is no longer financially sustainable, the parish council may ask the Archbishop to conduct a Ministry Financial Sustainability Consultation.

22.3 Where the Archbishop considers that the current appointment of a member of the clergy to a parish is no longer financially sustainable, the Archbishop, or the Archbishop's nominee, may conduct a Ministry Financial Sustainability Consultation.

23 Ministry Financial Sustainability Consultation

23.1 Prior to commencing a Ministry Financial Sustainability Consultation the Archbishop, or the Archbishop's nominee, must give notice in writing to the parish council and Rector, Priest-in-Charge or member of the clergy that the Archbishop, or the Archbishop's nominee, considers that an appointment to the parish is financially unsustainable and that a Ministry Financial Sustainability Consultation will commence.

23.2 The notice issued under section 23.1 must be in writing.

23.3 A Ministry Financial Sustainability Consultation must be conducted in accordance with Diocesan policies and must include:

(a) consultation with the parish council;
(b) consultation with the member of the clergy concerned;
(c) in the case of an assistant curate, assistant priest or deacon, consultation with the Rector or Priest-in-Charge of the parish;
(d) consideration of alternative models of ministry; and
(e) consideration of alternative terms of appointment.

23.4 The Ministry Financial Sustainability Consultation must be undertaken over a period of no less than one (1) month and no more than three (3) months.

23.5 At the end of the Ministry Financial Sustainability Consultation, the Archbishop, or the Archbishop's nominee, must advise the

(a) the parish council;
(b) the member of the clergy concerned; and
(c) in the case of an assistant curate, assistant priest or deacon, the Rector or the Priest-in-Charge of the parish

whether in the opinion of the Archbishop, or the Archbishop's nominee, the ministry continues to be financially unsustainable and whether alternative models of ministry or alternative terms of appointment are appropriate in the circumstances.

23.6 If after the completion of the Ministry Financial Sustainability Consultation the Archbishop, or the Archbishop's nominee, considers that the appointment of the member of the clergy to the parish remains financially unsustainable but an alternative ministry model or terms of appointment may be appropriate in the circumstances, the Archbishop in consultation with:

(a) the parish council;
(b) the member of the clergy concerned; and
(c) in the case of an assistant curate, assistant priest or deacon, the Rector or Priest-in-Charge of the parish

may vary the terms of appointment and reappoint the member of the clergy to the parish.

23.7 If after the completion of the Ministry Financial Sustainability Consultation the Archbishop, or the Archbishop's nominee, considers that the appointment of the member of the clergy to the parish remains financially unsustainable and no alternative ministry model or terms of appointment are appropriate in the circumstances, the Archbishop may, on giving three (3) months written notice to the member of the clergy, terminate the appointment to the parish.

23.8 Where the Archbishop terminates the appointment of a member of the clergy under section 23.7, financial and other assistance may be provided to the member of the clergy under section 44.

24 Breakdown of Pastoral Relationships

24.1 Where a member of the clergy in a parish considers there has been a breakdown in the pastoral relationships in the parish, the member of the clergy may ask the Archbishop to refer the parish to a Ministry Support Committee.

24.2 Where a parish council considers there has been a breakdown in the pastoral relationships in the parish, the parish council may ask the Archbishop to refer the parish to a Ministry Support Committee.

24.3 Where the Archbishop considers that there has been a breakdown in the pastoral relationships in a parish, the Archbishop may refer the parish to a Ministry Support Committee.

24.4 Where the Archbishop receives a request under sections 24.1 or 24.2 the Archbishop may decline or accept the request.

24.5 For the purposes of this Statute a breakdown of pastoral relationships includes a breakdown of relationships between:

(a) any member of the clergy and the parish or members of the parish; and,

(b) any person in lay leadership within the parish and members of the parish such that the breakdown in relationship threatens the ministry of the parish

but does not include a breakdown in relationships between two or more members of clergy in the parish.

25 Ministry Support Committee

25.1 A Ministry Support Committee for a parish will consist of:

(a) the Archbishop or the Archbishop's nominee,

(b) the Archdeacon of the relevant archdeaconry, or if the Archdeacon is unavailable, a member of the clergy from within the Diocese nominated by the Archbishop,

(c) the wardens of the parish or their nominee, and

(d) one person nominated by the Rector or Priest-in-Charge of the parish who is not

(i) a member of the clergy licensed to minister in the parish; or

(ii) a member of the family of any clergy licensed to minister in the parish.

26 Purpose of the Ministry Support Committee

26.1 The aim of the Ministry Support Committee is to, as far as possible, facilitate the restoration of relationships and support ongoing ministry in the parish.

26.2 At all stages of the Ministry Support Committee's consultation and recommendations consideration must be given to the use of restorative engagement practices to facilitate the restoration of relationships and to support ongoing ministry in the parish.

27 Consultation by the Ministry Support Committee

27.1 If a reference concerning a parish is made to a Ministry Support Committee under this Part, the Ministry Support Committee must undertake a period of consultation to determine whether there is a breakdown in pastoral relationships in the parish and, if it finds that there is such a breakdown, whether it is an irretrievable breakdown.

27.2 Subject to section 29.1, the Ministry Support Committee must undertake its consultation under section 27.1 within three (3) months. The Ministry Support Committee may request an extension of time and the Archbishop may grant an extension of up to three (3) months if the Archbishop considers that an extension would facilitate the purposes of the Ministry Consultation Committee.

27.3 In determining whether there has been a breakdown of pastoral relationships in the parish the aim of the Ministry Support Committee is to restore relationships and support ongoing ministry in the parish (even if the committee finds an irretrievable breakdown in relationships may have occurred).

27.4 The Ministry Support Committee must give an opportunity to be heard to the member of the clergy, to any member of the parish and to any other person who, it considers, has a relevant interest in the matter.

27.5 Subject to this section a consultation conducted by the Ministry Support Committee must be conducted in accordance with the relevant policies of the Diocese.

28 Recommendations by Ministry Support Committee

28.1 After conducting a consultation in accordance with section 27 the Ministry Support Committee must advise the Archbishop if an irretrievable breakdown in pastoral relationships has occurred and any steps the Ministry Support Committee has taken to attempt to restore relationships and support ongoing ministry in the parish.

28.2 If the Ministry Support Committee advises that there is not an irretrievable breakdown in pastoral relationships in the parish, the Ministry Support Committee must advise the Archbishop what further consultation or other courses of action have been put in place to restore relationships in the parish and support ongoing ministry in the parish.

28.3 Where the Ministry Support Committee advises that a breakdown in a pastoral relationship in a parish has occurred, that it involves a member of the clergy and that it is irretrievable, the Archbishop may, on giving three (3) months written notice to the member of the clergy, terminate the appointment of the member of the clergy to the parish.

28.4 Where the Archbishop terminates the appointment of a member of the clergy under section 28.3 financial and other assistance may be provided to the member of the clergy under section 43.

29 Investigation by Professional Standards or Conduct Committee

29.1 Where a member of the clergy whose parish has been referred to a Ministry Support Committee has already been or is subsequently referred to either the Conduct Committee under the Clergy Discipline Statute 2021 or the Professional Standards Committee under the Professional Standards Statute 2021, the Ministry Support Committee must suspend the consultation pending the decision of the Conduct Committee or Professional Standards Committee.

30 Pastoral Leave

30.1 If the Archbishop refers a parish to a Ministry Support Committee the member of the clergy concerned may ask to take a period of pastoral leave at any time during a period of consultation by the Ministry Support Committee.

30.2 If the Archbishop refers a parish to a Ministry Support Committee and is satisfied that it is in the best interests of the parish or the member of the clergy concerned, the Archbishop may, after consultation with the relevant member of the clergy, arrange for the member of the clergy to take a period of pastoral leave at any time during a period of consultation by the Ministry Support Committee.

30.3 A period of pastoral leave taken under sections 30.1 or 30.2 will be for no more than two (2) weeks. The Archbishop may, in consultation with the Ministry Support Committee, extend the period of pastoral leave if the

Archbishop considers it is in the best interests of the member of the clergy or the parish. The cost of service supply or a Locum Tenens during this time will be met by the parish.

30.4 Where a member of the clergy takes a period of pastoral leave during a period of consultation by the Ministry Support Committee:

(a) the member of the clergy will continue to be paid the usual stipend and entitlements and will not be required to take any personal, annual or other leave to cover the period of pastoral leave;

(b) the member of the clergy must co-operate with the consultation conducted by the Ministry Support Committee; and

(c) the taking of pastoral leave does not prejudice the finding of the Ministry Support Committee.

PART 5 - LICENSING

31 The Archbishop's Licence and Archbishop's Permission or Authority to Officiate

31.1 The Archbishop alone has the right to appoint and grant a licence or permission or authority to officiate to a member of the clergy within the Diocese.

31.2 The Archbishop's licence is required for any clerical position within the Diocese.

31.3 The Archbishop's permission or authority to officiate is required by any member of the clergy wishing to perform any public ministry within the Diocese and who does not otherwise hold an Archbishop's licence.

31.4 Clergy must not perform or carry out any duties of a ministerial, ecclesiastical or administrative nature within the Diocese without holding an Archbishop's licence or Archbishop's permission or authority to officiate.

31.5 An Archbishop's licence may describe the holder of a licence as a Rector, Priest-in-Charge, Locum Tenens, assistant curate, assistant priest, chaplain or other clerical title in accordance with this statute and at the discretion of the Archbishop.

31.6 Where the member of the clergy is licensed as having the cure of souls of a parish they must be licensed as a Rector or Priest-in-Charge, provided that:

(a) where a member of the clergy is appointed on a full-time basis to a parish with a right of nomination, the appointee will normally be licensed as a Rector. The appointee may be licensed as a Priest-in-Charge where the Archbishop in their discretion considers that to be appropriate in the circumstances, after consultation with the wardens of the parish.

(b) where a member of the clergy is appointed on a part time basis or is appointed to a parish without the right of nomination, the appointee will normally be licensed as a Priest-in-Charge. The appointee may be licensed as a Rector where, the Archbishop in their discretion considers that to be appropriate in the circumstances, after consultation with the wardens of the parish.

31.7 The Archbishop may vary the provisions of a licence or permission or authority to officiate from time to time in accordance with this statute or the relevant licence after consultation with the member of the clergy.

31.8 Members of the clergy holding an Archbishop's licence are members of the Synod of the Diocese.

31.9 Member of the clergy holding the Archbishop's permission or authority to officiate are not members of the Synod of the Diocese, unless elected or appointed in some other capacity.

32 Requirements for Archbishop's Licence and Archbishop's Permission or Authority to Officiate

32.1 Members of the clergy seeking an Archbishop's licence must present to the Archbishop:

(a) on first admission into the Diocese, letters of orders or proof thereof;

(b) documents to meet all ChurchSafe requirements of the Diocese including the Professional Standards Statute 2021 and all relevant State and Federal legislative requirements; and

(c) other clearances and checks as required by the Archbishop and/or the policies of Diocesan Council.

32.2 Prior to granting a licence the Archbishop will:

(a) make enquiries and formally check references concerning the person, their character, their previous work and capacity and such other matters as the Archbishop determines;

(b) confirm that the member of the clergy is in good standing in the National Register of the Anglican Church; and

(c) confirm that the member of the clergy has complied with all requirements under the Safe Ministry to Children Canon 2017.

32.3 Members of clergy seeking permission to officiate who have previously held the Archbishop's licence must present to the Archbishop:

(a) documents to meet all ChurchSafe requirements of the Diocese including all relevant State and Federal legislative requirements; and

(b) other clearances and checks as required by the Archbishop and/or the policies of Diocesan Council.

32.4 Members of clergy seeking the Archbishop's permission to officiate who have not previously held the Archbishop's licence in this Diocese must present to the Archbishop:

(a) letters of orders or proof thereof;

(b) a letter from the Bishop of the diocese in which they are currently resident confirming they are in good standing and meet the ChurchSafe or equivalent requirements of that diocese including all relevant State and Federal legislative requirements; and

(c) other clearances and checks as required by the Archbishop and/or the policies of Diocesan Council.

32.5 Prior to granting a permission or authority to officiate the Archbishop will:

(a) make enquiries and formally check references concerning the person, their character, and any other matters as the Archbishop determines;

(b) confirm the clergy are of good standing with the National Register of the Anglican Church of Australia; and

(c) confirm that the member of the clergy has complied with all requirements under any relevant canon of the General Synod adopted in the Diocese.

33 Permission or Authority to Officiate

33.1 Where a member of the clergy holds the Archbishop's permission or authority to officiate, the exercise of public ministry in a parish may only occur with the express consent of the Rector or Priest-in-Charge.

33.2 Where there is a vacancy in a parish a member of the clergy holding the Archbishop's permission or authority to officiate may only exercise public ministry in that parish with the express consent of the Archdeacon of the archdeaconry where the parish is located or the Locum Tenens where a Locum Tenens has been appointed.

33.3 The Archbishop may revoke the Archbishop's permission or authority to officiate at any time without providing reasons or notice. For the avoidance of doubt this section overrides any other relevant section of this Statute.

34 Notice of Terms and Conditions of Licence

34.1 The Archbishop will provide the member of the clergy with a copy of any terms or conditions to be included on the licence at the time the Archbishop invites them to take up an appointment.

34.2 The Archbishop will provide a copy of any terms and conditions to be included on the member of the clergy's licence, for information only, to:

(a) in the case of a Rector or Priest-in-Charge, the wardens of the parish;

(b) in the case of an assistant priest or assistant curate, the Rector or Priest-in-Charge of the parish;

(c) in the case of a deacon, the Rector or Priest-in-Charge of the parish;

(d) in the case of a Locum Tenens, the wardens of the parish; and

(e) in the case of an appointment to an allied ministry, to the organisation or in accordance with any memorandum of understanding or protocol between the Diocese and the organisation.

35 Declarations

35.1 Clergy must make the oaths and declarations and subscribe to the canons, statutes and policies from time to time of the Diocese, including:

(a) a Declaration and Assent to the Doctrines and Formularies of the Church, in the form set out in Schedule 2;

(b) an Oath of Canonical Obedience, in the form set out in Schedule 3; and

(c) an Assent to the Constitutions and Laws of the Church, in the form set out in Schedule 4,

prior to taking up their first appointment or role within the Diocese and otherwise at the times or occasions stipulated in the Oaths Affirmations Declarations and Assents Canon 1992.

PART 6 – MAINTAINING A LICENCE

36 Maintaining a Licence

36.1 All clergy holding an Archbishop's licence must:

(a) undertake regular safe ministry training in accordance with the statutes and policies of this Diocese;

(b) engage in professional development in accordance with the statutes and policies of this Diocese;

(c) engage in professional supervision and spiritual direction in accordance with the statutes and policies of this Diocese;

(d) participate in regular reviews of their ministry in accordance with the statutes and policies of this Diocese;

(e) comply with any Code of Conduct adopted by the Diocese and applicable to clergy; and

(f) comply with any lawful direction of the Archbishop.

37 Reviews

37.1 Reviews conducted under section 36.1 or required by a term of the Archbishop's licence must be conducted in accordance with the statutes and policies of this Diocese and must include consultation with:

(a) the member of the clergy concerned;

(b) in the case of an assistant curate, assistant priest and deacon, the Rector or Priest-in-Charge of the parish; and

(c) in the case of parish ministry, the wardens of the parish,

and may include consultation with anyone the reviewer deems to be appropriate.

37.2 The purpose of a review of ministry is to:

(a) assist clergy to foster positive pastoral relationships within their ministry;

(b) offer encouragement and advice to members of the clergy;

(c) ensure that any conflicts or challenges receive appropriate attention or intervention;

(d) provide adequate resources and support to members of clergy;

(e) foster the safety and wellbeing of members of clergy and the people amongst whom they minister;

(f) address the suitability of members of clergy for their current appointment; and

(g) where relevant consider any existing Mission Plan.

37.3 The outcome of the review must be provided to:
(a) the member of the clergy;
(b) in the case of an assistant curate, assistant priest or deacon, the Rector or Priest-in-Charge of the parish; and
(c) the Archbishop.

38 Breach of Licence

38.1 Where the Archbishop has reason to believe that a member of the clergy holding an Archbishop's licence is in breach of any terms or conditions specified therein or is in breach of any other requirement of clergy holding an Archbishop's licence contained in a statute of this Diocese, the Archbishop may give notice to the member of the clergy:
(a) informing them that they are in breach of any terms or conditions of the licence or other requirement under a statute of this Diocese;
(b) instructing the member of the clergy to remedy the alleged breach; and
(c) outlining the consequences if the member of the clergy fails to remedy the alleged breach.

38.2 Where the Archbishop issues a notice under section 38.1 the notice will be:
(a) in writing;
(b) clearly identify the alleged breach;
(c) identify steps the member of the clergy must take to remedy the alleged breach; and
(d) provide a reasonable time period in which to remedy the alleged breach.

38.3 Where a member of the clergy fails to comply with a notice issued by the Archbishop under section 38.1 the Archbishop may make a complaint of misconduct under the Clergy Discipline Statute 2021.

38.4 For the avoidance of any doubt a notice by the Archbishop under section 38.1 is not intended as a disciplinary measure and any disciplinary measure associated with a breach of licence or a failure by the member of the clergy to comply with the Archbishop's notice under section 38.1 must be undertaken in accordance with the Clergy Discipline Statute 2021.

PART 7 - END OF LICENCE

39 Retired Clergy

39.1 The Archbishop may license a retired member of the clergy as a Locum Tenens on terms and conditions endorsed on the licence and subject to the requirements of the statutes of this Diocese, including sections 36 and 37 of this Statute, and subject to any Diocesan policies.

39.2 The Archbishop may grant a permission to officiate to any retired member of the clergy, subject to the requirements of the statutes of this Diocese, and subject to any Diocesan policies. For the avoidance of doubt, the granting of a permission to officiate does not provide a member of clergy with a general licence.

39.3 The Archbishop may, with or without conditions, grant to a retired member of the clergy an authority to officiate at services on special occasions up to three (3) times each calendar year including (without limitation) at weddings, baptisms and memorial services.

40 Resignation and Retirement

40.1 An Archbishop's licence will terminate upon the resignation or retirement of the member of the clergy to whom it applies.

41 Incapacity

41.1 If a member of clergy demonstrates incapacity as defined in section 3.1 of this Statute, the Archbishop may revoke that member's licence on giving them three (3) months' written notice thereof provided that the Archbishop:
(a) has consulted with the parish council; and
(b) has received a report confirming the member's incapacity from a panel comprising a member of the clergy, a medical practitioner and a clinical psychologist appointed by the Archbishop which has:
(i) consulted with the wardens of the relevant parish;
(ii) interviewed or sought to interview the member of clergy; and
(iii) where relevant, interviewed or sought to interview the spouse of other family members of the remember of the clergy.

42 Unsustainable Ministries

42.1 Where under section 22 the Archbishop considers that the appointment of the member of the clergy to the parish remains financially unsustainable and no alternative ministry model or terms of appointment are appropriate in the circumstances the Archbishop may, subject to section 23.7, revoke the member of the clergy's licence.

43 Irretrievable Breakdown of Pastoral Relationships

43.1 Subject to section 28.3, the Archbishop may revoke the licence of a member of the clergy of a parish if a Ministry Support Committee advises the Archbishop that an irretrievable breakdown in pastoral relationships in the parish has occurred.

44 Revocation

44.1 The Archbishop may revoke a licence in accordance with any recommendation under the:
(a) Professional Standards Statute 2021;
(b) Clergy Discipline Statute 2021; or

(c) Offences Canon 1962-1968.

45 Financial Assistance to Members of Clergy

45.1 If the Archbishop revokes the licence of a member of the clergy under any of sections 41, 42 or 43, the Archbishop may appoint a suitable person to negotiate the provision of financial or other assistance to the member of the clergy.

45.2 The cost of assistance to a member of the clergy under section 45.1:

(a) must not exceed the sum of the stipend and allowances paid to the member of the clergy during the last 12 months of appointment; and

(b) subject to section 46, must be met as to one half by the parish and as to one half by the Diocese.

46 Despite section 45.2, the cost of assistance under section 45.1 must be met by the Diocese if the Archbishop, with the consent of the Diocesan Council, so determines.

47 Declaration as to Property

47.1 All clergy licensed in the Diocese must sign the declaration contained in Schedule 5.

SCHEDULE 1 – THE STATUS OF MEMBERS OF THE CLERGY

The nature and functions of members of the clergy in this Diocese can be found in the Ordinal of *A Prayer Book for Australia* and Diocesan statutes.

Having made the Assents and taken the Oaths required by the Canons of the General Synod of the Church and other relevant Diocesan statutes, members of the clergy are licensed by the Archbishop to perform ministry within the Diocese, in accordance with the conditions of the licence and as permitted by their orders.

Members of the clergy are office holders, called by God to the office and work of a bishop, priest or deacon in God's Church. The exact functions and obligations of the individual members of the clergy will vary, depending on the particular ministry to which they are called and licensed and whether they are bishops, priests or deacons.

SCHEDULE 2 - DECLARATION OF ASSENT TO DOCTRINE AND FORMULARIES

I …….. firmly and sincerely believe the Catholic Faith and I give my assent to the doctrine of The Anglican Church of Australia as expressed in the *Book of Common Prayer* and the Ordering of Bishops, Priests and Deacons and the Articles of Religion, as acknowledged in section 4 of the Constitution, and I believe that doctrine to be agreeable to the word of God.

I declare my assent to the Fundamental Declarations of The Anglican Church of Australia as set out in sections 1, 2 and 3 of the Constitution.

In public prayer and administration of the sacraments I will use the form prescribed in the Book of Common Prayer or a form authorised by lawful authority and none other.

Declared by: _____

Full name: _____

Dated:

Before me:

…….. .

* ……..
* The Registrar.

SCHEDULE 3 – OATH OF CANONICAL OBEDIENCE

I, …… do swear that I will pay true and canonical obedience to …… the Archbishop of Perth and the successors of that Archbishop in all things lawful and honest. So help me God!

Declared by: ……

Full name:_____
Dated:

Before me:

..... .

* .....
* The Registrar.

SCHEDULE 4 – ASSENT TO CONSTITUTION AND LAWS

I, …… do solemnly and sincerely declare my assent to be bound by the Constitution of the Anglican Church of Australia and the Constitution of the Province of Western Australia and the Constitution Act of this Diocese, and by the canons, statutes and policies, however described, from time to time of this Diocese and of the General Synod and the Provincial Council which have force in this Diocese.

Declared by: ……

Full name:_____
Dated:

Before me:

..... .

* .....

* The Registrar.

SCHEDULE 5 – DECLARATION AS TO PROPERTY

I, ……..... being duly licensed by the Archbishop DO HEREBY ENGAGE to give up to THE PERTH DIOCESAN TRUSTEES ("the Trustees"), at any time on demand by the Archbishop of Perth or the Trustees possession of all the real and personal estate and effects belonging to the Trustees which I may at the time of such demand hold or be entitled to including any Rectory or other building in which I may then reside provided that no such demand shall be made without the approval of the Diocesan Council in writing provided further that before such approval is given I shall have had the opportunity, if I so desire, of stating in the presence of the Diocesan Council any objection I may entertain to such demand being made, and I ACKNOWLEDGE AND DECLARE that I do and will hold possession of the said real and personal estate and effects as tenant at will of the Trustees and that I will in all respects conform to and abide by the provisions of all Statutes now or hereafter passed by the Synod of the Diocese of Perth, all policies approved by the Diocesan Council or the Trustees, and all resolutions now in force or which may be hereafter passed by the said Synod.

Declared by: ……

Full name:_____
Dated:

Before me:

…….. .

* ……..

* The Registrar.

CLERGY DISCIPLINE STATUTE 2021

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A STATUTE RELATING TO CLERGY DISCIPLINE WITHIN THE CHURCH

PREAMBLE

The Statute is shaped by the call of the church to be an agent of reconciliation, grace, mercy and mutual accountability. The gospels, pastoral epistles and the ordinal make it plain that those called to ordained leadership hold a sacred trust and their conduct must meet the highest standards.

PART 1 - PRELIMINARY

1 Short Title

1.1 This Statute may be cited as the Clergy Discipline Statute 2021.

2 Repeal

2.1 The Clergy Discipline Statute 1996 is hereby repealed.

3 Application

3.1 This Statute applies to two different and distinct processes for dealing with:

(a) in Part 3, Misconduct by a member of clergy as defined in section 4.1; and

(b) in Part 4, a Clergy Offence by a member of clergy as defined in section 4.1.

Part 3 processes involve an investigation and assessment as to whether a member of clergy is fit to hold a particular office by reason of the alleged Misconduct and the appropriate consequences, whereas Part 4 processes involve an investigation and may lead to determination as to whether a Clergy Offence has been committed and appropriate disciplinary penalties.

3.2 A charge of a Clergy Offence may be brought under Part 4 in relation to events, facts or questions which have been the subject of a complaint under Part 3 or the subject of a complaint of a breach of professional standards.

3.3 A complaint of Misconduct under Part 3 or a complaint of a breach of professional standards may not be made or continued in relation to events, facts or questions which are or have been the subject of a charge of a Clergy Offence under Part 4 except where permitted under section 23.2 of this Statute or by the Professional Standards Statute.

3.4 Diagrams outlining in summary the key processes under this Statute are set out in Schedules 1 and 2, but if there is any conflict between the wording of this Statute and the diagrams, the wording of this Statute must prevail.

3.5 Misconduct in Part 3 does not include any matters that may amount to a breach of professional standards. Matters which give rise to the removal of a clergy licence under the terms of that licence may also be dealt with under the Clergy Appointment and Licensing Statute.

3.6 This Statute is to come into effect at the same time as the Professional Standards Statute.
This Statute does not cover misconduct or offences by the Archbishop, but it does cover Misconduct or a Clergy Offence by any member of clergy acting in the role of the Administrator.

4 Definitions

4.1 In this Statute, unless the context otherwise requires:

Administrator means the person appointed under the Archbishop's Statute;

allied ministry means ministry in a Church agency or other institution or organisation, including a university, school, hospital, correctional facility, detention centre, industrial workplace, the Australian Defence Force or field of ministry other than a parish;

Appellate Tribunal means the tribunal constituted in accordance with the Appellate Tribunal Canon 1981;

Archbishop means the Archbishop of Perth appointed pursuant to the Archbishop's Statute 2016 and, except where otherwise indicated, shall include the Administrator acting in the absence of the Archbishop;

alternative resolution processes include processes, such as mediation, conciliation and restorative engagement. Further details of how these processes may be applied may be outlined in a policy;

Board means the Conduct Board established under Part 3 of this Statute;

Board of Enquiry means the board of enquiry constituted in accordance with section 76;

breach of discipline means:

(a) a breach of faith, ritual or ceremonial;

(b) a breach of other rules of the Church which impose on members of the clergy obligations regarding the religious or moral life of the Church;

(c) a breach of any other obligations in the Ordinal undertaken by the member of clergy; and

(d) breach of the obligations in statutes and canons in force in the Diocese;

breach of professional standards means a breach of professional standards as defined in the Professional Standards Statute;

ceremonial includes ceremonial according to the use of this Church, and also the obligation to abide by such use;

chaplains mean members of clergy appointed to serve in an allied ministry;

Church means the Anglican Church of Australia within the Diocese;

Church Advocate means the person appointed under section 77 of this Statute;

Church agency means any separately incorporated entity of the Church in the Diocese, which has been established by the Synod, the Trustees or the Diocesan Council and includes all Church schools;

Church authority means the Archbishop or a person or entity having administrative authority of or in a Church entity to licence, appoint, authorise, dismiss or suspend a member of Clergy;

Church entity means an unincorporated entity including a committee, commission, a parish or a parish council in the Diocese, the Cathedral or Chapter of the Cathedral, that exercises ministry within, or on behalf of, the Church with the actual or apparent authority of the Church;

Church school means a school or educational institution within the meaning of the section 1(1)(f) of The Constitution Act of the Diocese of Perth 1871 as well as the Provincial schools within the Diocese, which are affiliated with the Church;

clergy or member of the clergy means an assistant bishop, priest or deacon of the Church or of any other church in communion with the Church. In this Statute, the terms include any member of clergy acting as an Administrator but does not include the Archbishop;

Clergy Appointment and Licensing Statute means the Clergy Appointment and Licensing Statute 2021 and any replacement statute;

Clergy Offence means –

(a) a breach of discipline;

(b) unchastity;

(c) alcohol, drug or substance abuse;

(d) habitual and wilful neglect of ministerial duty after written admonition in respect thereof by the Archbishop;

(e) wilful failure to pay just debts;

(f) conduct, wherever occurring:

(i) which would be disgraceful if committed by a member of clergy, and

(ii) which at the time the charge is laid is productive (or if known publicly would be productive) of scandal or evil report;

(g) child abuse;

(h) failure without reasonable excuse to comply with the laws of the Commonwealth or a State or Territory requiring the reporting of child abuse to the police or other authority;

(i) conviction for a criminal offence that is punishable by imprisonment for 12 months or more in respect of a member of the clergy if –

(i) the act of the member of the clergy which gave rise to the charge occurred in the Diocese, or
(ii) the member of the clergy was licensed by the Archbishop or was resident in the Diocese within two (2) years before the charge was laid, or
(iii) the member of the clergy is in prison as a convicted person at the time the charge was laid, but within two (2) years before imprisonment was licensed by the Archbishop or was ordinarily resident in the Diocese; or

(j) any other offence prescribed by a canon of General Synod which has been adopted or assented to by this Diocese or any statute of this Diocese.

Committee means the Conduct Committee established under Part 3 of this Statute or any person, including a member of the Conduct Committee, to whom the Conduct Committee has delegated any of its powers and duties.
Committee Secretary means the person appointed by the Diocesan Secretary, or in accordance with any relevant policies of the Diocesan Council, to act as a secretary to the Committee.
complainant means a person who makes a complaint;
complaint means a complaint alleging Misconduct.
conciliation means a process in which parties to a dispute, with the assistance of a neutral third-party conciliator, identify the disputed issues, develop options, consider alternatives and endeavour to reach an agreement. The conciliator may have an advisory role in regard to the content of the dispute or the outcome of its resolution, but not a determinative role. The conciliator may advise on or determine the process of conciliation whereby resolution is attempted and may make suggestions or give advice on terms of settlement.
conduct means an act, an omission to perform an act, a state of affairs, refraining (otherwise than inadvertently) from doing an act, refusing to do any act, or making it known that an act will not be done and includes the use of electronic communications;
Constitution means the Constitution of the Anglican Church of Australia;
deacon means a member of the clergy in deacon's orders duly licensed by the Archbishop;
delegate means a person sent or authorised to represent others;
Diocesan Council means the body constituted by the Diocesan Council Statute;
Diocesan Registrar means the person appointed by the Archbishop to keep the register of official records of the Diocese;
Diocesan Tribunal or Tribunal means the tribunal constituted in accordance with section 74 with the jurisdiction to hear and determine charges of Clergy Offences under this Statute;
Diocese means the Diocese of Perth;
diocese means a diocese of the Anglican Church of Australia;
Director means the Director of Professional Standards appointed under the Professional Standards Statute and includes an acting Director of Professional Standards;
electronic communication means

(a) a communication by electronic means; and
(b) without limiting paragraph (a), includes a communication by any of these means —
  (i) email;
  (ii) the internet;
  (iii) facsimile;
  (iv) telephone, including mobile telephone;
  (v) radio;
  (vi) television;

faith includes the obligation to hold the faith. Unless the context or subject matter otherwise indicates, any reference to faith shall extend to doctrine;
Holy Orders has the meaning contained in section 14 of The Constitution Act of the Diocese of Perth 1871;
mediation means a process in which parties to a dispute with the assistance of a neutral third party ('the mediator') identify the disputed issues, develop options, consider alternatives and endeavour to reach an agreement. The mediator has no advisory or other determinative role in regard to the content of the dispute or the outcome of its resolution but may advise on or determine the process of mediation whereby resolution is attempted;
ministry means ordained ministry;
Misconduct means conduct by a member of clergy, occurring before or after the commencement of this Statute, which, if established, would call into question:

(a) the fitness of that person, whether temporarily or permanently, now or in the future to be or remain in Holy Orders or to exercise any ministry or hold or perform the duties of a particular role or any role, office, licence or position in the Church, Church entity or Church agency; or
(b) whether, in the exercise of that person's role, office, licence or position, or in the performance of any function, that person should be subject to certain conditions or restrictions:
and may include:
  (i) a failure to comply with the lawful direction of the Archbishop or the Archbishop's nominee;
  (ii) a failure to remedy a breach of licence as outlined in the Clergy Appointment and Licensing Statute; or

(iii) wilful or repeated failure to comply with the statutes, canons, policies or Code of Conduct in force in the Diocese,

but excludes for the purposes of this Statute any breach of faith, ritual or ceremonial and any breach of professional standards. For the avoidance of doubt, incapacity to carry out ministry and mere mistakes will not constitute Misconduct under this Statute.

Ordinal means the form or manner for the making, ordaining and consecrating of bishops, priests and deacons as outlined in the Prayer Book;

Prayer Book means *The Book of Common Prayer* used together with *An Australian Prayer Book* and *A Prayer Book for Australia*;

prescribed information means for each complaint or matter arising under this Statute or any policy approved under it:

(a) the names of the complainant and the respondent;
(b) the contents of the complaint if in writing;
(c) any notes, correspondence, reports, statements or other documents created, sent or received;
(d) any determination of the Committee or the Board, as the case may be;
(e) any decision of the Church authority and correspondence in connection with that decision; and
(f) any other information of a kind prescribed by resolution of the Diocesan Council;

prescribed person means:

(a) a complainant; or
(b) any witness other than either the respondent or a witness as to character;

Professional Standards Committee or **PSC** means the Professional Standards Committee established under the Professional Standards Statute;

Professional Standards Statute means the Professional Standards Statute 2021 and any statute that replaces that statute;

prohibition order means an order prohibiting a member of clergy from holding a licence, specified position or office in the Diocese or Church entity, or from carrying out any specified functions in relation to any office or position in the Diocese or Church entity;

respondent means the member of clergy against whom a complaint or a charge of a Clergy Offence has been made and who is not deceased;

restorative engagement means facilitated processes in which persons affected by an act of harm, and/or events which have led to conflict meet together voluntarily in a facilitated group conference to explore what has happened; how people have been affected; and collaboratively decide what is necessary to repair harm, prevent recurrence and reset (renew or release) relationships;

reviewable decision means a determination or recommendation of the Board which, if acted upon by the relevant Church authority, may have the effect of:

(a) deposing the respondent from Holy Orders; or
(b) terminating the respondent's licence or removing the respondent from an office or position in the Diocese or Church entity;

Reviewer means the person appointed pursuant to section 64 who must be a legal practitioner of at least ten (10) years' standing.

"**ritual**" includes rites according to the use of this Church, and also the obligation to abide by such use;

schedule means a schedule to this Statute;

Statute means this statute;

Tribunal Panel means the panel referred to in section 75 from which Diocesan Tribunal members may be drawn; and

Tribunal Secretary means the person appointed by Diocesan Council to be the Secretary to the Diocesan Tribunal.

4.2 Unless defined differently in this Statute, words in this Statute will have the same meanings as in the Interpretation Statute 2016.

5 Overriding purposes of this Statute

5.1 The overriding purpose of this Statute and of any policies made under this Statute pertaining to a complaint or a charge of a Clergy Offence, is:

(a) to operate, as far as practicable, in accordance with the alternative resolution processes and the principles supporting such processes;
(b) to facilitate the just, expedient and efficient resolution of the real issues in the complaint, resolve conflicts and optimise relationships, in the best interests of all parties;
(c) to uphold standards in the Church; and
(d) to the protect the community.

6 Overriding purposes to be given effect to

6.1 The persons and bodies exercising powers under this Statute must each seek to give effect to the overriding purposes of this Statute when exercising any power under this Statute or any policy made pursuant to this Statute and when interpreting any provision of this Statute or of any such policy.

PART 2 – POLICIES

7 Diocesan Council may approve policies

7.1 Diocesan Council may from time to time consider and approve one or more policies for implementation in relation to the matters which are the subject of this Statute and may promote the knowledge and observance of such policies.

7.2 The policies may include provisions or procedures for:

(a) receiving complaints or charges of Clergy Offences;

(b) the appointment, role and function of professional support persons and carers for the complainant or the respondent;

(c) informing a complainant and a respondent of rights, remedies and relevant procedures available to them under the Statute or policies;

(d) assisting or supporting, as appropriate, complainants, respondents, and any person affected by conduct alleged in a complaint;

(e) an explanation of the processes for investigating and dealing with a complaint;

(f) dealing fairly with each party to a complaint including providing funding to assist respondents and/or complainants to obtain relevant legal advice;

(g) processes and principles applicable to alternative resolution processes; and

(h) regular information, reports, advice and recommendations to the Archbishop and any other relevant Church authority.

PART 3 –MISCONDUCT COMPLAINTS AND GOVERNANCE

8 Committee and Board

8.1 There is to be a:

(a) Committee constituted and appointed in accordance with Part 3.1; and

(b) Board constituted and appointed in accordance with Part 3.2**.**

PART 3.1 – CONDUCT COMMITTEE

9 Appointment of members of the Committee

9.1 The members of the Committee are to be appointed by Diocesan Council for a term of three (3) years and are to hold office on such terms and conditions as set out in relevant policies or as determined from time to time by the Archbishop.

10 Membership of the Committee

10.1 The Committee must have at least three (3) members including the chair. So far as is reasonably practicable, the membership of the Committee shall be comprised equally of men and women.

10.2 The membership of the Committee is to include, as far as it is reasonably practicable, people with experience and appropriate professional qualifications in:

(a) law;

(b) ordained ministry; and

(c) human resources, alternative resolution processes, pastoral ministry, psychology or psychiatry, social work or ethics.

10.3 The membership of the Committee may include people who are also members of the PSC, but the number of such members:

(a) must not be greater than two (2); and

(b) must be less than half the membership of the Committee.

11 Chair

11.1 The chair of the Committee is to be appointed on such terms and conditions as set out in any relevant policy or as determined from time to time by the Archbishop.

12 Procedures of the Committee

12.1 The Committee will meet from time to time as determined by the chair or a majority of its members and may conduct its business by electronic communication.

12.2 Subject to any policy and to this Statute, the procedures of the Committee are to be as determined by the Committee.

12.3 A majority of the members constitutes a quorum.

12.4 The Committee must act in all things as expeditiously as possible.

12.5 The Committee may in accordance with policy delegate to any of its members or to the Committee Secretary or to a delegate of the Archbishop any of its powers and duties.

13 Acts and proceedings of the Committee validated

13.1 An act or proceeding of the Committee is not invalid by reason only of a vacancy in its membership and, notwithstanding the subsequent discovery of a defect in the nomination or appointment of a member; any such act or proceeding is as valid and effectual as if the member had been duly nominated or appointed.

14 Functions of the Committee

14.1 Subject to the provisions of this Statute, the Committee has the following powers and duties:

(a) to implement this Statute and any policy to the extent that the policy is not inconsistent with this Statute;
(b) to receive a complaint and, where appropriate, to deal with the complaint in a timely and appropriate manner;
(c) to explore and, where appropriate, arrange for or carry out alternative resolution processes;
(d) to review and monitor the work of the Committee Secretary under this Statute;
(e) to appoint suitable persons to fulfil the several roles required to implement any policy in each particular case;
(f) where appropriate, to recommend to the Archbishop any changes to any policy, Church processes, structures or education programs that would reduce the risk of Misconduct in the Diocese;
(g) subject to any limit imposed by the Archbishop to authorise such expenditure on behalf of the Diocese or the Church entity as may be necessary to implement, in a particular case, the policy and the provisions of this Statute;
(h) to inform any relevant Church authority or Church entity of the financial or other needs of a person affected by conduct alleged in a complaint and of any possible or actual legal proceedings against such Church entity or Church authority arising out of the alleged conduct and how a parish or congregation may best be supported;
(i) where appropriate or required under any policy, to refer any allegation of Misconduct it has received to a member of a law enforcement authority of a State or Territory or of the Commonwealth of Australia to which the allegation is or may be relevant; and
(j) to exercise such other powers and functions as are conferred on it by this or any other Statute or by a policy.

PART 3.2 – CONDUCT BOARD

15 Appointment of members of the Board

15.1 The members of the Board are to be appointed by Diocesan Council for a term of three (3) years and are to hold office on the terms and conditions as set out in relevant policies or as determined from time to time by the Archbishop.

15.2 A member constituting part of the Board which has entered upon the consideration of a complaint must continue to be a member of the Board until the matter is concluded notwithstanding that their term of appointment as a member of the Board has expired.

16 Membership of the Board

16.1 The Board must be constituted by at least three (3) members including the President or a Deputy President.

16.2 The membership of the Board is to include, as far as it is reasonably practicable, people with experience and appropriate professional qualifications in:
(a) law;
(b) ordained ministry; and
(c) social work, psychology, psychiatry, or ethics.

16.3 So far as reasonably practicable, the Board must be constituted by:
(a) at least one (1) member of the clergy and one (1) member of the laity;
(b) at least one (1) man and at least one (1) woman.

16.4 The members who constitute the Board to hear a complaint may be selected by the Secretary to the Board in consultation with the Presiding Member. If there is a policy for selecting such members, then the Secretary to the Board must apply that policy.

17 President

17.1 The President and Deputy President of the Board are to be appointed by Diocesan Council on such terms and conditions as may be determined from time to time by the Diocesan Council or in accordance with any relevant policy.

17.2 Either the President or Deputy President, as may be applicable, will act as the Presiding Member for a meeting of the Board.

18 Procedures of the Board

18.1 The Board will meet from time to time as determined by the President or a majority of its members and may conduct its business by electronic communication.

18.2 The Board, separately constituted in accordance with this Part, may sit simultaneously for the purpose of matters referred to it or for conducting separate business of the Board.

18.3 Subject to this Statute and the relevant rules, the practice and procedure of the Board will be as directed by the President.

18.4 A majority of members of the Board present constitutes a quorum.

18.5 The Board must act in all things as expeditiously as possible.

19 Filling vacancies in the Board

19.1 Any vacancy in the membership of the Board is to be filled by Diocesan Council or in accordance with any policy made by the Diocesan Council.

20 Secretary to the Board

20.1 There is to be a Secretary to the Board who is to be appointed by the Board on such terms and conditions as may be determined from time to time by the Board or in accordance with any policy.

21 How questions are decided by the Board

21.1 A question before the Board may be decided by a majority of the votes of those present and voting and in the case of an equality of votes, the opinion of the President will prevail.

22 Acts and proceedings of the Board validated

22.1 An act or proceeding of the Board is not invalid by reason only of a vacancy in its membership and, notwithstanding the subsequent discovery of a defect in the nomination or appointment of members of the Board, any such act or proceeding is as valid and effectual as if the member had been duly nominated or appointed.

23 Function of the Board in respect of referrals

23.1 Subject to the provisions of this Statute, the function of the Board is to:

(a) enquire into and determine a question or questions referred to it by the Committee pursuant to Part 3.6; and

(b) to make a determination referred to in Part 3.7 and where appropriate to make a recommendation in accordance with the provisions of this Statute.

23.2

(a) The Board must not, in the course of inquiring into any question, inquire into any matter concerning clergy discipline which is currently, or has previously been the subject of any investigation or enquiry conducted:

(i) under or pursuant to any provision of the Constitution;

(ii) under or pursuant to a Canon of the General Synod, or a statute or an ordinance of another diocese relating to clergy discipline; or

(iii) with the authority of the bishop of a diocese resulting, or which may result, in a formal report to the bishop,

except to the extent of any fresh evidence not reasonably available during any previous formal investigation or inquiry.

(b) An investigation and enquiry referred to in sub-section (a) above does not include a situation where a charge of a Clergy Offence under Part 4 has been withdrawn or dismissed under section 91 without being referred to the Diocesan Tribunal.

23.3 The Board must not, in the course of inquiring into any question, inquire into, make any findings in relation to or take into account any breaches of faith, ritual or ceremonial or matters involving a breach of professional standards.

PART 3.3 – RECEIVING AND INITIAL PROCESSES RELATING TO COMPLAINTS

24 Complaints and Form of complaint

24.1 Any person may make a complaint to the Director or any other person specified by policy.

24.2 A complaint must be in writing but may be on paper or by electronic communication.

24.3 A complaint must include details of the conduct complained about.

24.4 The PSC, the Committee and the Archbishop may choose not to act on an anonymous complaint.

25 Assessment and referral by the PSC

25.1 A complaint must be referred to the PSC for assessment as to whether the complaint may include a breach of professional standards. The PSC must assess the complaint in an expeditious manner.

25.2 Where the PSC determines that the complaint does not relate to any breach of professional standards, then the PSC will immediately forward the complaint to the Archbishop and to the Committee with a report as to its assessment.

25.3 Where the PSC determines that the complaint relates potentially to a breach of professional standards, either solely or in conjunction with conduct covered by this Statute, the PSC may deal with the complaint in accordance with the processes under the Professional Standards Statute. The PSC may, in consultation with complainants, respondents and any other relevant party, where it deems it appropriate, also refer aspects of a complaint involving Misconduct for alternative resolution processes. The PSC may also refer a complaint or part of a complaint relating to Misconduct or a Clergy Offence to be dealt with by the processes set out in this Statute if it decides that this conduct can be distinguished from matters dealt with under the Professional Standards Statute or if the aspects of the complaint that relate to a breach of professional standards have already been dismissed, dealt with or otherwise resolved.

25.4 The PSC and Committee must act in relation to the complaint in accordance with any relevant policy.

26 Dealing with Complaints – Initial Stages involving the Archbishop or Archbishop's delegate

26.1 On receipt of a complaint from the PSC, the Committee Secretary must explain the processes under this Statute to the complainant and ascertain the consent of the complainant for the matter to be dealt with pursuant to those processes.

26.2 Upon the receipt such of consent by the complainant, the Committee Secretary must inform the Archbishop. The Archbishop or Archbishop's delegate must then provide to the relevant member of clergy and the Church entity or Church agency either:

(a) a written statement outlining the complaint with sufficient information for the respondent to understand the nature of the complaint and to be able to respond to it; or
(b) where considered appropriate, a copy of the complaint.

26.3 The member of clergy, Church entity or Church agency must be given reasonable opportunity and time to respond to the Archbishop or Archbishop's delegate.

26.4 The member of clergy must within a reasonable time provide a substantive response to the complaint.

26.5 The Archbishop or Archbishop's delegate must, following consultation with complainants, respondents and any other relevant party, where they deem appropriate, organise for alternative resolution processes to be undertaken in an effort to resolve the complaint and bring about restoration and healing. If the complaint is resolved and withdrawn, the Archbishop must inform the respondent, the Church entity or Church agency, the relevant Committee and the PSC of this.

26.6 Subject to section 26.7 below, if the complaint cannot be resolved in the manner set out in section 26.4, the Archbishop or Archbishop's delegate must refer the complaint to the Committee with a report as to the steps taken. The Archbishop or Archbishop's delegate must also inform complainants and respondents and any relevant parties if it was deemed inappropriate for alternative resolution processes to be undertaken and why.

26.7 Where the conduct complained of involves or may involve a criminal offence, the Archbishop or Archbishop's delegate or the Committee may advise and assist the complainant to refer the matter to the police or other law enforcement agency or may refer the matter themselves. In that event, the Archbishop or the Archbishop's delegate and the Committee may defer dealing with the complaint any further pending an investigation or other action by the police or other law enforcement agency.

27 Further particulars of a complaint

27.1 The Committee may require a complainant to:
(a) give further details of the complaint; and
(b) verify any details of the complaint by statutory declaration or in another manner specified by the Committee,
before commencing or further dealing with a complaint.

27.2 A requirement under section 27.1 must be in writing and allow the complainant a reasonable time to comply.

28 Committee may dismiss certain complaints

28.1 The Committee may at any time, including after an investigation as set out below, decline to investigate a claim or refrain from further investigation and dismiss a complaint if it is of the opinion that:
(a) the complaint does not fall within the provisions of this Statute;
(b) the conduct which is the subject matter of the complaint can properly be dealt with by other means;
(c) the subject matter of a complaint is under investigation by some other competent person or body or is the subject of legal proceedings;
(d) the complainant has failed to provide further details to the Committee or to verify the allegations by statutory declaration or otherwise when requested by the Committee to do so or has failed to respond to any requests by the Committee as to whether the complainant wishes to proceed further with the complaint;
(e) the complaint is false, vexatious, misconceived, frivolous or lacking in substance;
(f) there is insufficient reliable evidence to warrant an investigation or further investigation; or
(g) the complaint has been or can be dealt with adequately by means other than a referral to the Board, such as through the use of alternative resolution processes.

28.2 When acting in accordance with section 28.1, the Committee may:
(a) recommend to the Church authority steps that might reduce or eliminate the risk of Misconduct, either by the members of clergy generally or in relation to the respondent, including by way of an educational or mentoring program; or
(b) make such other recommendation as the Committee considers necessary or desirable.
For the avoidance of doubt, a recommendation under this section is advisory only and not binding on a Church authority.

29 Complainant to be given notice of outcome of complaint and reasons

29.1 The Committee must give a written notice of the outcome, including the reasons for the outcome to the complainant, the respondent, the Church authority, the relevant Church entity or Church agency.

PART 3.4 – COMMITTEE – DEALING WITH COMPLAINTS

30 Alternative Resolution Processes

30.1 Upon receipt of the complaint and report following the steps in section 26.6 and at any subsequent time prior to referral of the complaint to the Board, the Committee must, in consultation with complainants, respondents and any other relevant party, ascertain, where it deems appropriate, whether there are opportunities to resolve the complaint and bring about restoration and healing through the use of alternative resolution processes and, if so, must engage in or arrange for such processes to be employed.

30.2 If the complaint is able to be resolved employing the processes outlined in section 30.1 and the complainant withdraws the complaint, the Committee must inform the respondent, the relevant Church entity or Church

agency, the Archbishop or Archbishop's delegate and the PSC of this. The Committee must also inform complainants and respondents and any relevant parties if it was deemed inappropriate for alternative resolution processes to be undertaken and why.

31 When the Committee must investigate

31.1 Subject to the preceding sections of Part 3, the Committee must investigate each complaint to the extent it deems appropriate.

31.2 The Committee may by instrument in writing delegate, upon such terms and conditions as the Committee may approve, the powers to investigate any person to whom the Statute applies under this section.

32 Committee to obtain material

32.1 For the purpose of an investigation, the Committee or its delegate may obtain such statutory declarations, written statements, recorded conversations, reports, documents and other material as the Committee or its delegate considers necessary or advisable for presentation to and consideration by the Committee.

33 Respondent to respond to Committee and comply with undertakings and directions

33.1 The Committee may by notice in writing to the respondent require the respondent to:

(a) meet on reasonable notice with an investigator to answer questions in relation to a complaint;

(b) provide a detailed report to the Committee within 21 days or such further period as the Committee may allow in relation to any matter relevant to the investigation; and

(c) verify the report by statutory declaration or in another manner specified by the Committee.

34 Referral of complaints involving breach of professional standards to the PSC

34.1 Where a complaint concerns only Misconduct, the PSC must refer such complaint to the Committee.

34.2 The Committee must if, at any time, it discovers that the complaint concerns a breach of professional standards, refer such complaint back to the PSC to be dealt with pursuant to the Professional Standards Statute.

34.3 Subject to section 34.4, where a complaint is found, at any time, to concern a breach of professional standards, or a combination of a breach of professional standards and Misconduct, the Committee must refer such complaint back to the PSC to be dealt with by the PSC pursuant to the Professional Standards Statute.

34.4 If, at any time, the PSC forms the opinion that Misconduct which is the subject of this Statute may reasonably be separated from a breach of professional standards, it may refer that conduct to the Committee.

PART 3.5 – SUSPENSION OR PROHIBITION ORDERS

35 Suspension or other action pending determination

35.1 If after receipt of a complaint or at any time during the progress of investigation of a complaint, the Committee is satisfied that there is an unacceptable risk of harm to any person or Church entity or Church agency if the respondent remains in their present office or position of responsibility pending the outcome of further investigation of the complaint, the Committee may, as the urgency of the matter requires, make a recommendation direct to the Archbishop or other relevant Church authority that pending the outcome of further investigation or determination by the Board:

(a) the respondent be suspended from the duties of any office or position of responsibility held by the respondent or from certain duties;

(b) a prohibition order be made against the respondent; or

(c) such other action be taken as may be thought fit.

36 Matters to be considered and consultations by the Committee before recommending suspension or other action pending determination

36.1 Before making a recommendation under this Part, the Committee must take into account:

(a) the nature and seriousness of the alleged conduct;

(b) the nature of the material to support or negate the allegations;

(c) the extent to which any person, Church entity or Church agency is at risk of harm;

(d) the effect on the respondent, a relevant Church entity or Church agency and on the Church of acting and of not acting under this Part; and

(e) any other allegation of similar conduct previously made to the Committee within the previous ten (10) years;

and may take into account any other relevant matter.

36.2 Before making a recommendation under this Part, the Committee must advise and consult with the respondent and the relevant Church entity or Church agency or their representative on potential recommendations being considered under this Part and provide them with sufficient information about the basis of the potential recommendation and with a reasonable opportunity to respond.

36.3 The provisions of section 36.2 do not apply if the Committee is satisfied that there is an immediate unacceptable risk of harm to any person or Church entity or Church agency if the respondent remains in their present office or duties so that action under section 35 is required prior to any consultations.

37 Powers of the Church authority

37.1 The Church authority to which a recommendation is made under this Part is hereby empowered to give effect to that recommendation of the Committee.

38 Powers under section 37 may be exercised while matter under consideration

38.1 The Archbishop or other relevant Church authority may exercise the powers conferred on it by section 37 of this Statute, notwithstanding that a recommendation under this Part is under consideration by the Board pursuant to section 40.1.

39 Suspension in event of criminal charges

39.1 Without limiting any powers and obligations under the Professional Standards Statute or the generality of the previous sections in this Part, the Archbishop or other relevant Church authority may, pending the determination of the charge, also suspend a member of clergy who is charged by a law enforcement body in any jurisdiction with a criminal offence that is punishable by imprisonment for 12 months or more.

39.2 If a member of clergy is suspended pursuant to section 39.1, the Church authority must serve on that member of clergy a notice of suspension and upon service of the notice, that member of clergy is deemed to have been suspended pending the outcome of the hearing of the charge.

40 Revoking suspensions or prohibition orders

40.1 The respondent has the right to seek a referral to the Board to have the recommendation or any action taken under this Part revoked or withdrawn and the Board may recommend to the Archbishop or Church authority that the suspension or other action imposed or undertaken under this Part be revoked or withdrawn as appropriate.

40.2 The Archbishop or Church authority may revoke a suspension or other action under this Part at any time during its currency and the Committee may also make further recommendations to the Archbishop or Church authority that the suspension or other action be revoked.

41 Termination of suspension

41.1 A suspension or prohibition order made by a Church authority following a recommendation under this Part must be set aside by the Church authority:

(a) if the Committee terminates the investigation or dismisses the complaint without referring the matter to the Board;

(b) upon any direction to that effect given by the Archbishop or other Church authority; or

(c) upon the Church authority giving effect to a recommendation of the Board or such a recommendation as varied or modified by a Church authority under section 40.

42 Consequences of suspension or prohibition

42.1 During a suspension or prohibition pursuant to the provisions of this Part or while conduct the subject of a complaint is dealt with under this Statute:

(a) the respondent must comply with the terms of any prohibition order;

(b) the respondent will be ineligible for appointment to any position or function covered by any suspension or prohibition order; and

(c) the relevant Church authority may fill the vacancy caused by any suspension or prohibition order.

42.2 Respondents suspended under this Part will be entitled to whatever stipend, salary, allowances and other benefits they would ordinarily have received and, subject to any other decision or policy of Diocesan Council, such entitlements are to be met or reimbursed from funds of the Diocese, the Parish or other Church entity or Church agency as the case may be ordinarily.

PART 3.6 – REFERENCE OF A COMPLAINT OR MATTER TO THE BOARD

43 Committee may refer certain matters to the Board

43.1 Subject to section 43.2, if a complaint is not dismissed or resolved and, after the investigation of a complaint in accordance with this Statute, the Committee forms the opinion that the conduct the subject of the complaint, if established, would amount to Misconduct, it must refer the complaint to the Board for determination as to whether the conduct the subject of the complaint would amount to Misconduct and for further action under Part 3.7

43.2 In circumstances where the respondent admits some or all of the conduct set out in the complaint, the Committee need not refer to the Board those matters which have been admitted but may make a recommendation to the Church authority directly.

44 Written report by Committee

44.1 The Committee must refer the complaint to the Board by delivering to the Secretary to the Board a written report setting out:

(a) its investigation and opinion; and

(b) a statement of any allegations made against the member of clergy.

44.2 The report must be signed by the Chair of the Committee or anyone else designated by the Committee to do so.

45 Complainant may refer dismissal of complaint to the Board

45.1 If the Committee refrains from further investigation and dismisses a complaint under section 28, the complainant may refer the complaint to the Board.

46 Board to invite submissions from parties

46.1 In the case of a reference pursuant to section 43.1, as soon as practicable after delivering the report referred to in section 44 to the President of the Board, the Committee must cause to be delivered to the respondent and, in the

case of a complaint, the complainant a copy of the report and opinion and a notice to the effect that each party may advance written submissions to the Board if they wish to do so.

46.2 In the case of a referral pursuant to section 43.1, the Committee must advise the respondent and the complainant of the rights each has under this Statute and any relevant policies.

46.3 In the case of a referral pursuant to section 45, the Board must advise the respondent and the complainant of the rights each has under this Statute and any relevant policies.

47 Documents and materials to be delivered to the Board

47.1 Within 14 days of the reference of a matter to the Board or within 14 days of any additional document or material coming to existence after a matter is referred to the Board, whichever is the later:

(a) in the case of a reference pursuant to section 43.1, the Committee must cause to be delivered to the President of the Board any documents and material relevant to the reference; and

(b) in the case of a reference pursuant to section 45, the complainant must cause to be delivered to the President of the Board the written notice of the outcome including the reasons for the outcome given by the Committee to dismiss the original complaint.

48 Board may give directions as to documents and conduct of inquiry

48.1 The Board may at any time and from time to time give directions:

(a) as to the inspection by and supply of copies to the respondent or any other person of the documents or material relevant to the reference; and

(b) the service of any witness statements, summary of proposed evidence, submissions or other documents on which a party may wish to rely; and

(c) as to the conduct of its inquiry into the matter,

and, for that purpose, the Board may be constituted by the President or Deputy President alone.

49 Resignation to have no effect

49.1 If after a complaint is referred to the Board, the respondent resigns from their role, office or position, the Board may continue to enquire into and determine the complaint, notwithstanding that resignation.

50 The role of the Committee on the reference

50.1 Subject to section 50.2, the Committee has the carriage of the matter before the Board and has the following particular functions:

(a) to present to the Board:

(i) the evidence on which it relies relevant to the reference;

(ii) any findings and recommendations that it proposes the Board should make;

(iii) any submissions in support; and

(b) to appear by an authorised representative at any hearing of the Board to assist the Board in its enquiry into the reference.

50.2 In the case of a referral under section 45 or otherwise, the complainant may choose to have the carriage of the matter before the Board and appear by a representative.

PART 3.7 – DETERMINATION OF COMPLAINT OR MATTER BY THE BOARD

51 How the Board is to respond to a reference

51.1 Where a matter is referred to the Board, the Board must consider and determine the matter and may make any finding on any relevant question of fact, taking into account:

(a) the final report if any of the investigator including attachments;

(b) any further material received from the complainant and the respondent;

(c) any other relevant evidentiary material;

(d) reports from the Committee;

(e) any applicable professional standards; and

(f) the record of any court or tribunal.

51.2 The Board may take into account or adopt the findings or decision of any court or tribunal by way of its determination without the need for any further inquiry or investigation.

52 Power to order further enquiry

52.1 Where the Board is satisfied that a complaint which was previously dismissed under section 28 requires further investigation, the Board may direct the Committee to undertake further inquiries or a fresh investigation and the Committee must to the best of its ability cause such directions to be carried out.

53 Notification of determination and recommendation

53.1 The Board must cause a copy of its determination and recommendation to be provided to:

(a) the relevant Church authority;

(b) the respondent;

(c) the complainant;

(d) the relevant Church entity or Church agency.

54 Powers of the Board satisfied of unfitness

54.1 If the Board is satisfied that the Misconduct is proven, then subject to section 55, the Board may recommend to the Archbishop any one or more of the following:

(a) that there be a reference for the matters raised or aspects of them to alternative resolution processes;
(b) that the respondent be suspended from any role office or position or from performing any function for a given period;
(c) that the licence or authority of the respondent be revoked;
(d) that the respondent cease to hold any role, office or position;
(e) that a prohibition order be made in terms specified by the Board;
(f) that the respondent's holding of any role, office or position or the performance of any function be subject to specific conditions or restrictions;
(g) that the implementation of a determination be suspended for a given period and subject to a specific set of conditions;
(h) that the respondent be counselled;
(i) that a person be appointed to promote a charge against the respondent before the Diocesan Tribunal;
(j) that the respondent be deposed from Holy Orders; or
(k) otherwise as the Board sees fit.

54.2 The Board may further recommend to the Church authority, without binding it, that:
(a) an apology or other acknowledgement be given to the complainant, survivor or other person affected by the conduct of the respondent; or
(b) such other steps of a systemic or process or administrative nature be implemented by the Church authority as may be judged worthwhile to prevent or diminish the future incidence of Misconduct and harm to any person.

55 When the Board may dismiss a complaint

55.1 If the Board is not satisfied that the respondent committed the alleged Misconduct or is satisfied that the complaint is false, vexatious or misconceived, the Board may determine accordingly and dismiss the complaint.

55.2 If the Board is satisfied that any of the allegations set out in the complaint are proven but is not satisfied that any of the recommendations in section 54 are appropriate under the circumstances, the Board may determine accordingly and may take no further action in relation to the complaint.

56 Board may appoint persons to assist inquiry

56.1 The Board may, for the purpose of any particular reference, appoint such person or persons, including the Secretary to the Board, to assist it in inquiring into (but not determining) a reference as the Board thinks fit.

57 Board may seek further information

57.1 The Board may seek further information from the Committee and may at any time and from time to time give directions to it as to any further inquiries or investigation it requires to be carried out for the purposes of the reference and the Committee must to the best of its ability cause such directions to be carried out.

58 Proceedings of the Board

58.1 The Board must deal with a complaint or other reference as expeditiously as possible.

58.2 The Board may at any time, in consultation with the complainant and respondent and any other relevant party, refer a complaint or aspects of the complaint to alternative resolution processes.

58.3 The place and time of sitting of the Board may be as determined by the President.

58.4 Subject to section 58.5, the Board must give the following persons reasonable notice of the time and place of the sitting of the Board: the Committee Secretary, the respondent, the complainant and such authorised persons as the Board believes have a proper interest in the matter.

58.5 The Board is not obliged to give notice of a sitting to a person whose whereabouts cannot, after reasonable enquiries, be ascertained.

59 Standard of proof

59.1 The standard of proof to establish an allegation under this Part 3 is the civil standard, being a reasonable satisfaction on the balance of probabilities.

59.2 The Board or Reviewer must scrutinise evidence with greater care if the conduct referred to in the complaint is serious in nature, or there is an inherent unlikelihood of an occurrence as described in the complaint or if there are grave consequences that would flow from a particular finding in relation to the complaint.

PART 3.8 – APPLICATION FOR REVIEW OF A BOARD DECISION

60 Application for review

60.1 A respondent who is aggrieved by a reviewable decision of the Board may apply to the Secretary to the Board for a review of the decision.

61 Grounds for review of reviewable decisions

61.1 Application for review of reviewable decisions may only be made on any one or more of the following grounds:
(a) that a breach of the rules of natural justice happened in relation to the making of the reviewable decision which materially affected the Board's decision;
(b) that procedures that were required by this Statute to be observed in relation to the making of the reviewable decision were not observed, and the non-observance materially affected the Board's decision;
(c) that the Board did not have jurisdiction to make the reviewable decision;

(d) that the reviewable decision was so devoid of any plausible justification that no reasonable Board could have made it; or

(e) the availability of fresh and compelling evidence which, if available at the time, would be likely to have materially affected the Board's decision.

62 Stay of reviewable decisions

62.1 A Church authority must not give effect to a reviewable decision of the Board until the time for lodging an application for review has passed, and no application has been lodged.

62.2 The making of an application for review acts as a stay of the reviewable decision pending the determination by the Reviewer.

62.3 Nothing in this Part affects the power of a Church authority to take any action against a respondent which would be open to the Church authority apart from its powers under this Statute.

63 Time limit and form of application for review

63.1 An application to the Secretary to the Board for review of a reviewable decision must be made within 14 days of the respondent being provided with a copy of the Board's determination and recommendation.

63.2 The application for review must:

(a) be in writing addressed to the Secretary to the Board; and

(b) set out the grounds for review.

64 Appointment of a Reviewer and costs for review of reviewable decisions

64.1 On receipt of an application for review, the Secretary to the Board must immediately seek the appointment of a Reviewer.

64.2 Upon appointment of a Reviewer, the Secretary to the Board must ask the Reviewer for the Reviewer's estimate of the fee to be charged by the Reviewer in making a determination under this Part.

64.3 Upon receipt of advice as to the estimated fee, the Secretary to the Board must immediately notify the respondent.

64.4 Within seven (7) days of receipt of the advice of the Secretary to the Board, the respondent must pay one-half of the estimated fee to the Reviewer, or to a person nominated by the Reviewer.

64.5 If the respondent fails to make the payment referred to in section 64.4, then the application for review will lapse.

PART 3.9 – PROCESS OF REVIEW OF A BOARD DECISION

65 Process of review

65.1 Any review is to be by way of the review of the recommendation or determination that is the subject of the review and not by way of a re-hearing of the merits, or a re-hearing of the facts.

65.2 Subject to section 65.1, the manner in which the review is to be conducted will be determined by the Reviewer.

66 Determinations of Reviewer

66.1 On an application for review of a reviewable decision, the Reviewer may make all or any of the following determinations:

(a) a determination endorsing the decision or recommendation of the Board, with or without amendment;

(b) a determination quashing or setting aside the reviewable decision;

(c) a determination declaring the rights of the respondent in relation to any matter to which the reviewable decision relates;

(d) a determination directing either the respondent or the Board to do, or to refrain from doing, anything that the Reviewer considers necessary to do justice between the parties;

and must cause a copy of the determination or finding to be provided to the Secretary to the Board.

66.2 The Reviewer may make such order as to the costs of the review as the Reviewer thinks fit.

PART 3.10 – IMPLEMENTATION OF RECOMMENDATIONS

67 Church authority may give effect to recommendation

67.1 Upon receiving a recommendation under section 43.2 or under section 54 (including following a review of a Board decision), the Church authority must consider the recommendation and:

(a) may give effect to that recommendation; or

(b) may give effect to any variation or modification of that recommendation, consistent with any facts found by the body making the recommendation, as the Archbishop sees fit insofar as the Archbishop has the power to implement that recommendation, or

(c) in any case where the Archbishop does not exercise direct authority over the person subject to the recommendation, refer the recommendation to the appropriate Church agency.

68 Effect of deposition from Holy Orders

68.1 A person who has been deposed from Holy Orders in accordance with this Statute or in accordance with the provisions of any ordinance, act, canon, constitution, statute, legislative measure or provision of the general synod or the diocesan synod of another diocese of the Anglican Church of Australia:

(a) is incapable of officiating or acting in any manner as or carrying out the functions of a bishop, priest or deacon of this Church;

(b) is incapable of accepting or holding an office in this Church open to a person in Holy Orders;

(c) ceases to have any right, privilege or advantage attached to the office of bishop, priest or deacon;

(d) must not hold themselves out to be a member of the clergy; and
(e) cannot, without the prior consent of the Archbishop, hold an office in this Church which may be held by a lay person.

69 How deposition from Holy Orders effected

69.1 The deposition of a person from all or any Holy Orders by the Archbishop following the recommendation of the Board is to be effected by the execution by the Archbishop of an Instrument of Deposition to that effect.

69.2 The Archbishop must not depose a person from Holy Orders:
(a) until the time for lodging an application for review under section 63 has passed and no application has been lodged; or
(b) where an application for review has been lodged, the Reviewer has not set aside the Board's recommendation.

69.3 The Archbishop must forthwith:
(a) register the Instrument in the Registry of the Diocese;
(b) deliver a copy of the Instrument to the Bishop of the Diocese in which the person who is the subject of the Instrument was ordained; and
(c) deliver a copy of the Instrument to the Registrar of the Primate.

PART 3.11 – CONFIDENTIALITY AND PUBLICATION

70 Duty of confidentiality

70.1 Subject to the provisions of this Statute, the Church authority, Committee, Board, Reviewer or a person employed or engaged on work related to the affairs of the Committee or Board must not divulge information that comes to their knowledge by virtue of that office or position except:
(a) in the course of carrying out the duties of that office or position;
(b) as may be authorised by or under this Statute or any policy;
(c) in any proceedings before a diocesan tribunal, a provincial tribunal or the Special Tribunal;
(d) as may be required by law; or
(e) to any insurer or insurance broker of a Church entity or Church agency or Church authority where the information may give rise to or be relevant to a claim for indemnity by the Church entity or Church agency or Church authority against the insurer or is relevant to obtaining or continuing insurance cover.

71 Board may publish reasons publicly

71.1 The Board may release to the public its reasons for any determination without identifying any relevant parties.

72 Church authority may publicise action taken

72.1 Subject to section 72.2, the Church authority may release to the public:
(a) a written statement disclosing its decision on any recommendation received in respect of a complaint and the steps, if any, to be taken or that have been taken against a member of clergy subject to this Statute, including the identity of that person; and
(b) such further material as it may determine with respect to the exoneration of the respondent or any action taken against the respondent.

72.2 The Church authority must ensure that any statement so released is anonymised and redacted so as not to contain any particulars that identify or are likely to lead to the identification of a prescribed person.

73 Committee to report annually to Archbishop and Diocesan Council

73.1 Without disclosing the identity of any informant, complainant or the respondent, the Committee must report annually to the Archbishop and Diocesan Council on its activities for that calendar year.

73.2 The Committee must, in respect of every matter with which it is dealing, report either orally or in writing to the Archbishop with such frequency and as fully as the Archbishop may reasonably require.

PART 4 - CLERGY OFFENCES AND THE DIOCESAN TRIBUNAL PROCESS
PART 4.1 –THE RELEVANT BODIES AND STRUCTURE

74 Diocesan Tribunal

74.1 There is to be a Diocesan Tribunal which may hear and determine charges of Clergy Offences.

74.2 The Tribunal to hear and determine any charge must be constituted by:
(a) the Presiding Member who shall be the President, or if the President is unable to preside, by the Deputy President, and
(b) two (2) members of clergy and two (2) members of the laity selected by the Tribunal Secretary from the members of the Tribunal Panel, at least two (2) of whom must be women and two (2) of whom must be men. If there is a policy for selecting such members, then the Tribunal Secretary must apply that policy. The Archbishop is ineligible to be a member of the Tribunal and a person who is a member of the Tribunal must cease to hold that office on becoming the Archbishop.

74.3 Members of the Tribunal Panel are disqualified from being appointed to the Tribunal to hear any charge:
(a) if they were members of the Board of Enquiry for the same or related charges;
(b) which concerns themselves or a relative or close personal friend;
(c) if they were parties to the prosecution of the charge; or

(d) in respect of any matter in relation to which they have a conflict of interest.

74.4 A member of a Tribunal which has commenced the consideration of any charge continues to be a member of the Tribunal until the matter is concluded notwithstanding that their term of appointment as a member of the Tribunal Panel has expired and their successor as a member of the Tribunal Panel may have been appointed. This section does not apply to a member who becomes the Archbishop who must cease to be a member of the Tribunal in accordance with section 74.2(b).

74.5 An act or proceeding of the Tribunal is not invalid by reason only of a vacancy in its membership or the membership of the Tribunal Panel and, notwithstanding the subsequent discovery of a defect in the nomination or appointment of a member of the Tribunal Panel or the Tribunal, any such act or proceeding is as valid and effectual as if the member had been duly nominated or appointed.

74.6 The President and Deputy President:

(a) must be lay members of the Church and must either be or have been a Justice of the High Court of Australia, a Justice of the Supreme Court of a State or Territory of Australia or a Justice or Judge of a Court prescribed by canon of the General Synod or have been a practising barrister or solicitor, of at least ten (10) years' standing of the Supreme Court of a State or Territory.

(b) are to be appointed by Diocesan Council and notified to the Diocesan Registrar and the Tribunal Secretary. The appointments are to be on such terms as decided by Diocesan Council and may be specified by policy.

74.7 The Tribunal is to be assisted by a person appointed by Diocesan Council as the Tribunal Secretary.

75 Tribunal Panel

75.1 At the first session of every Synod, the following members of the Church, are to be elected as members of the Tribunal Panel by Synod voting collectively:

(a) three (3) female members of the clergy;

(b) three (3) male members of the clergy;

(c) three (3) female members of the laity;

(d) three (3) male members of the laity.

75.2 The members of the Tribunal Panel are to hold office until the election of their respective successors by a subsequent Synod.

75.3 A vacancy on the Tribunal Panel occurs:

(a) when a member thereof dies or resigns; or

(b) when Diocesan Council by resolution declares the seat of a member to be vacated by reason of their refusal, neglect or inability to perform their duties as a member or for such other reason determined by Diocesan Council.

75.4 In the event of a vacancy occurring in the Tribunal Panel the vacancy is to be filled by Diocesan Council by the appointment of a member of clergy or of the laity as required to hold office until the next meeting of Synod.

76 Board of Enquiry

76.1 There is to be a Board of Enquiry constituted in accordance with this section.

76.2 The chair and members of the Board of Enquiry are to be appointed and hold office on such terms and conditions set out in any relevant policy or as may be determined from time to time by the Archbishop. A Board of Enquiry may include members of the Tribunal Panel but they must not then sit as members of the Tribunal in relation to any charge for which they have been on the Board of Enquiry.

76.3 The Board of Enquiry must have at least three (3) members including the chair, at least two (2) of whom shall be communicant members of the Church, and must, as far as reasonably practicable, include members with experience and appropriate professional qualifications in theology and doctrine, ordained ministry in the Church, in law, and psychology or psychiatry. The Board of Enquiry must include at least one (1) female and one (1) male member.

77 Church Advocate

77.1 The Church Advocate conducts on behalf of the Church all proceedings instituted under Part 4 of this Statute.

77.2 Synod must, every three (3) years at the first session following the general election of members of Synod, select by ballot a fit person, being a legal practitioner of at least seven (7) years' standing, to be nominated by the Archbishop for appointment as Church Advocate of the Diocese.

77.3 If the Archbishop does not see fit to appoint the person nominated by Synod, Synod must again proceed to select and nominate another fit person in like manner.

77.4 Should any vacancy occur in the office of Church Advocate, the Archbishop may with the consent of:

(a) Synod; or

(b) if the Synod is not in session and until its next meeting, Diocesan Council, may appoint a fit and proper person to be Church Advocate until the next meeting of Synod.

PART 4.2 - JURISDICTION AND CHARGES

78 Jurisdiction of the Diocesan Tribunal

78.1 The Diocesan Tribunal has jurisdiction to hear and determine charges of Clergy Offences in respect of:

(a) a member of clergy licensed by the Archbishop, or

(b) any other member of clergy resident in the Diocese.

79 Persons who may bring a charge

79.1 A charge of a breach of faith, ritual or ceremonial may be brought:

(a) against an incumbent of a parish with reference to an offence alleged to have been committed within that parish only by:

(i) a person appointed by the Archbishop; or

(ii) any five (5) adult communicant members of the Church who are both resident within the Diocese and also bona fide parishioners of that parish; and

(b) in any other case - only by:

(i) a person appointed by the Archbishop; or

(ii) any five (5) adult communicant members of the Church who are resident within the Diocese.

79.2 A charge for Clergy Offences other than a breach of faith, ritual or ceremonial may be brought by a person appointed by the Archbishop or any adult resident within the Diocese, including the Director.

79.3 A charge for a Clergy Offence must be made to the Archbishop in writing but lodged with the Tribunal Secretary.

79.4 All charges must be countersigned by each of the persons bringing the charge, who certify their belief that the charges are credible.

80 Form of a charge

80.1 A charge may allege more than one Clergy Offence. A charge must state –

(a) the offence(s) that it is alleged the member of clergy has committed, and

(b) particulars of the acts or omissions alleged to constitute the offence(s).

80.2 The allegations in the charge must be verified by statutory declaration by each person bringing the charge and may be supported by statutory declaration by another person or persons.

80.3 A charge must be signed by the persons making the charge and include an address within the Diocese for service of documents on the person or persons making the charge. A charge made by persons referred to in sections 79.1(a)(ii) or 79.1(b)(ii) may be, but does not have to be, in the form of Schedule 3 or Schedule 4 to this Statute.

80.4 In order to be valid and effective, a charge must be lodged at the Tribunal Secretary's office together with the statutory declaration or declarations verifying the allegations in the charge.

81 Time limit for the making of a charge

81.1 A charge in respect of paragraphs (a) to (f) of the definition of a Clergy Offence must be made within three (3) years of the alleged commission of the breach.

81.2 There is no time limit to the making of other Clergy Offence charges. However, the Tribunal, under section 94.3, may dismiss a charge for any unreasonable delay in making the charge.

82 Withdrawing a charge

82.1 The person who has or the persons who have made a charge may withdraw the charge at any time.

82.2 A charge is withdrawn by lodging a copy of the notice of withdrawal at the office of the Tribunal Secretary. The notice of withdrawal must be signed by the person or persons making the charge.

82.3 If a charge is withdrawn, no further proceedings may be taken under this Part 4 in relation to the charge by the person or persons who made the charge. However, the withdrawal of a charge does not prevent another person or other persons from making the same or a different charge against the clergy named in a charge that is withdrawn.

83 Notice of charge and request for answer to charge

83.1 As soon as practicable after a charge is made against a member of clergy (the respondent), the Tribunal Secretary must serve a copy of the charge and any statutory declarations on the respondent by leaving a copy of the charge at the respondent's last known address.

83.2 The Tribunal Secretary must request that the respondent lodge an answer to the charge at the Tribunal Secretary's office within 21 days.

83.3 The Tribunal Secretary, following consultation with the President of the Tribunal, may from time to time by notice in writing to the respondent extend the period specified for lodging the respondent's answer even though the period originally specified or any previous extension has elapsed.

84 Answer to the charge

84.1 The respondent must sign and lodge an answer at the Tribunal Secretary's office. In their answer, the respondent may:

(a) admit all or any of the allegations in the charge; and/or

(b) deny all or any of the allegations in the charge.

84.2 An answer denying a charge must be supported by a statutory declaration by the respondent addressing all of the allegations in the charge.

84.3 The Tribunal Secretary must send a copy of the respondent's answer and any statutory declaration to the person or persons making the charge.

84.4 The Tribunal Secretary must notify the person or persons making the charge if the respondent fails to lodge an answer within the requisite period.

84.5 If within the time allowed for lodging an answer, the respondent does not admit any allegation, or denies any allegation but fails to verify the denial by way of statutory declaration, the respondent will be deemed to have denied the charge.

85 Admission of Charge

85.1 If the respondent admits a charge in relation to a Clergy Offence, the Archbishop may proceed to deal with the case without reference to the Board of Enquiry.

PART 4.3 – BOARD OF ENQUIRY PROCESS

86 Tribunal Secretary to refer all other charges to Board of Enquiry

86.1 If the respondent does not admit a charge or denies any charge in whole or in part, the Tribunal Secretary must convene the Board of Enquiry and refer the charge to the Board of Enquiry.

86.2 The Tribunal Secretary must provide a copy of the charge, and any answer and statutory declarations to the Board of Enquiry for a preliminary review of the charge.

86.3 The Board of Enquiry must inquire into a charge or part referred to it in order to determine if the charge or part is one that is proper to be heard by the Diocesan Tribunal.

86.4 The Board of Enquiry has the power and duty to conduct a preliminary review and assessment of a charge brought against a respondent and to determine whether the charge merits further investigation or should be dismissed.

86.5 The Board of Enquiry must act in all things as expeditiously and in accordance with principles of fairness and natural justice.

87 Conduct of proceedings by the Board of Enquiry

87.1 Evidence and representations before the Board of Enquiry are to be given by means of written statements or statutory declarations.

87.2 For the purpose of enabling the Board of Enquiry to exercise its functions it may:

(a) require the person or persons making the charge or invite the respondent to provide, by statutory declaration, information concerning the charge, and

(b) permit or direct an amendment to the charge or the particulars of the charge or the answer to the charge.

87.3 If an amendment is made to the charge, the particulars of the charge, or the answer to the charge, the Tribunal Secretary is to give notice of the amendment, as soon as practicable after it is made, to the respondent and to the person or persons making the charge.

88 Report by Board of Enquiry

88.1 After inquiring into a charge or part of a charge referred to it, the Board of Enquiry must make a determination and report in writing to the Tribunal Secretary whether or not the charge or part of the charge is proper to be heard by the Diocesan Tribunal.

88.2 The Board of Enquiry must make a recommendation to the Tribunal Secretary.

89 Report to Archbishop

89.1 The Tribunal Secretary must promptly provide the Archbishop with a copy of each report made by the Board of Enquiry and as provided to the Tribunal Secretary.

90 **Finding that the charge is a charge that is proper to be heard**

90.1 If a majority of the members for the time being of the Board of Enquiry report to the Tribunal Secretary that they determine that the charge or part of the charge is a charge that is proper to be heard by the Diocesan Tribunal, the Board of Enquiry must recommend that the charge be referred to the Tribunal for determination.

91 Finding that the charge is not a charge that is proper to be heard

91.1 If a majority of the members for the time being of the Board of Enquiry are of the opinion that the charge or part of the charge is not a charge that is proper to be heard by the Tribunal, the Board of Enquiry may dismiss the charge and report this to the Tribunal Secretary. The Tribunal Secretary must then send a copy of the reports of the members of the Board of Enquiry to the person or persons who made the charge and the respondent.

91.2 Subject to section 91.4**,** the Board of Enquiry may also dismiss a charge without reference to the Diocesan Tribunal if:

(a) the Board of Enquiry is of the opinion that the charge does not fall within the provisions of this Statute;

(b) the offence which is the subject matter of the charge can properly be dealt with by other means;

(c) the subject matter of the charge is under investigation by some other competent person or body or is the subject of legal proceedings;

(d) the person(s) bringing the charge failed to provide further details or to verify the allegations by statutory declaration or otherwise when requested by the Tribunal Secretary to do so;

(e) the Board of Enquiry is of the opinion that the charge is false, vexatious, misconceived, frivolous or lacking in substance;

(f) the Board of Enquiry is of the opinion that there is insufficient reliable evidence to warrant an investigation or further investigation; or

(g) the Board of Enquiry is of the opinion that delay in making the charge will cause unfairness to the respondent.

91.3 If the Board of Enquiry dismisses the charges under the preceding sub-sections, the Tribunal Secretary must give the persons bringing the charge, the respondent and the Archbishop a written notice of the dismissal, including reasons for the dismissal of the charge.

91.4 If the Board of Enquiry dismisses a charge of a breach of faith, ritual or ceremonial on the basis that the charge does not amount to such a breach, the Archbishop may still refer the charge to the Tribunal for determination.

PART 4.4 – DIOCESAN TRIBUNAL PROCESS

92 Referral to the Diocesan Tribunal

92.1 On receiving a report from the Board of Enquiry under section 88, the Tribunal Secretary must:
- (a) forward the documents relating to the charge and the reports of the members of the Board of Enquiry to the Diocesan Tribunal and the Church Advocate; and
- (b) fix a date, time and place for the hearing of the charge or part, and
- (c) serve notice of the date, time and place fixed for the hearing on the person or persons making the charge and the respondent:
  - (i) personally, or
  - (ii) by registered post addressed to the person or persons at the residential address of the person or persons last known to the Tribunal Secretary.

92.2 The date fixed for the hearing of a charge or part of a charge must not be fewer than 30 days after the date of the Tribunal Secretary's notice.

93 Hearings before the Diocesan Tribunal

93.1 The charge must be prosecuted by the Church Advocate or, in the absence the Church Advocate, a legal practitioner of not less than ten (10) year's standing appointed by the Archbishop.

93.2 The person or persons bringing the charge are entitled to appear before the Tribunal in person and they may be represented at any stage by counsel or a solicitor.

93.3 The respondent may appear before the Diocesan Tribunal in person and/or be represented by a legal practitioner. If the respondent does not appear before the Tribunal, the Tribunal may hear the charge in the respondent's absence.

93.4 A hearing is to be open to the public, however, the Presiding Member:
- (a) may at any time order that a charge or specified part of proceedings be heard in private; and
- (b) must order that a charge or specified part of proceedings be heard in private if the other members of the Tribunal so request.

93.5 The Tribunal may order that the respondent's name, or other information that could lead to the identification of the respondent, or a person who appears, or is reasonably likely to appear, before the Tribunal is not to be published or broadcast, except in such circumstances as the Tribunal may authorise.

93.6 An order of the Tribunal does not apply to the publication of a report authorised or required under this Statute.

93.7 A member of clergy who knowingly or recklessly breaches an order made under this section commits an offence.

93.8 The Tribunal may hold a preliminary hearing to give directions for the conduct of the proceedings and hearing of the charge(s). At a preliminary hearing, the Tribunal may be constituted by the Presiding Member sitting alone.

93.9 For the purpose of securing the attendance of witnesses and the production of documents and for the examination of witnesses on oath or otherwise the Tribunal is deemed to be an arbitrator within the meaning of the Commercial Arbitration Act 2012 (WA) and is to have power to administer an oath to, or take an affirmation from, a witness, and for the same purpose any party to a proceeding before the Tribunal or any person permitted by the Tribunal to submit any evidence to it is deemed to be a party to a reference or submission to arbitration within the meaning of that Act.

93.10 The Tribunal must require the person or persons making the charge to furnish statutory declarations in support of the statement of the charge and must require the respondent to support the answer by statutory declaration.

93.11 The Tribunal may permit or direct an amendment to the charge, the particulars of the charge or the answer to the charge. If an amendment is made to the charge, the particulars of the charge or the answer to the charge, the Tribunal Secretary is to give notice of the amendment, as soon as practicable after it is made, to the person appointed by the Archbishop, the respondent and the person or persons making the charge.

93.12
- (a) The standard of proof for a charge to be proved under this Part 4 shall be the civil standard, being a reasonable satisfaction on the balance of probabilities.
- (b) The Tribunal must scrutinise evidence with greater care if the conduct referred to in the charge is serious in nature, or there is an inherent unlikelihood of an occurrence as described in the charge or if there are grave consequences that would flow from a particular finding in relation to the charge.

93.13 Diocesan Council may from time to time make and alter rules for the conduct of the business of the Tribunal and all such rules must be laid before the Synod at its next session.

93.14 The Tribunal may, subject to this Statute, the rules of procedural fairness and natural justice and any rules made by Diocesan Council, determine the procedures applicable for the hearing of a charge.

93.15 The Tribunal Secretary shall have the custody and control of all documents in every case. A party bringing the charge and the respondent to the charge shall on giving reasonable notice be entitled to obtain inspection of such documents.

94 Determination and recommendation of the Diocesan Tribunal

94.1 If following the hearing, the majority of the Tribunal finds the respondent guilty it must report its determination to the Archbishop and, subject to section 94.2, make such recommendation to the Archbishop as it thinks just in the circumstances.

94.2 The Tribunal must not recommend to the Archbishop any sentence other than deposition from Holy Orders, prohibition from functioning, removal from office and/or rebuke.

94.3 The Tribunal may dismiss a charge if it is of the opinion that:
(a) the charge was not found to be proven;
(b) there are circumstances which prevent the respondent from receiving a fair trial; or
(c) the delay in making the charge causes unfairness to the person against whom the charge is made.

94.4 The Tribunal may make a recommendation to Diocesan Council regarding a contribution towards the respondent's reasonable legal expenses, the payment of which must be at the sole discretion of Diocesan Council.

95 Report of finding

95.1 A determination of the Tribunal, and any recommendation made by the Tribunal, must be contained in a report that:
(a) sets out the Tribunal's findings on material questions of fact, and
(b) refers to any evidence or other material on which the Tribunal's findings were based, and
(c) gives the reasons for the Tribunal's determination.

95.2 The Tribunal's report is to be given to the Archbishop, any other relevant Church authority, Church entity or Church agency, the person or persons making the charge, the respondent and, subject to section 95.3, Diocesan Council.

95.3 In making a report to Diocesan Council where the charge was not found to be proven, the Tribunal should not disclose the name of, or other information that could lead to the identification of, the respondent or a person who appeared before it.

96 Archbishop to give effect to recommendation

96.1 Subject to section 96.2, the Archbishop must give effect to the recommendation of the Tribunal.

96.2 The Archbishop may, if any sentence is recommended, consult with the Tribunal and in the exercise of a prerogative of mercy:
(a) mitigate the sentence;
(b) suspend its operation; or
(c) mitigate the sentence and suspend its operation.

96.3 In each case the Archbishop must pronounce the sentence recommended by the Tribunal before mitigating or suspending it (if relevant).

96.4 If the operation of a sentence or mitigated sentence has been suspended and remains suspended for a period of two (2) years, the sentence is to have no operation after the two-year period.

97 Archbishop may suspend respondent from office

97.1 Where a charge has been promoted before the Tribunal against a person licensed by the Archbishop, the Archbishop, with the approval of Diocesan Council, may suspend the person from the duties of their office or certain of those duties until determination of the charge, or a lesser time.

97.2 Before any such suspension, the Archbishop must take into account:
(a) the seriousness of the alleged Clergy Offence;
(b) the nature of the material to support or negate the allegations;
(c) the extent to which any person or Church entity or Church agency is at risk of harm;
(d) the effect on the respondent, a relevant Church entity or Church agency and on the Church of such a suspension or the failure to suspend;
and may take into account any other relevant matter.

97.3 Before any such suspension, the Archbishop or the Archbishop's delegate must advise and consult with the respondent and the relevant Church entity or Church agency or their representative on the potential suspension and provide them with sufficient information about the basis of the potential suspension and with a reasonable opportunity to respond.

97.4 The provisions of section 97.3 do not apply if the Committee is satisfied that there is an immediate unacceptable risk of harm to any person or Church entity or Church agency if the respondent remains in his or her present office or duties so that action under section 97.1 is required prior to any consultations.

97.5 The Archbishop may make such arrangements for the performance of the duties of the office as may be authorised by any canon, statute or policy or, in the absence of such canon, statute or policy, as the Archbishop deems proper.

97.6 Respondents suspended under this Part will be entitled to whatever stipend, salary, allowances and other benefits that they would ordinarily have received and, subject to any other decision or policy of Diocesan Council, such entitlements are to be met or reimbursed from funds of the Diocese, the Parish or other Church entity or Church agency as the case may be ordinarily.

97.7 The Archbishop may revoke a suspension or other action under this Part at any time during its currency.

PART 4.5 – APPEALS TO THE APPELLATE TRIBUNAL

98 Appeal to the Appellate Tribunal on breaches of discipline

98.1 Subject to section 98.3 below, the person or persons:
(a) who bring a charge before the Diocesan Tribunal, if dissatisfied with its determination or recommendation in relation to an offence concerning a breach of discipline; and/or

(b) so charged, if dissatisfied with the determination, recommendation or the disciplinary action imposed as a result of that recommendation ("the determination"),

may appeal to the Appellate Tribunal within 28 days after the making of the determination or recommendation, or the imposing of the disciplinary action, or within such further time as the President of the Appellate Tribunal may in writing allow.

98.2 Where disciplinary action comprises the deprivation of or suspension from office, the Archbishop may, on the lodging of the notice of appeal to the Appellate Tribunal, if the Archbishop sees fit, stay the operation of the disciplinary action.

98.3 No appeal lies to the Appellate Tribunal in respect of any sentence handed down by the Archbishop.

PART 5 – INDEMNITY

99 Indemnification of those with functions under the Statute

99.1 The Trustees will and are hereby authorised out of church funds to indemnify:

(a) The Committee Secretary, Secretary to the Board, Tribunal Secretary and the Director and any of their delegates;

(b) the members of the Committee, Board, the PSC and each of them and any of their delegates;

(c) the Church authority or if more than one, each Church authority,

for any conduct by them in good faith and in the exercise or purported exercise of powers or functions, or in the discharge or purported discharge of duties under this Statute.

PART 6 – TRANSITIONAL PROVISIONS

PART 6.1 – TRANSITIONAL PROVISIONS IN RELATION TO THE PROFESSIONAL STANDARDS STATUTE 2015

100 Interpretation

100.1 In this Part:

commencement day means the day on which this Statute comes into operation.

101 Complaints already made

101.1 This section applies to a complaint within the meaning of that expression in this Statute if:

(a) the complaint was made before the commencement day to the PSC, has not been withdrawn or dismissed and relates to Misconduct; and

(b) the complaint has not been the subject of a determination or recommendation by the Director or the PSC before that day.

101.2 On and after the commencement day the complaint is to be dealt with under this Statute.

102 Current investigation

102.1 This section applies to an investigation of a complaint that the Director or the PSC has begun but not completed before the commencement day.

102.2 On and after the commencement day the investigation is to be conducted in accordance with this Statute.

PART 6.2 – TRANSITIONAL PROVISIONS IN RELATION TO CLERGY DISCIPLINE STATUTE 1996

103 Interpretation

103.1 In this Part:

commencement day means the day on which this Statute comes into operation.

104 Charges already laid

104.1 This section applies to a charge made under the Clergy Discipline Statute 1996 if:

(a) the charge was made before the commencement day; and

(b) the charge has not been dismissed and has not been the subject of a determination or recommendation under the Clergy Discipline Statute 1996 before that day.

104.2 On and after the commencement day the charge is to be dealt with under Part 4 of this Statute and must be referred to the Board of Enquiry for review and determination.

105 Clergy Offence to include conduct before commencement of this Statute

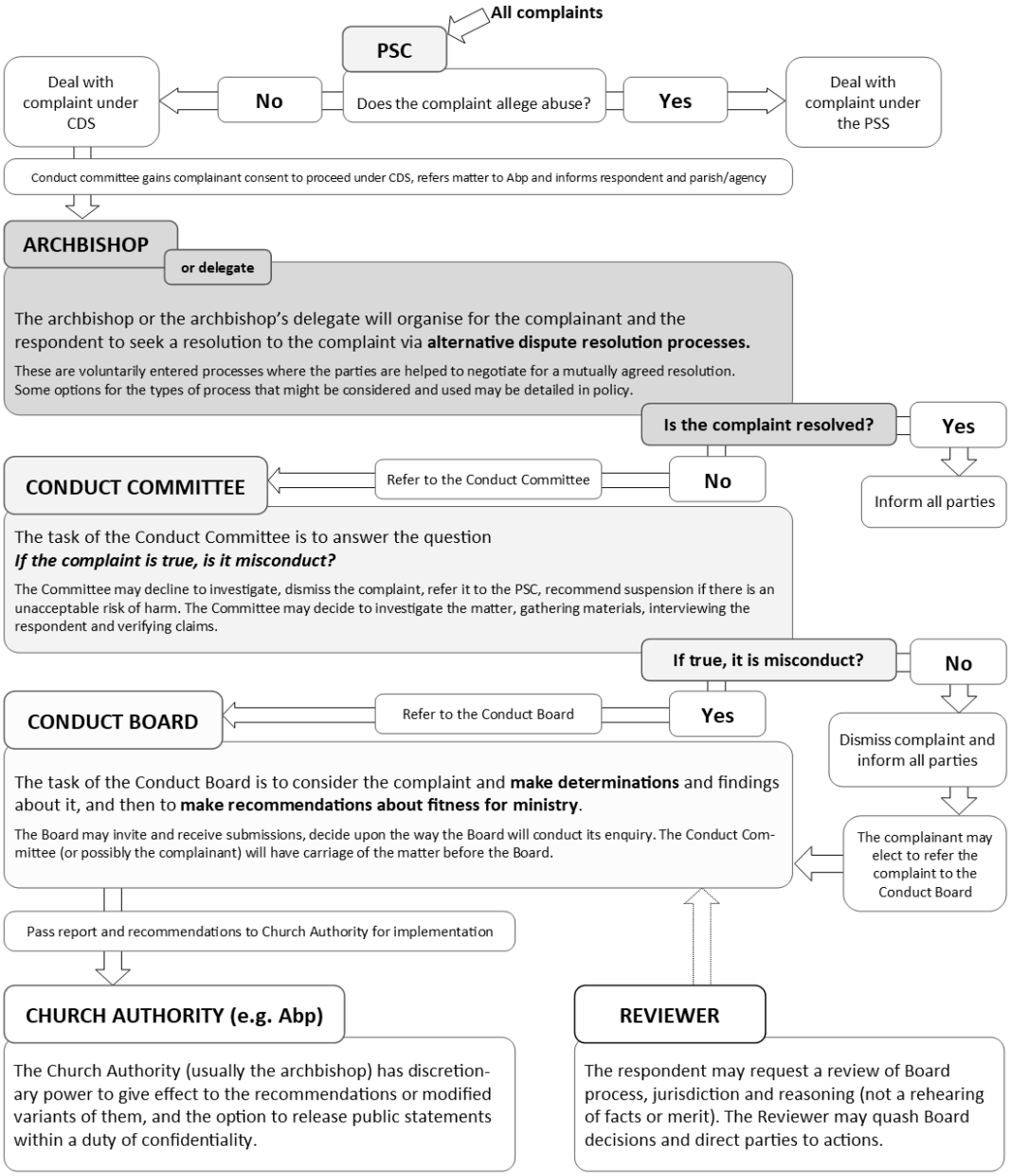
105.1 For the purposes of the definition of "Clergy Offence" in section 4.1 of this Statute, this is to be taken as including a reference to conduct, whether occurring before or after the commencement day providing that the conduct constituted an ecclesiastical offence under the Clergy Discipline Statute 1996.

106 Panel of Triers deemed to be appointed as Tribunal Panel Members

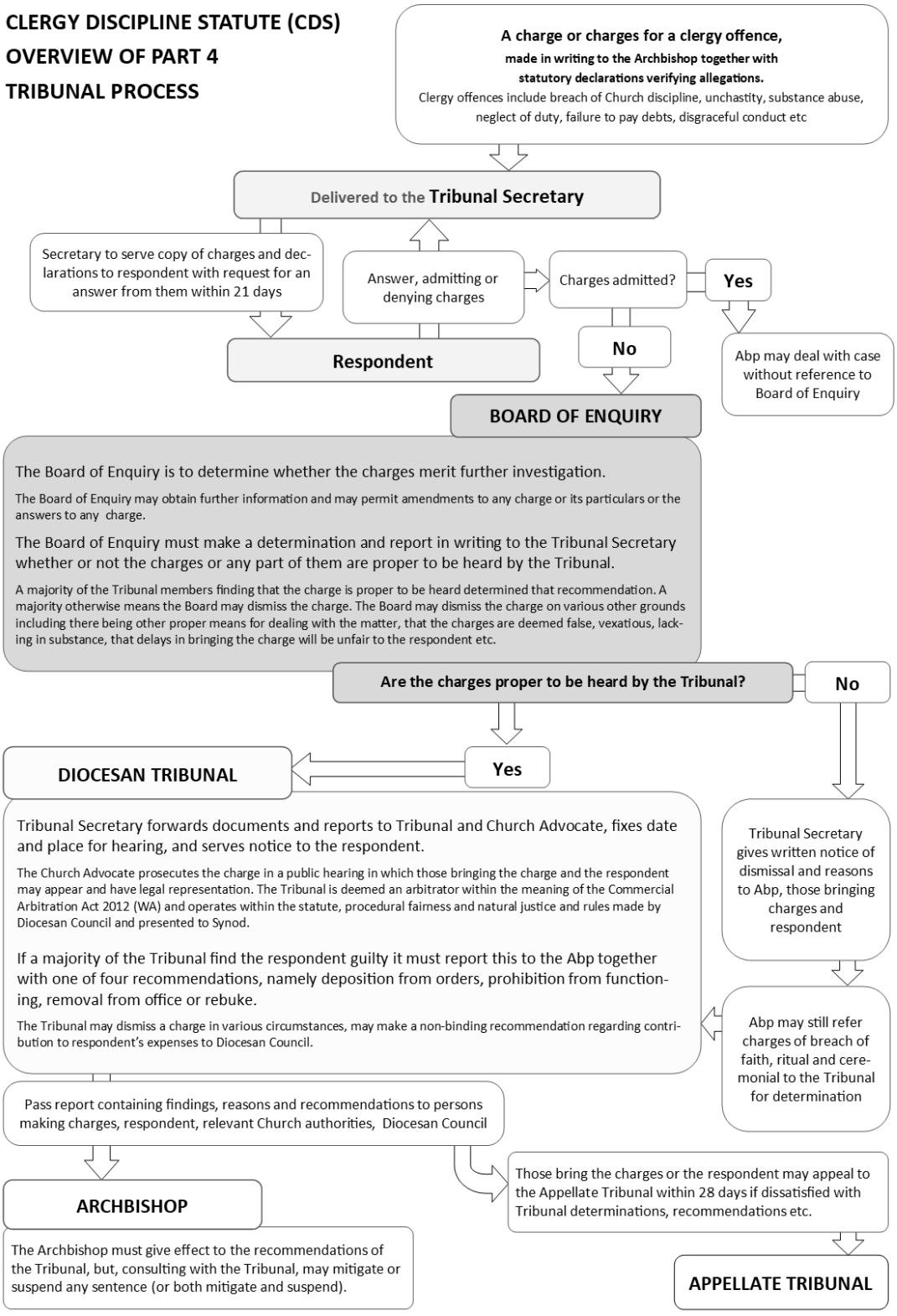
106.1 The existing members of the Panel of Triers under the Clergy Discipline Statute 1996 are deemed to be members of the Tribunal Panel under this Statute for the remainder of their terms of appointment or the first session of the next Synod following the passing of this Statute, whichever is the earlier.

SCHEDULE 1 – OVERVIEW DIAGRAM OF PART 3 PROCESS

CLERGY DISCIPLINE STATUTE (CDS)
OVERVIEW OF PART 3



SCHEDULE 2 – OVERVIEW DIAGRAM OF PART 4 PROCESS



SCHEDULE 3 - STATEMENT OF CHARGE AGAINST AN INCUMBENT OF A PARISH OF A BREACH OF FAITH, RITUAL OR CEREMONIAL - SECTION 79.1(a)(ii)

We:
A.B. of
C.D. of
E.F. of
G.H. of
and I.J. of
do hereby severally declare that we are adult communicant members of the Anglican Church resident within the Diocese of Perth and bona fide enrolled members of the parish of in the Diocese of Perth and we do hereby charge The Reverend K.L. incumbent of the parish of in the Diocese of Perth that he/she has committed within that parish the following offence
(set out particulars of offence)

on which charge we desire that K.L. be brought to trial and we the said A.B., C.D., E.F., G.H., and I.J., do solemnly and sincerely declare that we do not make this charge from any private ill-will towards K.L. or with any view to our own profit and we further declare in like manner that we severally believe the charge laid to be substantially true.

Signed and dated
A.B.
C.D.
E.F.
G.H.
I.J.

The address at which documents may be served on the persons making the charge is:

SCHEDULE 4 - STATEMENT OF CHARGE AGAINST A PERSON WHO IS NOT AN INCUMBENT OF A PARISH OF A BREACH OF FAITH, RITUAL OR CEREMONIAL - SECTION 79.1(b)(ii)

We:
A.B. of
C.D. of
E.F. of
G.H. of
and I.J. of
do hereby severally declare that we are adult communicant members of the Anglican Church resident within the Diocese of Perth and we do hereby charge The Reverend K.L. of being a person licensed by the Archbishop of Perth (or being a person in Holy Orders resident in the Diocese of Perth) that he/she has committed the following offence (set out particulars):

on which charge we desire that K.L. be brought to trial and we the said A.B.; C.D.; E.F.; G.H.; and I.J.; do solemnly and sincerely severally declare that we do not make this charge from any private ill-will towards K.L. or with any view to our own profit and we further declare in like manner that we severally believe the charge laid to be substantially true.

Signed and dated:
A.B.
C.D.
E.F.
G.H.
I.J.

The address at which documents may be served on the persons making the charge is:

[This form may be adapted for the purposes of other charges brought pursuant to section 79]

PROFESSIONAL STANDARDS STATUTE 2021

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A STATUTE RELATING TO PROFESSIONAL STANDARDS WITHIN THE CHURCH, AND FOR OTHER PURPOSES

PART 1 - PRELIMINARY

1 Short title

1.1 This Statute may be cited as the Professional Standards Statute 2021.

1.2 This Statute will take effect upon assent being given to the Clergy Discipline Statute.

1.3 The Professional Standards Statute 2015 is repealed.

2 Application

2.1 This Statute applies to any person in the Diocese who is a Church worker or a Church volunteer.

2.2 This Statute applies to an agency worker or school worker who:

(a) agrees to be bound by this Statute by a declaration, with the consent of their employer;

(b) is employed or engaged under a contract or some other instrument containing a provision which requires the person to be bound by this Statute; or

(c) agrees, subject to the consent of their employer, after a complaint is made or a matter is raised, to permit the procedure under this Statute to be adopted and the PSC has consented in writing to the submission of the complaint to it,

and in such a case, any reference to 'Church worker' in this Statute will be deemed to include that agency worker or school worker.

3 Definitions

3.1 In this Statute, unless the context otherwise requires:

abuse means bullying, emotional abuse, harassment, physical abuse, sexual abuse, spiritual abuse, financial abuse or child abuse;

agency worker means a person employed or engaged by, or holding a position or performing a function for, a Church agency, whether for payment or in a voluntary capacity, with actual or apparent authority of the relevant Church agency;

allied ministry means ministry in a Church agency or other institution or organisation, including a university, school, hospital, correctional facility, detention centre, industrial workplace, the Australian Defence Force or field of ministry other than a parish;

Archbishop means the Archbishop of the Diocese elected in accordance with the Archbishop's Statute, or the Administrator acting in the absence of the Archbishop;

Board means the Professional Standards Board established under Part 4.3;

breach of professional standards means:

(a) abuse;

(b) any breach of the duty to report a matter referred to in section 11 of this Statute;

(c) wilful or reckless failure to comply with a condition imposed by a Church authority under Part 5 of this Statute;

(d) wilful or reckless failure to comply with an undertaking given to the PSC, Board or a Church authority pursuant to this Statute; or

(e) wilful, reckless or negligent failure of a Church worker to act or act appropriately in relation to information or a complaint of breach of professional standards involving another Church worker or Church volunteer in circumstances where there was a duty or requirement to act on the part of that Church worker,

(f) wilful or reckless failure to comply with the Safe Ministry to Children Canon 2017 or any policy or code of conduct made pursuant to that Canon in force at the time of the complaint which, if established, would call into question:

(i) the fitness of a person, whether temporarily or permanently, now or in the future to hold a particular or any role, office, licence or position in the Church or in the employment of a Church entity; or

(ii) whether, in the exercise of a person's role, office, licence or position, or in the performance of any function, that person should be subject to certain conditions or restrictions;

but excludes for the purposes of this Statute any breach of faith, ritual or ceremonial;

bullying means repeated behaviour directed to a person or persons which a reasonable person would consider:

(a) having regard to all the circumstances, would victimise, humiliate, undermine or threaten the person or persons; and

(b) is likely to pose a real risk to the health and safety of the person or persons;

ceremonial includes ceremonial according to the use of this Church, and also the obligation to abide by such use;

child means a person under the age of 18 years;

child abuse means

(a) the following conduct in relation to a child:

(i) bullying;

(ii) emotional abuse;

(iii) neglect;

(iv) physical abuse;

(v) sexual assault, sexual exploitation, sexual harassment or sexually inappropriate behaviour;

(vi) spiritual abuse;

(vii) grooming;

(viii) a child abuse reporting offence; or

(ix) failure without reasonable excuse to report child abuse; or

(x) image-based abuse;

(b) possessing, producing or distributing child exploitation material in circumstances that have been found to constitute, or may constitute, a criminal offence; however done, including by or through the use of the internet, electronic means and other like technology.

child exploitation material means material that depicts a person who is or appears to be a child:

(a) engaging in sexual activity; or

(b) in a sexual context; or

(c) as the subject of torture, cruelty or abuse (whether or not in a sexual context) in a way that a reasonable person would regard as being, in all the circumstances, offensive. Child exploitation material can include any film, printed matter, electronic data, computer image or any other depiction;

child abuse reporting offence means a criminal offence against the law of the Commonwealth, a State or Territory, or against the law of another country which is equivalent to a criminal offence against the law of the Commonwealth, a State or a Territory, involving the failure by a person to report child abuse;

Church means the Anglican Church of Australia within the Diocese;

Church agency means any separately incorporated entity of the Church in the Diocese, which has been established by the Synod, The Perth Diocesan Trustees or the Diocesan Council and includes all Church schools;

Church authority means the Archbishop or a person or entity having administrative authority of or in a Church entity to licence, appoint, authorise, dismiss or suspend a Church worker or Church volunteer;

Church entity means an unincorporated entity including a committee, commission, a parish or a parish council in the Diocese, the Cathedral or Chapter of the Cathedral, that exercises ministry within, or on behalf of, the Church with the actual or apparent authority of the Church;

Church school means a school or other educational institution within the meaning of the section 1(1)(f) of the Constitution Act of the Diocese of Perth 1871 as well as the Provincial schools within the Diocese, which are affiliated with the Church;

Church volunteer means a person aged 18 or more years who is not a Church worker but who:

(a) holds a voluntary role, office or position in a congregation or parish or in the Cathedral; or

(b) holds otherwise any specific voluntary role, office or position in the Diocese with the actual or apparent authority of the Church;

Church worker means any person who is or who at any relevant time was:

(a) a member of the clergy (including the Dean of the Cathedral) whether or not holding the Archbishop's licence or permission to officiate;

(b) an ordination candidate;

(c) a church warden or parish council member;

(d) a treasurer of a parish;

(e) employed or engaged by a Church authority or Church entity; or

(f) holding a position or performing a function with the actual or apparent authority of a Church authority or Church entity,

but excludes the Archbishop;

clergy or member of the clergy means a person in Holy Orders ordained in this Church or any other church in communion with this Church;

Clergy Discipline Statute means the Clergy Discipline Statute 2021;

code of conduct means a code of conduct approved from time to time under Part 2;

complainant means a person who makes a complaint;

complaint means an allegation of a breach of professional standards against any person who is or was a Church worker or Church volunteer, including conduct:

(a) outside the Diocese alleged to have been engaged in by a person to whom this Statute applies; and
(b) within the Diocese wherever that respondent may reside at the date of the complaint;

conduct means an act, an omission to perform an act, a state of affairs, refraining (otherwise than inadvertently) from doing an act, refusing to do any act, or making it known that an act will not be done and includes the use of electronic communication;

Conduct Committee means the conduct committee established by the Clergy Discipline Statute;

Constitution means The Constitution of the Anglican Church of Australia;

delegate means a person sent or authorised to represent others and includes:
(a) a casual or contracted employee of the Diocese; and
(b) an investigator;

Diocesan Council means the body constituted by the Diocesan Council Statute 2016;

Diocesan Tribunal means the tribunal established by the Clergy Discipline Statute and section 53 of the Constitution;

Director means the Director of Professional Standards appointed under Part 4.2 and includes an Acting Director of Professional Standards;

electronic communication
(a) means a communication by electronic means; and
(b) without limiting paragraph (a), includes a communication by any of these means —
(i) email;
(ii) the internet;
(iii) facsimile;
(iv) telephone, including mobile telephone;
(v) radio; or
(vi) television;

emotional abuse means:
(a) subjecting a person to excessive and repeated personal criticism;
(b) ridiculing a person, including the use of insulting or derogatory terms to refer to that person;
(c) threatening or intimidating a person;
(d) ignoring a person openly and pointedly;
(e) behaving in a hostile manner or in any way that could reasonably result in another person feeling isolated or rejected; or
(f) any other act or omission in relation to a person,

which has caused, or is likely to cause, physical or mental harm including self-harm, or in the case of a child which has caused the child to suffer, or is likely to cause the child to suffer, significant harm to his or her wellbeing or development;

equivalent body means a body of another diocese exercising powers, duties or functions equivalent to those of the PSC or the Board as the case may be, or where there is no such body, the bishop of that diocese;

faith includes any obligation to hold the faith;

financial abuse means the abuse of a position of trust that involves
(a) removing or interfering with a person's access to money or property,
(b) manipulating a person's financial or testamentary decisions, or
(c) using a person's money or property without consent or authority;

grooming means conduct deliberately undertaken with the aim of engaging and influencing a person for the purpose of sexual activity;

harassment means unwelcome conduct, whether intended or not, in relation to a person where the person reasonably feels in all circumstances offended, belittled or threatened or which has caused, or is likely to cause physical or mental harm including self-harm;

Holy Orders has the meaning contained in section 14 of The Constitution Act of the Diocese of Perth 1871;

Image-based abuse means taking, distributing or threatening to distribute intimate, nude or sexual images of another person in circumstances that have been found to constitute, or may constitute, a criminal office.

Information means information of whatever nature and from whatever source relating to:
(a) alleged conduct of a Church worker or Church volunteer wherever or whenever occurring involving sexual abuse or child abuse;
(b) alleged inappropriate or unreasonable conduct of a Church worker who had knowledge of conduct of another Church worker or Church volunteer involving sexual abuse or child abuse; or
(c) an alleged process failure;

material includes:
(a) any object, picture, film, written or printed matter, data or other thing; and
(b) anything from which text, picture, sound or data can be produced or reproduced, with or without the aid of anything else;

ministry means ordained ministry or lay ministry authorised under the Authorised Lay Ministry Canon 1992 (No 17, 1992) Adoption Statute 1992 or an equivalent statute of another diocese, as the case may be;

national register means the national register established pursuant to the National Register Canon 2007 of the General Synod of the Church or any canon prescribed by General Synod in substitution for that canon;

neglect means the neglect of a child which causes the child to suffer, or is likely to cause the child to suffer, significant harm to his or her wellbeing or development;

physical abuse means any intentional or reckless act or use of force causing injury to, or involving unwelcome physical contact with, another person but does not include lawful discipline by a parent or guardian;

policy means any protocol or policy approved from time to time by the Archbishop or Diocesan Council under Part 2;
prescribed information means for each complaint or matter arising under this Statute or any policy approved under it:
(a) the names of the complainant and the respondent;
(b) the contents of the complaint if in writing;
(c) any notes, correspondence, reports, statements or other documents created, sent or received;
(d) any determination of the PSC or the Board, as the case may be;
(e) any decision of the Church authority and correspondence in connection with that decision; and
(f) any other information of a kind prescribed by resolution of the Diocesan Council;
prescribed person means:
(a) a complainant other than the Director; or
(b) any witness other than either the respondent or a witness as to character;
(c) any child; or
(d) any person against whom abuse is alleged to have been committed;
process failure means the failure by a Church entity or Church authority to deal with or to investigate matters involving:
(a) a breach of professional standards; or
(b) alleged inappropriate or unreasonable conduct of a Church worker who had knowledge of conduct of another Church worker or Church volunteer constituting sexual abuse or child abuse,
in a reasonable or timely manner;
Professional Standards Committee or **PSC** means the Professional Standards Committee established under Part 4.1 or any person to whom the Professional Standards Committee has delegated any of its powers and duties;
prohibition order means an order prohibiting a Church worker or other person subject to this Statute from holding a specified position or office in or being employed by a Church entity or Church authority or from carrying out any specified functions in relation to any office or position in the Diocese or in relation to employment by a Church entity;
Province or **Provincial** means the Anglican Province of Western Australia;
referring body means the PSC or an equivalent body which refers a question or questions to the Board;
respondent means a Church worker or Church volunteer against whom a complaint is made and who is not deceased;
reviewable decision means a determination or recommendation of the Board which, if acted upon by the relevant Church authority, may have the effect of:
(a) deposing the respondent from Holy Orders; or
(b) terminating the respondent's contract of employment, or removing the capacity of the respondent to gain income as a Church worker;
Reviewer means a current or former:
(a) Supreme Court or District Court Judge; or
(b) Senior Counsel, appointed by the Chancellor;
ritual includes rites according to the use of this Church, and also the obligation to abide by such use;
school worker means a person employed or engaged by, or holding a position or performing a function for, a Church school, whether for payment or in a voluntary capacity, with actual or apparent authority of the relevant Church school;
sexual abuse means sexual assault, sexual exploitation, sexual harassment or sexually inappropriate behaviour in relation to a child or adult, and in relation to a child includes the use of a child by another person for his or her own sexual stimulation or gratification or for that of others;
sexual assault means any intentional or reckless act, use of force or threat to use force involving some form of sexual activity against an adult without their consent or against a child;
sexual exploitation means any form of sexual contact or invitation to sexual contact with another person, with whom there is a pastoral or supervisory relationship, whether or not there is consent and regardless of who initiated the contact or invitation. It does not include such contact or invitation within a marriage;
sexual harassment means unwelcome conduct of a sexual nature, whether intended or not, in relation to a person where the person reasonably feels in all circumstances offended, belittled or threatened;
spiritual abuse means the mistreatment of a person by actions or threats directed specifically to that person and justified by appeal to God, faith or religion, which mistreatment has caused, or is likely to cause, physical or mental harm including self-harm; and
worshipping agreement means an agreement between a person, a relevant Church authority and the Director regulating the manner in which that person has entry and access to the premises and activities of the Church either generally or in a specified location or circumstances.

4 Overriding purpose of Statute

4.1 The overriding purpose of this Statute and of any policy made under this Statute, in their application to any complaint under this Statute, is:
(a) to respond to survivors of abuse by a Church worker or Church volunteer;
(b) to facilitate the just, expedient and efficient resolution of the real issues in the complaint in the best interests of all parties; and
(c) to regulate fitness for ministry or service, to uphold standards in the Church and for the protection of the community.

5 Overriding purpose to be given effect to

5.1 Each of the PSC and the Board must seek to give effect to the overriding purpose when it exercises any power given to it by this Statute or by any policy and when it interprets any provision of this Statute or of any such policy.

6 Agreements and arrangements with another diocese

6.1 The Archbishop may enter into such agreements or arrangements as the Archbishop deems fit with the relevant authority of another diocese as to the terms on which the powers and functions of the equivalent bodies or persons of that diocese are to be exercised by the persons holding office in or as delegates of the PSC, or by the members or the secretary of the Board.

PART 2 – POLICIES AND CODE OF CONDUCT

7 Diocesan Council may approve policies

7.1 The Diocesan Council may from time to time consider and approve one or more policies for implementation in relation to the matters which are the subject of this Statute.

7.2 The policies may include provisions or procedures for:

(a) receiving a complaint;

(b) the appointment, role and function of professional support persons and carers for the complainant, any survivor of alleged abuse or the respondent;

(c) informing a complainant and any survivor of alleged abuse and a respondent of rights, remedies and relevant procedures available to them under the Statute or policies;

(d) assisting or supporting, as appropriate, any person affected by alleged conduct the subject of a complaint;

(e) an explanation of the processes for investigating and dealing with a complaint;

(f) dealing fairly with each party to a complaint;

(g) providing funding to assist respondents and/or complainants to obtain relevant legal advice;

(h) referral to mediation and conciliation in appropriate circumstances;

(i) dealing with alleged process failure;

(j) regular information, reports, advice and recommendations to the Archbishop and any other relevant Church authority; and

(k) working, where necessary, with law enforcement, prosecution or child protection authorities of the States and Territories and of the Commonwealth of Australia.

7.3 A policy may offer a process by which a Church authority offers redress to a survivor of abuse by a Church worker or Church volunteer.

8 Diocesan Council may approve code of conduct

8.1 The Diocesan Council may from time to time consider and approve a code or codes of conduct for observance by a Church worker or a Church volunteer.

8.2 The code will set out standards of conduct expected of a Church worker or a Church volunteer and is relevant in determining whether the conduct of a person renders them unfit to hold a role, office or position either subject to any condition or restriction at all.

9 Diocesan Council may promote policies and codes of conduct

9.1 The Diocesan Council through the PSC and by such other means as may be considered appropriate must take such steps as are necessary or desirable to promote the knowledge, understanding and observance in this Church of any policies and codes of conduct.

PART 3 – DUTIES OF CHURCH WORKERS AND VOLUNTEERS

10 Duty to know policies and code of conduct

10.1 Church workers and Church volunteers must familiarise themselves with each policy and code of conduct that relates to them.

11 Duty to report certain matters

11.1 If any person to whom this Statute applies or a Church authority believes on reasonable grounds that a person has suffered harm or is at risk of harm as a result of abuse by another person to whom this Statute applies and has no reason to believe that the Director or a member of the PSC is aware of those facts, the first mentioned person to whom this Statute applies or Church authority must, as soon as possible, report the matter to the Director or to a member of the PSC.

11.2 This section does not affect the operation of the Canon Concerning Confessions 1989 of General Synod or any other canon or legislative instrument relating to confessions in force in the Diocese.

11.3 Any Church worker or Church volunteer who has been charged in any jurisdiction in Australia or elsewhere with an offence relating to sexual abuse or child abuse, whether committed within or outside the Diocese, must forthwith notify the Director, giving particulars of the charge.

12 Duties in respect of a complaint

12.1 A Church worker or Church volunteer respondent must, subject to section 12.2:

(a) comply with a requirement of the PSC to meet on reasonable notice with an investigator to answer questions in relation to a complaint;

(b) comply with a requirement of the PSC to provide a verified detailed report within a reasonable time;

(c) truthfully answer any question put by or on behalf of the PSC or the Board in the exercise of powers conferred by this Statute;

(d) not mislead the Director or the PSC or the Board or a member or delegate of any of them;

(e) not unreasonably delay or obstruct the Director or the PSC or the Board or a member or delegate of any of them in the exercise of powers conferred by this Statute; and

(f) engage in a mediation, conciliation, neutral evaluation or other dispute resolution process arranged by the Director or by a delegate of the Archbishop in relation to a complaint.

12.2 If a respondent declines to answer a question on the grounds that the answer might tend to incriminate them, a written record must be made of the question and of the grounds of refusal.

13 Duty to comply with an undertaking or direction

13.1 A Church worker or Church volunteer respondent must:

(a) comply with any undertaking given to the PSC, the Board or a Church authority; and

(b) comply with a direction made by a Church authority to give effect to a recommendation of the PSC or the Board (as the case may be) or any permitted variation or modification of that recommendation.

14 Failure to comply

14.1 Failure of a respondent to comply with an undertaking or direction constitutes a breach of this Statute.

14.2 The PSC may institute proceedings forthwith in the Diocesan Tribunal in respect of any breach of this Statute.

14.3 A failure to comply with any provision of this Statute is a relevant factor in determining the fitness or otherwise of the Church worker or Church volunteer for any role, office or position.

PART 4 – THE STRUCTURE OF PROFESSIONAL STANDARDS GOVERNANCE

15 Professional Standards Committee, Director of Professional Standards, Professional Standards Board

15.1 There is to be a:

(a) Professional Standards Committee constituted and appointed in accordance with Part 4.1;

(b) Director of Professional Standards appointed in accordance with Part 4.2; and

(c) Professional Standards Board constituted and appointed in accordance with Part 4.3.

PART 4.1 - PROFESSIONAL STANDARDS COMMITTEE

16 Appointment of members of PSC

16.1 The members of the PSC are to be appointed by Diocesan Council and will hold office on such terms and conditions and for such term of office as may be determined from time to time by the Archbishop or in accordance with any policy.

17 Membership of PSC

17.1 The PSC must have at least three (3) members including the chair.

17.2 The membership of the PSC must comprise collectively and, as far as it is reasonably practicable, provide experience and appropriate professional qualifications in:

(a) law;

(b) ordained ministry; and

(c) child protection, human resources, pastoral ministry, investigations, psychology, psychiatry, social work, education or ethics.

17.3 So far as it is reasonably practicable, the PSC must:

(a) include at least one (1) person who is not a member of this Church; and

(b) be composed equally of men and women,

each of whom agrees in acting as a member of the PSC to abide by the provisions of this Statute.

18 Chair

18.1 The chair of the PSC will be appointed on such terms and conditions as may be determined from time to time by the Archbishop or in accordance with any regulations or policies of the Diocesan Council.

19 Procedures of PSC

19.1 The PSC may meet from time to time as determined by the chair or a majority of its members and may conduct its business by electronic communication.

19.2 Subject to the relevant Diocesan policies and to this Statute, the procedures of the PSC will be as determined from time to time by the PSC.

19.3 A majority of the members constitutes a quorum.

19.4 The PSC must act in all things as expeditiously as possible.

19.5 The PSC may in accordance with policy delegate to the Director or to any of its members or to a delegate of the Archbishop any of its powers and duties.

20 Acts and proceedings of PSC validated

20.1 An act or proceeding of the PSC is not invalid by reason only of a vacancy in its membership and, notwithstanding the subsequent discovery of a defect in the nomination or appointment of a member, any such act or proceeding is as valid and effectual as if the member had been duly nominated or appointed.

21 PSC may be an equivalent body of another diocese

21.1 The members of the PSC may be drawn from or constitute an equivalent body of another diocese, either generally or for a particular case or matter.

22 Functions of PSC

22.1 Subject to the provisions of this Statute, the PSC has the following powers and duties:

(a) to implement this Statute and any policy to the extent that any policy is not inconsistent with this Statute;

(b) to receive a complaint against a person to whom this Statute applies and where appropriate, cause the complaint to be investigated in a timely and appropriate manner;

(c) to determine whether the complaint should be dealt with pursuant to this Statute or in accordance with the Clergy Discipline Statute;

(d) to review and monitor the work of the Director under this Statute;

(e) to appoint suitable persons to fulfil the several roles required to implement any policy in each particular case;

(f) where appropriate, to arrange for the conciliation or mediation of any complaint;

(g) where appropriate, to recommend to the Archbishop any changes to any policy or other Church processes, structures or education programs that would reduce the risk of abuse in the Diocese;

(h) subject to any limit imposed by the Archbishop, to authorise such expenditure on behalf of the Diocese or the Church entity as may be necessary to implement, in a particular case, the policy and the provisions of this Statute;
(i) to advise any relevant Church authority or Church entity of the financial or other needs of a person affected by alleged abuse and of any possible or actual legal proceedings against such Church entity or Church authority arising out of the alleged abuse by a Church worker and how a parish or congregation may best be supported;
(j) where appropriate or required under any policy, to refer any allegation of a breach of professional standards the subject of a complaint to a member of a law enforcement, prosecution or child protection authority of a State or Territory or of the Commonwealth of Australia to which the allegation is or may be relevant; and
(k) to exercise such other powers and functions as are conferred on it by this or any other Statute or by a policy.

PART 4.2 - DIRECTOR OF PROFESSIONAL STANDARDS

23 Appointment of Director

23.1 The Director is appointed by and holds office on such terms and conditions and for such term of office as may be determined from time to time by the Diocesan Secretary, with the approval of The Perth Diocesan Trustees, or in accordance with the relevant regulations or policies of the Diocesan Council.

24 Appointment of Acting Director

24.1 The Diocesan Secretary with the approval of The Perth Diocesan Trustees, and in consultation with the Director, may appoint an Acting Director of Professional Standards on such terms and conditions as may be determined.

24.2 The Acting Director of Professional Standards may act in that capacity during the absence of the Director or during a vacancy in the office of Director.

24.3 An Acting Director of Professional Standards when acting in that capacity is taken to be the Director and has all the powers and functions of the Director.

25 Functions of Director

25.1 The Director has the following functions:
(a) to receive any complaint on behalf of the PSC against any person to whom this Statute applies;
(b) in his or her discretion to make a complaint against a person to whom this Statute applies;
(c) to manage the implementation of this Statute and any policy in respect of any complaint;
(d) to be the executive officer of the PSC;
(e) to attend meetings of the PSC;
(f) to provide a central focus in matters involving personal ethics and behaviour including advice about appropriate standards and enforcement;
(g) to provide or arrange care or treatment of parties to the process of this Statute and any policy;
(h) to provide input into education and vocational training programs for members of the Diocese, including those involved in managing or providing pastoral care and other community services;
(i) to provide advice to complainants and persons to whom this Statute applies about the operation of a policy, with particular emphasis on helping those persons in authority to understand and discharge their responsibilities under this Statute and any policy;
(j) to keep proper records of complaints, decisions, meetings, employment screening details, police checks and of people affected by allegations of abuse;
(k) to consult and co-operate with Church agencies to promote consistency between them regarding this Statute and any policies;
(l) in cases of alleged criminal behaviour, to support the complainant in making a report to the Western Australian Police and/or the relevant child protection authorities;
(m) to report to the PSC on any recommended changes to policy and any other changes to Church processes, structures and education programs that would reduce the risk of abuse in a Diocese;
(n) such specific functions and duties as may be determined from time to time by the PSC; and
(o) such other functions and duties as may be prescribed by this or any other Statute or as may be determined by the Archbishop.

25.2 The Director must act in all things as expeditiously as possible.

26 Director may have corresponding capacity for another diocese

26.1 The Director may act in a corresponding capacity for another diocese either generally or for a particular case or matter.

PART 4.3 - PROFESSIONAL STANDARDS BOARD

27 Appointment of members to the panel for the Board

27.1 Diocesan Council must appoint a panel of persons to serve as members of the Board as required and to hold office on such terms and conditions and for such term of office as may be determined from time to time by the Diocesan Council or in accordance with any policy.

27.2 The President or Deputy President must select members from the panel to constitute the Board in compliance with the requirements of clause 28.

28 Membership of the Board

28.1 The Board must have at least three (3) members including the President or a Deputy President.

28.2 The membership of the Board must comprise collectively and, as far as it is reasonably practicable, provide experience and appropriate professional qualifications in:
(a) law;
(b) ordained ministry; and
(c) child protection, investigations, social work, psychology, psychiatry, or ethics.

28.3 So far as reasonably practicable, the Board must:
(a) include at least one (1) member of the clergy;
(b) be composed equally of men and women; and
(c) include two members who are not members of the Church,
each of whom agrees in acting as a member of the Board to abide by the provisions of this Statute.

29 President

29.1 The President and Deputy President of the Board are appointed by Diocesan Council on such terms and conditions as may be determined from time to time by the Diocesan Council or in accordance with the relevant policies of the Diocesan Council.

30 Procedures of the Board

30.1 The Board may meet from time to time as determined by the President or a majority of its members and may conduct its business by electronic communication.

30.2 The Board, separately constituted in accordance with this Part, may sit simultaneously for the purpose of matters referred to it or for conducting separate business of the Board.

30.3 Subject to this Statute and the relevant rules, the practice and procedure of the Board will be as directed by the President.

30.4 A majority of members of the Board present constitutes a quorum.

30.5 The Board must act in all things as expeditiously as possible.

31 Filling vacancies in the Board

31.1 Any vacancy in the membership of the Board must be filled by the Diocesan Council or in accordance with any policy.

32 Secretary to the Board

32.1 There is to be a secretary to the Board who is appointed by the Board on such terms and conditions as may be determined from time to time by the Board or in accordance with any policy.

32.2 The secretary to the Board may act in a corresponding capacity for another diocese either generally or for a particular case or matter.

33 How questions are decided by the Board

33.1 A question before the Board may be decided by a majority of the votes of those present and voting and, in the case of an equality of votes, the opinion of the President will prevail.

34 Acts and proceedings of the Board validated

34.1 An act or proceeding of the Board is not invalid by reason only of a vacancy in its membership and, notwithstanding the subsequent discovery of a defect in the nomination or appointment of members of the Board, any such act or proceeding is as valid and effectual as if the member had been duly nominated or appointed.

35 Member of the Board may be an equivalent body

35.1 The members of the Board may be drawn from or constitute an equivalent body either generally or for a particular case or matter.

36 Function of the Board in respect of referrals

36.1 Subject to the provisions of this Statute the function of the Board is to:
(a) enquire into and determine a question or questions referred to it by the PSC pursuant to section 57.1; and
(b) to make a determination referred to in section 65.1and where appropriate to make a recommendation in accordance with the provisions of this Statute.

36.2 (a) The Board must not, in the course of inquiring into any question, inquire into any matter concerning professional standards which is currently, or which has previously been, the subject of any investigation or enquiry conducted:
(i) under or pursuant to any provision of the Constitution;
(ii) under or pursuant to a Canon of the General Synod, or a statute or an ordinance of another diocese relating to the professional standards of Church workers; or
(iii) with the authority of the bishop of a diocese which has resulted, or which may result, in a report to the bishop;
except to the extent of any fresh evidence not reasonably available during any previous investigation or enquiry.

(b) An investigation or enquiry referred to in sub-section (a) above does not include a situation where a charge under Part 4 of the Clergy Discipline Statute has been withdrawn or dismissed without being referred to the Diocesan Tribunal.

(c) The Board must not, in the course of inquiring into any question inquire into, make any findings in relation to or take into account any alleged breach of faith, ritual or ceremonial.

PART 5 - COMPLAINTS

PART 5.1 – COMPLAINT PROCESSING

37 Lodgement and Withdrawal of Complaints

37.1 Any person, including the Director, may refer a matter to the PSC or lodge a complaint with the PSC or the relevant Church authority.

37.2 A complainant may withdraw a complaint at any time before it has been referred to the Board by the PSC.

37.3 A complaint is withdrawn by lodging a copy of the notice of withdrawal at the office of the Director. The notice of withdrawal must be signed by the person or persons who made the complaint.

37.4 If a complaint is withdrawn, no further proceedings may be taken under this Statute in relation to the complaint by the person or persons who made the complaint. However, the withdrawal of a complaint does not prevent another person or other persons from making the same or a different complaint against the person named in a complaint that is withdrawn.

38 Dealing with Complaints

38.1 A Church authority that receives a complaint pursuant to section 37.1 must refer that complaint to the PSC in accordance with this Statute and relevant policies made by the Diocesan Council.

38.2 The PSC must act in relation to each complaint it receives in accordance with relevant policies made by the Diocesan Council.

38.3 Where a complaint concerns only conduct which is the subject of the Clergy Discipline Statute, the PSC must refer such complaint to the Conduct Committee.

38.4 The Conduct Committee must, if at any time it discovers that a complaint concerns a breach of professional standards, refer such complaint back to the PSC to be dealt with pursuant to this Statute.

38.5 Subject to section 38.6, where a complaint concerns abuse, or a combination of abuse and conduct which is the subject of the Clergy Discipline Statute, the PSC must proceed to deal with the complaint in accordance with this Statute.

38.6 If at any time the PSC forms the opinion that conduct which is the subject of the Clergy Discipline Statute may reasonably be separated from a breach of professional standards, it may refer that conduct to the Conduct Committee.

39 Form of complaints

39.1 A complaint may be in any form, in writing on paper or by email or facsimile or conveyed verbally.

39.2 A complaint must include details of the breach of professional standards on which it is based.

39.3 The PSC may choose not to act on an anonymous complaint.

40 Further particulars of a complaint

40.1 The PSC may require a complainant to:

(a) give further details of the complaint; and

(b) verify any details of the complaint by statutory declaration or in another manner specified by the Director,

before commencing or further investigating a complaint.

40.2 A requirement under section 40.1 must be in writing and allow the complainant a reasonable time to comply.

41 PSC may refer a complaint to an equivalent body of another diocese

41.1 The PSC may, if it thinks it appropriate to do so, refer a complaint, or the investigation of a complaint, to an equivalent body or bodies.

41.2 When the PSC and an equivalent body or equivalent bodies have the power and duty to investigate information concerning the same person to whom this Statute applies and the respective bodies cannot agree on:

(a) which body will carry out the investigation or any parts of such investigation; or

(b) whether a question or questions specified in section 57.1(a) should be referred to the Board or to an equivalent body which has jurisdiction,

the PSC must refer the disagreement for decision by the Director and the persons acting in a corresponding capacity for every other diocese acting together.

41.3 The PSC must act in accordance with the unanimous decision of the persons referred to in section 41.2 or, if such persons cannot agree within a reasonable time of the disagreement being referred, in accordance with the decision of the Primate or a member of the House of Bishops appointed by the Primate, to whom the Director must refer such disagreement.

41.4 In all matters affecting the operation of this Statute the PSC and the Director must co-operate with and assist an equivalent body and a person acting in the corresponding capacity of the Director in another diocese.

41.5 In making a decision under section 41.2 the Director will not be bound by the views or instruction of the PSC but will take into account the most convenient course for all concerned and the proper and expeditious conduct of the investigation or referral as the case may be.

42 PSC may dismiss certain complaints

42.1 The PSC may at any time decline to investigate a complaint or refrain from further investigation and dismiss a complaint if the PSC considers that:

(a) the complaint does not fall within the provisions of this Statute;

(b) the conduct which is the subject matter of the complaint can properly be dealt with by other means;

(c) the subject matter of a complaint is under investigation by some other competent person or body or is the subject of legal proceedings;

(d) the person making the complaint has failed to provide further details to the Director or to verify the allegations by statutory declaration or otherwise when requested by the Director to do so;

(e) the complaint is false, vexatious, misconceived, frivolous or lacking in substance; or

(f) there is insufficient reliable evidence to warrant an investigation or further investigation.

42.2 When acting pursuant to section 42.1, the PSC may:

(a) recommend to the Church authority any steps that might reduce or eliminate the risk of abuse either generally by Church workers or in relation to the respondent, including by way of an educational or mentoring program;

(b) make a recommendation in accordance with section 47.1 or section 57.2; or

(c) make such other recommendation as the PSC considers necessary or desirable.

42.3 For the avoidance of doubt, a recommendation pursuant to the preceding subsection is advisory only and not binding on a Church authority.

42.4 The PSC may at any time decline to investigate a complaint or refrain from further investigation and dismiss a complaint if, whether or not the PSC forms the opinion referred to in paragraph 42.1, the complaint can properly be dealt with by means other than referral to the Board, consistent with the overriding purpose of this Statute, such as but not limited to:

(a) accepting a written undertaking or taking other limited action with or without any admission or finding;

(b) mediation;

(c) conciliation; or

(d) neutral evaluation, restorative engagement or other alternative resolution of any dispute associated with the complaint.

43 Complainant to be given notice of outcome of complaint and reasons

43.1 If the PSC refrains from further investigation and dismisses a complaint under the preceding section, the Director must give the complainant, the respondent and/or the Church authority a written notice of the outcome, including the reasons for the outcome.

PART 5.2 – INVESTIGATIONS

44 When the PSC is to investigate

44.1 Subject to section 42, the PSC must investigate:

(a) each complaint and

(b) the conduct of any person to whom the Statute applies if the PSC has reason to believe that such conduct amounts to a breach of professional standards even though:

(i) no complaint has been made;

(ii) a complaint is anonymous;

(iii) a complaint has been withdrawn; or

(iv) the complainant has not given the written consent referred to in section 44.3.

For the avoidance of doubt, the PSC may investigate a complaint where new or fresh material becomes available or where the PSC considers it necessary or desirable to do so, notwithstanding the prior investigation or determination of that complaint.

44.2 The Director must on receipt of a complaint or prior to any investigation seek the complainant's written consent to:

(a) the Director giving notice of the complaint to the respondent;

(b) the Director disclosing the identity of the complainant to the respondent (if required);

(c) the investigation of the complaint by the PSC;

(d) the PSC otherwise dealing with the complaint under this Statute;

(e) the hearing and determination of the complaint by the Board, either by hearing or otherwise in accordance with this Statute; and

(f) the making of recommendations to the Church authority in accordance with this Statute.

44.3 If the complainant (other than the Director) does not give the Director the written consent:

(a) referred to in section 44.2(b), the Director and the PSC must, subject to any obligation to disclose to a member of the police force, respect the confidentiality of the identity of the complainant;

(b) referred to in sections 44.2(a), 44.2(c) or 44.2(d), the PSC is not required to investigate the complaint and otherwise to refer it to the Board; and

(c) the PSC or the Director may, but is not obliged to, refrain from further investigation and dismiss the complaint.

44.4 The PSC may by instrument in writing delegate, upon such terms and conditions as the PSC may approve, the powers to investigate any person to whom the Statute applies under this section.

44.5 The PSC may recommend to the Church authority that the respondent be directed to cease engaging in specified conduct or to attend counselling to prevent a continuation of the circumstances that gave rise to the complaint. Unreasonable failure by the respondent to comply with such a direction may constitute a breach of professional standards for the purposes of this Statute.

44.6 In an investigation under section 44.1, the PSC may recommend to the Church authority any steps that might reduce or eliminate the risk of abuse, generally or in relation to the respondent, by way of education or mentoring or such other recommendation as the PSC may consider necessary or desirable.

44.7 For the avoidance of doubt, a recommendation pursuant to the preceding section is advisory only and not binding on the Church authority.

45 PSC to obtain and provide material to respondent and PSC

45.1 For the purpose of an investigation the PSC or its delegate must obtain such statutory declarations, written statements, recorded conversations, reports, documents and other material as the PSC or its delegate considers necessary or advisable for presentation to the PSC.

45.2 In the case of a complaint against a member of the clergy, the Director must provide notice of the complaint to the respondent and must provide copies of the complaint and any statutory declarations, written statements or other materials to the respondent before requiring the respondent to provide an answer in relation to the complaint.

45.3 In the case of a complaint other than against a member of the clergy, if the complainant has given the written consent referred to in section 44.2(a), the Director must provide notice of the complaint to the respondent. The Director must also provide to the respondent any other documents or information which the Director has been authorised by the complainant to provide, before requiring the respondent to provide an answer to the complaint.

46 Respondent to respond to PSC and comply with undertakings and directions

46.1 The PSC may by notice in writing to a respondent require the respondent:

(a) to meet on reasonable notice with an investigator to answer questions in relation to a complaint;

(b) to provide a detailed report to the PSC within 21 days or such further period as the Director may allow in relation to any matter relevant to the investigation; and

(c) to verify the report by statutory declaration or in another manner specified by the PSC.

PART 5.3 – SUSPENSION

47 Suspension or other action without prior notice, where unacceptable risk

47.1 If, after receipt of a complaint or a referral or at any time during the progress of investigation of a complaint under this Statute, the Director or the PSC is satisfied that there is an unacceptable risk of harm to any person if the respondent remains in their present office or position of responsibility pending the outcome of further investigation of the complaint, the Director

or the PSC may, as the urgency of the matter requires, make a recommendation to the Archbishop or other relevant Church authority that pending the outcome of further investigation, any one or more of the following:

(a) the respondent be suspended immediately from the duties of any office or position of responsibility held by the respondent, or certain duties;
(b) following suspension, the respondent attend counselling, psychological or forensic assessment and, where relevant, treatment or rehabilitation for alcohol or substance abuse;
(c) a prohibition order be made against the respondent;
(d) the respondent be required to enter into a worshipping agreement with the Church authority, failing which he or she be excluded from entry or access to premises or activities of the Church either generally or in a specified location or circumstances; or
(e) such other action be taken as may be thought fit.

48 Criminal Charges

48.1 If a Church worker has been charged in any jurisdiction in Australia or elsewhere with an offence relating to sexual abuse or child abuse, whether committed within or outside the Diocese, that person must be suspended from duties of office pending the determination of the charge.

48.2 The relevant Church entity must serve on the person a notice of suspension.

48.3 Upon service of that notice, the person is deemed to have been suspended pending the outcome of the hearing of the charge.

48.4 If a Church worker is found guilty or convicted in any jurisdiction in Australia or elsewhere of a criminal charge relating to sexual abuse or child abuse, whether committed within or outside the Diocese, the Director, the PSC or the Board (as may be relevant at the time) must refer the matter to the Archbishop or other Church authority and recommend to the Archbishop or other Church authority one or more of the following:

(a) the licence or authority of the respondent be revoked;
(b) the respondent be deposed from Holy Orders;
(c) the respondent's contract of employment (if any) be terminated; or
(d) the respondent ceases to hold any role, office or position then held.

49 Respondent and relevant Church entity to be given notice

49.1 As soon as is reasonably practicable after making a recommendation pursuant to the preceding sections or referring the matter to the Board, the PSC must give to the respondent and to the relevant Church entity or Church agency or their representative notice of any recommendation or referral to the Board and provide them with sufficient information about the basis of the recommendation and a reasonable opportunity to respond. Upon receipt of such notice, the respondent or the relevant Church entity or Church agency or their representative may seek to have the recommendation or referral to the Board revoked or withdrawn.

50 No notice where immediate unacceptable risk

50.1 The provisions of section 49.1 will not apply if the PSC is satisfied that there is an immediate unacceptable risk of harm to any person if the respondent remains in his or her present office or duties.

51 Standard of proof

51.1 The standard of proof required to prove a breach of professional standards under this Statute is the civil standard, being that of a reasonable satisfaction on the balance of probabilities.

51.2 Each of the Board and the Reviewer must scrutinise evidence with greater care if the conduct referred to in the complaint is serious in nature, or there is an inherent unlikelihood of an occurrence as described in the complaint or if there are grave consequences that would flow from a particular finding in relation to the complaint.

52 Matters to be considered by the Director and PSC before recommending suspension

52.1 Before making a recommendation under this Part, the Director or the PSC (as the case may be) must take into account:

(a) the seriousness of the alleged breach of professional standards;
(b) the nature of the material to support or negate the allegations;
(c) the extent to which any person is at risk of harm;
(d) after consultation with the relevant Church entity or its representative, the effect on the respondent, a relevant Church entity and on the Church of acting and of not acting under this Part; and
(e) any other allegation of similar conduct previously made to the PSC or to an equivalent body within the previous 10 years;

and may take into account any other relevant matter.

52.2 Before making a recommendation under this Part, the PSC must advise and consult with the respondent and the relevant Church entity or their representative on potential recommendations being considered and provide them with sufficient information about the basis of the potential recommendation and with a reasonable opportunity to respond.

52.3 The provisions of section 52.2 do not apply if the PSC is satisfied that there is an immediate unacceptable risk of harm to any person or Church entity if the respondent remains in his or her present office or duties so that action under section 47.1 is required prior to any consultations.

53 Powers of the Church authority and written statements

53.1 The Church authority to whom a recommendation is made under this Part must and is hereby empowered to give effect to that recommendation of the Director or the PSC.

53.2 Subject to section 53.3, the Church authority may release to the public a written statement disclosing their decision on the recommendation received and the steps to be taken or that have been taken pursuant to this section to give effect to it.

53.3 The Church authority must ensure that any statement so released is anonymised and redacted so as not to contain any particulars that identify or are likely to lead to the identification of a prescribed person.

54 Powers under section 53 may be exercised while matter under consideration

54.1 The Archbishop or other Church authority may exercise the powers referred to in section 53 of this Statute, notwithstanding that a recommendation under this Part is under consideration by the Board by the process referred to in this Statute.

55 Termination of suspension

55.1 A Church authority may set aside a suspension or prohibition order it has made following a recommendation under this Part at any time during its currency.

55.2 A Church authority must set aside a suspension or prohibition order it has made following a recommendation under this Part:

(a) if the PSC terminates the investigation without referring the matter to the Board;

(b) upon any direction to that effect given by the Archbishop or other Church authority; or

(c) upon the Church authority giving effect to a recommendation of the Board or such a recommendation as varied or modified by a Church authority under section 82.

56 Consequences of suspension, prohibition

56.1 During a suspension or prohibition pursuant to the provisions of this Part or while conduct the subject of a complaint is dealt with under this Statute:

(a) the respondent must comply with the terms of any prohibition order;

(b) the respondent will be ineligible for appointment to any position or function covered by any suspension or prohibition order;

(c) the relevant Church authority may fill the vacancy caused by any suspension or prohibition order; and

(d) the respondent will be entitled to whatever stipend, salary, allowances and other benefits that he or she would ordinarily have received and, subject to any other decision of or policy made by Diocesan Council, such entitlements are to be met or reimbursed from funds of the Diocese, the Parish or other Church entity as the case may be ordinarily.

PART 5.4 – REFERENCE OF A COMPLAINT OR MATTER TO THE BOARD

57 PSC may refer certain matters to the Board

57.1 Subject to section 57.2, after the investigation of a complaint or referral in accordance with this Statute, the PSC may refer to the Board, one or more of the following questions:

(a) whether the conduct being the subject of the complaint would if established call into question:

(i) a Church worker's fitness, whether temporarily or permanently, then or in the future to hold a particular role, or any role, office, licence or position in the Church or to be or remain in Holy Orders or in the employment of a Church entity; or

(ii) whether in the exercise of a Church worker's role, office, licence or position or in the performance of any function, the Church worker should be subject to certain conditions or restrictions; or

(b) whether by reason of alleged abuse or other conduct, the Church worker may not be fit for ministry in the Church either generally or to hold a proposed role, office, licence or position of responsibility in the Church or may be fit subject to certain conditions or restrictions; or

(c) whether in the case of a complaint against a Church worker who is deceased, there are plausible grounds for believing the Church worker did commit the alleged abuse set out in the complaint.

57.2 If the respondent admits some or all of the breach of professional standards set out in a complaint, the PSC need not refer to the Board those matters which have been admitted, but may make a recommendation to the Church authority directly.

58 Written report by PSC

58.1 The PSC must refer the question or questions to the Board by delivering to the President/Secretary of the Board a written report setting out:

(a) its investigation and opinion;

(b) a statement of any allegations of breach of professional standards made against the Church worker signed by a member of the referring body.

58.2 The report must be signed by a member of the referring body.

59 Complainant may refer dismissal of complaint to the Board

59.1 If the PSC refrains from further investigation and dismisses a complaint under sections 42.1 or 42.4, the complainant may refer the matter to the Board.

60 Board to invite submissions from parties

60.1 In the case of a reference pursuant to section 57.1, as soon as practicable after delivering the report referred to in section 58.1 to the President of the Board, the PSC must cause to be delivered to the respondent and, in the case of a complaint, the complainant, a copy of the report and opinion and notice to the effect that each party may advance written submissions to the Board if they wish to do so.

60.2 In the case of a reference pursuant to section 57.1, the PSC must advise the respondent and the complainant of the rights each has under this Statute and any relevant policies.

60.3 In the case of a reference pursuant to section 59.1, the Board will give notice to the complainant that they may advance written submissions to the Board if they wish to do so.

61 Documents and materials to be delivered to the Board

61.1 Within 14 days of the reference of a matter to the Board or within 14 days of the document or material coming to existence, whichever is the later:

(a) in the case of a reference pursuant to section 57.1, the PSC must cause to be delivered to the President of the Board any documents and material relevant to the reference; and

(b) in the case of a reference pursuant to section 59.1, the PSC must cause to be delivered to the President of the Board the written notice of the outcome including the reasons for the outcome given by the Director in relation to the decision by the PSC or the Director to dismiss the original complaint.

62 Board may give directions as to documents and conduct of inquiry

62.1 The Board may at any time and from time to time give directions:

(a) as to the inspection by and supply of copies to the respondent or any other person of the documents or material relevant to the reference; and

(b) the service of any witness statements, summary of proposed evidence, submissions or other documents on which a party may wish to rely; and

(c) as to the conduct of its inquiry into the matter,

and, for that purpose, the Board may be constituted by the President or Deputy President alone.

63 Resignation to have no effect

63.1 If after a complaint is referred to the Board, the respondent resigns from his or her role, office or position, the Board may continue to enquire into and determine the complaint, notwithstanding that resignation.

64 The role of the PSC on the reference

64.1 The PSC has the carriage of the matter before the Board and has the following functions:

(a) to present to the Board:

(i) the evidence on which it relies relevant to the reference;

(ii) any findings and recommendations it proposes that the Board should make;

(iii) any submissions in support; and

(b) to appear by the Director or other authorised representative at any hearing of the Board to assist the Board in its enquiry into the reference.

PART 5.5 – DETERMINATION OF COMPLAINT OR MATTER BY THE BOARD

65 How the Board is to respond to a reference

65.1 Where a matter is referred to the Board, the Board must consider the matter and may make any finding on any relevant question of fact, taking into account:

(a) the final report if any of the investigator including attachments;

(b) any further material received from the complainant and the respondent;

(c) any other relevant evidentiary material;

(d) such report of the PSC as may be submitted;

(e) any applicable professional standards; and

(f) the record of any court or tribunal.

65.2 In the event that the respondent has been charged with a criminal offence arising out of the same matter as the matter which has been referred to the Board, the Board may defer its consideration of the matter until the conclusion of the criminal proceedings.

65.3 The Board may adopt the decision of any court or tribunal or equivalent body by way of its determination, without the need for further inquiries or investigation.

66 Power to order further enquiry

66.1 Where the Board is satisfied that a complaint which was previously dismissed under section 42.1 or 42.4 requires further investigation, the Board may direct the PSC to undertake further inquiries or a fresh investigation and the PSC must, to the best of its ability, cause such directions to be carried out.

67 Notification of determination and recommendation

67.1 The Board must cause a copy of each determination and recommendation to be provided:

(a) to the relevant Church authority; and

(b) to the respondent; and

cause relevant details to be forwarded to the Director for entry into the national register.

68 Powers of the Board satisfied of unfitness

68.1 Subject to section 69.2, the Board may recommend to the Archbishop any one or more of the following:

(a) that the respondent be suspended from any role, office or position or from performing any function as the case may be for such period recommended by the Board;

(b) that the licence or authority of the respondent be revoked;

(c) that the respondent's contract of employment (if any) be terminated;

(d) that the respondent ceases to hold any role, office or position then held;

(e) that a prohibition order be made in terms specified by the Board;

(f) that the respondent's holding of any role, office or position or the performance of any function as the case may be, will be subject to such conditions or restrictions as the Board may specify;

(g) that the respondent be required to enter into a worshipping agreement with the Church authority, failing which they be excluded from entry or access to premises or activities of the Church either generally or in a specified location or circumstances;

(h) that the implementation of a determination be suspended for such period and upon such conditions as specified by the Board;

(i) that the respondent be counselled;

(j) that a person be appointed to promote a charge against the respondent before the Diocesan Tribunal;

(k) that the respondent be deposed from Holy Orders; or

(l) such other actions as the Board sees fit.

68.2 The Board may further recommend to the Church authority, without binding it, that:

(a) an apology or other acknowledgement be given to the complainant, survivor or other person affected by the abuse found to have been committed by the respondent; or that

(b) such other steps of a systemic or process or administrative nature be implemented by the Church authority as may be judged worthwhile to prevent or diminish in future the incidence of abuse and harm to any person.

69 When the Board must dismiss a complaint

69.1 If the Board is not satisfied that the respondent committed any alleged breach of professional standards or is satisfied that the complaint is false, vexatious or misconceived, the Board may determine accordingly and must dismiss the complaint.

69.2 If the Board is satisfied that the respondent did commit any of the alleged breach of professional standards but is not satisfied as to any of the matters in paragraphs 57.1(a)(i) or 57.1(a)(ii), the Board may determine accordingly and must take no further action in relation to the complaint.

70 Board may appoint persons to assist inquiry

70.1 The Board may, for the purpose of any particular reference, appoint such person or persons, including the Director, to assist it in inquiring into (but not determining) a reference as the Board thinks fit.

71 Board may seek further information

71.1 The Board may seek further information from the PSC and may at any time and from time to time give directions to it as to any further inquiries or investigation it requires to be carried out for the purposes of the reference and the PSC must, to the best of its ability, cause such directions to be carried out.

72 Where the Board may dismiss a complaint

72.1 If the Board:

(a) makes a finding that the respondent did not commit the alleged breach of professional standards; or

(b) is not satisfied as to any of the matters referred to in the foregoing sections 57.1(a) and 57.1(b),

the Board may dismiss the complaint or take no further action in relation to the complaint.

73 Proceedings of the Board

73.1 The Board must deal with a complaint or other reference as expeditiously as possible.

73.2 The Board may, as it sees fit, proceed with the determination of a reference or complaint notwithstanding that there may be mediation or conciliation proceedings relating to the subject matter of the reference or complaint being conducted by or at the direction of the referring body and notwithstanding that there may be criminal or other proceedings being taken against the respondent or some other person.

73.3 The place and time of sitting of the Board will be as determined by the President.

73.4 Subject to section 73.5, the Board must give the following persons reasonable notice of the time and place of the sitting of the Board: the Director, the respondent, the subject of any alleged abuse and such authorised persons as the Board believes have a proper interest in the matter.

73.5 The Board is not obliged to give notice of a sitting to a person whose whereabouts cannot, after reasonable enquiries, be ascertained.

PART 5.6 – APPLICATION FOR REVIEW OF A BOARD DECISION

74 Application for review

74.1 A respondent who is aggrieved by a reviewable decision may apply to the Director for a review of the decision.

75 Grounds for review of reviewable decisions

75.1 Application for review of reviewable decisions may only be made on any one or more of the following grounds:

(a) that a breach of the rules of natural justice happened in relation to the making of the reviewable decision which materially affected the Board's decision;

(b) that procedures that were required by this Statute to be observed in relation to the making of the reviewable decision were not observed, and the non-observance materially affected the Board's decision;

(c) that the Board did not have jurisdiction to make the reviewable decision;

(d) that the reviewable decision was so devoid of any plausible justification that no reasonable Board could have made it; or

(e) the availability of fresh and compelling evidence which, if available at the time, would be likely to have materially affected the Board's decision.

76 Stay of reviewable decisions

76.1 A Church authority must not give effect to a reviewable decision of the Board until the time for lodging an application for review has passed, and no application has been lodged.

76.2 The making of an application for review acts as a stay of the reviewable decision pending the determination by the Reviewer.

76.3 Nothing in this Part affects the power of a Church authority to take any action against a respondent which would be open to the Church authority apart from its powers under this Statute.

76.4 For a reviewable decision, the Board must not cause the relevant details to be forwarded for entry into the national register:

(a) until the time for lodging an application for review has passed, and no application has been lodged; or

(b) where an application for review is lodged, then after the application has been heard and determined.

77 Time limit and form of application for review

77.1 An application to the Director for review of a reviewable decision must be made within 14 days of the respondent being provided with a copy of the Board's determination and recommendation.

77.2 The application for review must:

(a) be in writing addressed to the Director; and

(b) set out the grounds for review.

78 Costs for review of reviewable decisions

78.1 On receipt of an application for review, the Director must immediately seek the appointment of a Reviewer.

78.2 Upon appointment of a Reviewer, the Director must ask the Reviewer for the Reviewer's estimate of the fee to be charged by the Reviewer in making a determination under this Part.

78.3 Upon receipt of advice as to the estimated fee, the Director must immediately notify the respondent.

78.4 Within seven (7) days of receipt of the Director's advice, the respondent must pay one-half of the estimated fee to the Reviewer, or to a person nominated by the Reviewer.

78.5 If the respondent fails to make the payment referred to in section 78.4, then the application for review will lapse.

PART 5.7 – PROCESS OF REVIEW OF A BOARD DECISION

79 Process of review

79.1 Any review must be by way of the review of the recommendation or determination that is the subject of the review and not by way of a re-hearing of the merits, or a re-hearing of the facts.

79.2 Subject to section 79.1, the manner in which the review is to be conducted will be determined by the Reviewer.

80 Determinations of Reviewer

80.1 On an application for review of a reviewable decision, the Reviewer may make all or any of the following:

(a) a determination quashing or setting aside the reviewable decision;

(b) a determination declaring the rights of the respondent in relation to any matter to which the reviewable decision relates;

(c) a determination directing either the respondent or the Board, to do, or to refrain from doing, anything that the Reviewer considers necessary to do justice between the parties;

and must cause a copy of the determination or finding to be provided to the Director.

80.2 The Reviewer may make such order as to the costs of the review as the Reviewer thinks fit.

81 Not used

PART 5.8 – IMPLEMENTATION OF RECOMMENDATIONS AND PUBLICATION

82 Church authority may give effect to recommendation

82.1 Upon receiving a recommendation under section 57.2 or under section 68.1, the Church authority having considered the recommendation must:

(a) give effect to that recommendation;

(b) give effect to any variation or modification of that recommendation, consistent with any facts found by the body making the recommendation, as the Archbishop sees fit insofar as the Archbishop has the power to implement that recommendation, or

(c) in any case where the Archbishop does not exercise direct authority over the person the subject to the recommendation, refer the recommendation to the appropriate Church agency or Church school.

83 Publication of decision of the Church authority

83.1 Subject to section 83.2, the Church authority may release to the public:

(a) a written statement disclosing their decision on any recommendation received in respect of a complaint and the steps to be taken or that have been taken pursuant to the preceding section to give effect to it; and

(b) such further material as it may determine with respect to the exoneration of the respondent or any action taken against a Church worker or other person subject to this Statute including the identity of that person.

83.2 The Church authority must ensure that any statement or further material so released is anonymised and redacted so as not to contain any particulars that identify or are likely to lead to the identification of a prescribed person.

84 Effect of deposition from Holy Orders

84.1 A person who has been deposed from Holy Orders in accordance with this Statute or in accordance with any ordinance, act, canon, constitution, statute, legislative measure or provision of the General Synod or the diocesan synod of another diocese:

(a) is incapable of officiating or acting in any manner as a bishop, priest or deacon of this Church;

(b) is incapable of accepting or holding an office in this Church capable of being held only by a person in Holy Orders;

(c) ceases to have any right, privilege or advantage attached to the office of bishop, priest or deacon;

(d) must not hold themselves out to be a member of the clergy; and

(e) cannot, without the prior consent of the Archbishop, hold an office in this Church which may be held by a lay person.

85 How deposition from Holy Orders effected

85.1 The deposition of a person from all or any Holy Orders by the Archbishop following the recommendation of the Board must be effected by the execution by the Archbishop of an Instrument of Deposition to that effect.

85.2 The Archbishop must not depose a person from Holy Orders:

(a) until the time for lodging an application for review has passed and no application has been lodged; or

(b) where an application for review has been lodged, the Reviewer has not set aside the Board's recommendation.

85.3 The Archbishop must forthwith:

(a) register the Instrument in the Registry of the Diocese;

(b) deliver a copy of the Instrument to the Bishop of the Diocese in which the person who is the subject of the Instrument was ordained;

(c) deliver a copy of the Instrument to the Registrar of the Primate; and

(d) cause relevant details to be forwarded to the Director for entry into the national register.

PART 6 – NATIONAL REGISTER

86 The National Register

86.1 The Director must enter into the national register all prescribed information in relation to a complaint or matter arising under this Statute or any policy approved under it.

86.2 The Director must keep the prescribed information in the national register confidential, and must not disclose any of it except as authorised under this Statute.

86.3 The national register must be accessible for inspection by the directors of professional standards or other authorised office holders of each participating diocese subject to password protection and to the condition in section 86.4.

86.4 Each person lawfully having access must keep confidential the information in the national register and must not disclose any of it except as authorised under this Statute or under the statute of any participating diocese.

86.5 A participating diocese means the Diocese and any other diocese the synod of which has enacted like legislation to this Statute and which by resolution of its diocesan bishop or archbishop commits to a common protocol or policy governing access to and use of information in the register.

PART 7 – CONFIDENTIALITY AND PUBLICATION

87 Duty of confidentiality

87.1 Subject to the provisions of this Statute, the Director, a member of the PSC, a member of the Board, a Church authority or a person employed or engaged on work related to the affairs of the PSC or the Board must not divulge information that comes to his or her knowledge by virtue of that office or position except:

(a) in the course of carrying out the duties of that office or position;
(b) as may be authorised by or under this Statute or any policy;
(c) as may be authorised or required by the National Register Canon 2007 or any canon prescribed by General Synod in substitution for that canon;
(d) in any proceedings before a diocesan tribunal, a provincial tribunal or the special tribunal;
(e) as may be required by law; or
(f) to any insurer or insurance broker of a Church body or Church authority where the information may give rise to or be relevant to a claim for indemnity by the Church entity or Church authority against the insurer or is relevant to obtaining or continuing insurance cover.

88 Duty of disclosure

88.1 The PSC must disclose to an equivalent body information in its possession concerning a Church worker or other person subject to this Statute, that is:

(a) relevant to, or arising during the course of an investigation being undertaken by the PSC where the PSC knows that the Church worker or other person subject to this Statute is residing in the diocese of the equivalent body; or
(b) concerning a breach of professional standards alleged to have occurred in the diocese of the equivalent body,

and may co-operate with any equivalent body.

89 Board may publish reasons publicly

89.1 The Board may release to the public its reasons for any determination without identifying any relevant parties.

90 PSC to report annually to Archbishop and Diocesan Council

90.1 Without disclosing the identity of any informant, complainant or the respondent, the PSC must report annually to the Archbishop and Diocesan Council on its activities for that calendar year.

90.2 The PSC must, in respect of every matter with which it is dealing, report either orally or in writing to the Archbishop with such frequency and as fully as the Archbishop may reasonably require.

PART 8 – INDEMNITY

91 Indemnification of those with functions under the Statute

91.1 The Perth Diocesan Trustees are hereby authorised, out of church funds, to indemnify:

(a) the Director and any delegate of the Director;
(b) any carer appointed under this Statute or any policy;
(c) the members of the PSC and each of them;
(d) any delegate of the PSC;
(e) the members of the Board and each of them;
(f) any person appointed by the Board pursuant to this Statute, including the secretary; and
(g) the Church authority or if more than one, each Church authority,

for any conduct by them in good faith and in the exercise or purported exercise of powers or functions, or in the discharge or purported discharge of duties under this Statute.

PART 9 – TRANSITIONAL PROVISIONS

92 Interpretation

92.1 In this Part:

commencement day means the day on which Professional Standards Statute 2021 comes into operation.

93 Appointments already made

93.1 Unless otherwise determined by the Archbishop or in accordance with any policy, any appointment to the PSC, the position of Director or to the Board current at the commencement day, is deemed to be an appointment made under this Statute.

94 Complaints already made

94.1 This section applies to a complaint within the meaning of that expression in this Statute if:

(a) the complaint was made before the commencement day; and
(b) the complaint has not been the subject of a determination or recommendation by the Director or the PSC before that day.

94.2 On and after the commencement day the complaint is to be dealt with under this Statute.

95 Current investigation

95.1 This section applies to an investigation of a complaint that the Director or the PSC has begun but not completed before the commencement day.

95.2 On and after the commencement day the investigation is to be conducted in accordance with this Statute.

96 Breach of professional standards to include conduct before commencement of this Statute

96.1 For the purposes of the definition of "breach of professional standards" in section 3.1 of this Statute, a reference to abuse or other conduct will be taken to be a reference to abuse or other conduct, whether occurring before or after the commencement day.

Schedule 1

TO:

I, ARCHBISHOP OF PERTH do by these presents hereby depose you from Holy Orders (particulars of which are set out below) in accordance with the recommendation of the Professional Standards Board of the Diocese of Perth.

PARTICULARS OF HOLY ORDERS

FULL NAME AND ADDRESS:			
	ORDAINING BISHOP	PLACE	DATE
ORDINATION AS DEACON:			
ORDINATION AS PRIEST:			
CONSECRATION AS BISHOP:			

DATED

LONG SERVICE LEAVE CANON 2010[1]
No 7, 2010

The General Synod prescribes as follows:

Title

1 This canon may be called the "Long Service Leave Canon 2010".

Commencement

2 (1) This Canon comes into operation on the first day of January next following the receipt by the General Secretary of General Synod of notices that it has been assented to by Ordinance of each of the dioceses that are participating dioceses under the Long Service Leave Canon 1992-1995 (the "Former Canon") (in this Canon called "the date of commencement").

(2) When the General Secretary of General Synod has received the necessary notices of assent for the purpose of sub-section (1), the General Secretary of General Synod shall notify as soon as possible each diocese of the date of commencement.

The Board

3 The Long Service Leave Board established by the Former Canon continues in existence under and subject to this Canon and the Schedule to this Canon.

The Fund

4 The Long Service Leave Fund maintained under the Former Canon continues in existence under and subject to this Canon and is in this Canon called "the Fund".

Repeal

5 The Former Canon, the Long Service Leave (Amendment) Canon 2001 and the Long Service Leave Canon 2007 are repealed except that (save as provided in this Canon expressly or by necessary implication) all persons things and circumstances appointed or created by or under the Long Service Leave Canon 1966-1987 ("the Initial Canon") or the Former Canon or existing or continuing under them immediately before the date of commencement under and subject to this Canon and the Schedule continue to have the same status operation and effect as they respectively would have had if the Initial Canon and the Former Canon had not been so repealed.

Entitlements

6 The provisions of the Long Service Leave scheme are prescribed in the Schedule.

Amendments to Schedule

7 (1) The Standing Committee of General Synod

(a) may make regulations relating to the general operation of this Canon;

(b) may, with the written consent of each Metropolitan, make such regulations amending the Schedule as the Standing Committee considers necessary for the purpose of ensuring that its provisions are consistent with legislation enacted by the Commonwealth, a State or Territory and applicable to the subject matter of this Canon.

(2) A regulation made under sub-section (1)(b) ceases to have effect on 31 December after the close of the next following ordinary session of General Synod.

8 Any amendments to the Schedule shall be advised to the participating dioceses and organisations within 60 days of the agreement in clause 8.

Financial Protection Canon

9 The Corporation referred to in the Schedule is declared to be an Organisation to which the Financial Protection Canon 1995 applies.

SCHEDULE

PART I: INTRODUCTORY

Definitions

1 (1) Under this Schedule or in any regulation made pursuant to the provisions of this Schedule except in so far as the context or subject matter otherwise requires or indicates-

"**Board**" means the Long Service Leave Board constituted under Part II of this Schedule;

"**Church**" means the Anglican Church of Australia;

"**Commencement Date**" means the date of commencement of the Long Service Leave Canon 2010;

"**Corporation**" means the company limited by guarantee incorporated under the law of Victoria under the name Anglican Long Service Leave Fund Limited;

"**Eligible Charity**" means an institution, fund or trust established and maintained for the advancement of religion or other public charitable purposes the income of which is exempt from income tax in Australia;

"**Former Canon**" means the Long Service Leave Canon 1992 -1995;

"**Fund Year**" means a period of 12 months ending on the 31st day of December, or on such other date as the Board may determine, and includes, if the Board determines another date, such period more or less than 12 months as the Board determines;

"**Initial Canon**" means the Long Service Leave Canon 1966-1987;

"**Member of the Clergy**" means –

[1] The Diocese of Perth assented to this canon pursuant to the "Long Service Leave Canon (No 7 of 2010) Adoption Statute 2011".

(i) a bishop of a diocese;
(ii) a person in holy orders collated instituted or licensed by the bishop of a diocese to the cure of souls in a parish or to any other appointment in a parish;
(iii) a bishop, dean, archdeacon, canon, principal, vice principal or tutor in holy orders of a university or theological college, a principal of a school or a chaplain, or other person in holy orders licensed to a distinct official position in the diocese or holding some other licence of the bishop of the diocese;
(iv) a person in holy orders on missionary service;
(v) for the purposes of this Schedule, in relation to a diocese the synod of which so resolves, a person licensed by the bishop of the diocese to exercise the office of deaconess in that diocese; or
(vi) the Bishop to the Defence Force and Defence Force chaplains in holy orders;

"**Notional Stipend**" means notional annual stipend within the meaning of section 41;

"**Ordinary Stipend**" in relation to a participant means stipend or salary at the rate paid to the participant immediately preceding the date on which the participant enters or is deemed to enter upon long service leave;

"**Parish**" includes any parochial district, or similar pastoral division constituted by or under ordinance of the synod of a diocese;

"**Participant**" means-
(i) a member of the clergy in receipt of an ordinary stipend; or
(ii) a person employed by a participating diocese or participating organisation who:
(a) with the consent of the Board is nominated as a participant by the participating diocese or participating organisation; or
(b) is a member of a class of people defined with the consent of the Board as a participant by the participating diocese or participating organisation;
for the purposes of this Schedule;

"**Participating Diocese**" means –
(i) a diocese of the Church which was a participating diocese for the purposes of the Initial Canon or the Former Canon; and
(ii) a diocese of the Church admitted under Part V of this Schedule to be a participating diocese;

"**Participating Organisation**" means –
(i) an organisation which was a participating organisation for the purposes of the Initial Canon or the Former Canon; and
(ii) an organisation admitted under Part V of this Schedule to be a participating organisation;

"**Proper Officer**" in relation to a participating organisation, means the person particulars of whose office, name and address are furnished to the Board by the participating organisation as those of the proper officer for the time being of the organisation for the purposes of this Schedule;

"**Qualifying Service**" means qualifying service within the meaning of section 34;

[2]"**Quarter**" means a period of three months ending on the last day of March, June, September or December;

"**Revised Entitlement Date"** means the last day of the quarter in which this canon comes into force;"

"**Sabbatical Allowance**" means an allowance paid to a participant to assist with the cost of taking leave;

"**Service**" means paid service in a full time or part time capacity as a participant;
(i) in a diocese of the Church or in a diocese which was formerly part of the Church;
(ii) as a missionary being service which the Board with the approval of the Standing Committee prescribes either generally or in a particular case to be or to have been missionary service; or
(iii) as an employee of a participating organization and includes any period during such service of annual holiday leave or of furlough and any period of long service leave under the Initial Canon and/or Former Canon or this Schedule, and "serve" and "serving" have corresponding meanings; and

"**Standing Committee**" means the Standing Committee of General Synod.

(2) Except in so far as the context or subject matter otherwise requires or indicates, words importing the singular number include the plural number and vice versa and words importing the masculine gender import the feminine and except for the word "deaconess", words importing the feminine gender import the masculine.
(3) Headings of parts of this Schedule are deemed to be part of this Schedule but the headings to sections and any footnotes are not.

PART II: THE BOARD

The Board

2 For the purposes of this Schedule there is a Board called the Long Service Leave Board.

Membership

3 (1) A person may not be elected a member of the Board who has been declared by any competent court incapable of managing his or her affairs;
(2) Subject to section 4, the Board consists of 9 persons namely –
(a) 1 member of the House of Bishops;
(b) 2 members of the House of Clergy;

[2] Inserted Synod 2015

(c) 4 lay members of this Church;
each of them elected at an Ordinary Session of General Synod by the House of which that person is a member, or in the case of lay members, by the House of Laity and

(d) 2 members appointed by the Board for such term (not exceeding 3 years) as the Board may determine.

(3) Upon the date of commencement, the persons who held office as members of the Board established by the Former Canon hold office as members of the Board established by this Schedule as if duly elected by the respective House of General Synod of which they are members, or in the case of lay members by the House of Laity.

(4) A member of the Board to whom sub -section (3) applies holds office, subject to this Schedule, until:

(a) in the case of the member who is elected by the House of Bishops, or of the member who is elected by the House of Clergy and the 2 members who are elected by the House of Laity to whom this paragraph applies, the first ordinary session of General Synod next following the date of commencement; or

(b) in the case of any other of those members - until the second ordinary session of General Synod next following the date of commencement.

(5) The members elected by the House of Clergy, and the members elected by the House of Laity, respectively, shall determine among themselves which member elected by the House of Clergy and which 2 members elected by the House of Laity paragraph 3(4)(a) shall apply to and, failing determination within 1 month after the date of commencement, the General Secretary of General Synod shall make the determination by lot.

(6) Subject to sub-section 3(4):

(a) a member of the Board elected by the House of Bishops holds office until the ordinary meeting of General Synod next following the election of the member; and

(b) a member of the Board elected by the House of Clergy or House of Laity holds office until the second ordinary session of General Synod next following the election of the member.

(7) A member of the Board is eligible for re-election.

Vacancies

4 (1) A member of the Board ceases to hold office if the member –

(a) resigns;

(b) dies;

(c) is declared by any competent court incapable of managing his or her affairs and remains so;

(d) fails to attend three successive meetings of the Board without leave of the Board; or

(e) is removed by resolution of the Standing Committee.

(2) The Standing Committee by resolution may at any time –

(a) remove a member of the Board from office; or

(b) fill a vacancy which occurs in an office of member of the Board.

(3) If a vacancy is filled by the Standing Committee under sub -section (2) the office of a member of the House of Bishops must be filled by a member of the House of Bishops, the office of a member of the House of Clergy must be filled by a member of the House of Clergy and the office of a lay member must be filled by a lay member of this Church.

(4) A vacancy or the omission to fill a vacancy does not affect the acts or authority of the Board.

(5) A person appointed to fill a vacancy holds office for the balance of the term of the person being replaced.

Chair

5 (1) The Board at its first meeting after each General Synod must elect from among its members a person to occupy the chair.

(2) In the absence of that person from a meeting of the Board the members present must elect from among themselves some other person to occupy the chair.

Quorum

6 The quorum for a meeting of the Board is 5 members.

Functions

7 The functions of the Board are the management and control of the Fund and any other functions which this Canon or the regulations require to be performed and does not vest in some other body or person.

Powers

8 (1) The Board in performance of the functions vested in it by this Schedule has such powers as –

(a) are necessarily incidental to or convenient for the due performance of those duties; or

(b) are expressly vested in the Board by this Schedule.

(2) The Board may employ as agents and pay –

(a) any accountant, actuary, banker, barrister, solicitor, estate agent, fund manager, insurance broker, stockbroker or other professional person;
or

(b) any suitably qualified organisation;
to perform any function of the Board under the Long Service Leave Canon 2010 and this Schedule.

Rules and Regulations

9 (1) Subject to Part IV of this Schedule the powers of the Board include the power by resolution of the Board to make rules and regulations not inconsistent with this Schedule and necessary or convenient to be made for giving effect to this Schedule including, but without limiting the generality of the foregoing, with respect to –

(a) the Board's own proceedings records and reports including the procedure for the making of rules and regulations and, without divesting itself of its responsibilities under this Schedule, the appointment of committees of its members and co-option to membership of any such committee;
(b) the contracting out to a suitably qualified organisation of the day to day administration of the Fund in accordance with the directions of the Board;
(c) the appointment of all necessary officers, definition of their duties and their remuneration (if any);
(d) money property investments and audit;
(e) actuarial investigations consultation approval and advice;
(f) contributors;
(g) benefits; and
(h) any matters in which under this Schedule the Board has a discretion power or duty.

(2) Upon making a rule or regulation the Board must cause notice of its terms to be given to the Standing Committee, to the Registrar of every participating diocese and to the proper officer of every participating organisation.

(3) On the first day of the first Ordinary Session of General Synod after the making of a rule or regulation a copy of the rule or regulation must be laid before the Synod and it is lawful for the Synod at that session to disallow it, but disallowance by Synod does not invalidate or affect anything done or contracted to be done under a rule or regulation before its disallowance.

(4) The Standing Committee may disallow a rule or regulation made by the Board at the first meeting of the Standing Committee after notice is given under sub - section (2) but the disallowance does not in validate or affect anything done or contracted to be done under a rule or regulation before its disallowance.

(5) Upon disallowance by General Synod or the Standing Committee of a rule or regulation made under this Schedule the Standing Committee must cause notice of the disallowance to be given to the Board, to the Registrar of every participating diocese and to the proper officer of every participating organisation.

(6) Where a rule or resolution is disallowed, any other rules or resolutions made by the Board have effect as if the disallowed rule or resolution had never been made.

Actuarial Advice

10 No power or duty of the Board which entails actuarial knowledge, calculation or judgment may be exercised without obtaining and considering the advice of the Actuary.

Discretions

11 Subject only to this Schedule, the Board in exercise of the authorities, powers and discretions vested in it under this Schedule has an absolute discretion and –
(a) may exercise all or any of its powers, authorities and discretions from time to time; or
(b) (except so far as it may be necessary to give effect to any legal or enforceable rights of any person) may refrain from exercising all or any of its authorities, powers and discretions from time to time or at all.

Declaration of Interest

12 (1) Every member of the Board who –
(a) is or becomes in any way, whether directly or indirectly, interested in a contract or proposed contract with the Corporation; or
(b) holds an office or possesses property whereby whether directly or indirectly duties or interests might be created in conflict with that member's duties as a member of the Board; must as soon as practicable after the relevant facts have come to that member's knowledge declare the facts nature and extent of the interest or conflict at a meeting of the Board.

(2) That member must not for so long as the interest exists, or the conflict is possible vote on any resolution of the Board touching that contract or property or office without the consent of all of the other members of the Board present.

(3) The requirements of the preceding paragraphs or subsections of this section do not apply in any case where the interest consists only of –
(a) an interest in a contract or proposed contract with the Corporation if the interest of the member of the Board may properly be regarded as not being a material interest;
(b) that member's interest as a participant; or
(c) being an honorary office holder in an organisation or corporation with which the Corporation contracts

Indemnity

13 (1) A person is entitled to be indemnified out of the Fund for any personal liability incurred by that person while acting within the authority conferred by this Schedule upon him or her as a member of the Board or officer or other appointee of the Board unless the personal liability is occasioned by that person's own dishonesty or by his or her willfully and knowingly being a party to an act resulting in the personal liability.

(2) In relation to a person mentioned in subsection 13 (1) the expression "personal liability" means liability for –
(a) any of his or her acts, receipts, neglect or default or those of any other Board member, officer or other appointee of the Board;
(b) involuntary loss or misapplication of the Fund or of any entitlement payable from the Fund;
(c) any loss which results from the insufficiency of any security or from any investment made by the Board in good faith; or
(d) any loss brought about by a person or organisation employed under section 8 to perform a function of the Board in performing that function.

Money

14 (1) The Board must collect, and pay promptly into a bank, in the name of the Fund, all money paid to the Fund.

(2) The Fund must be applied by the Board to the purposes of this Schedule but the expenses of the Board and of the management of the Fund are a first charge on the Fund.

(3) A member of the Board or officer or other person appointed by the Board is entitled to be reimbursed or to have paid or discharged out of the Fund all expenses properly incurred in the performance of the duties of his or her office.

Financial Statements and Audit

15 The Board must –

(a) keep account of all money received by and disbursed from the Fund and all dealings in connection with that money;

(b) keep appropriate records and accounts in proper order, and make suitable arrangements for their custody and for custody of documents relating to the investments;

(c) prepare or have prepared as soon as practicable after the end of each Fund Year financial statements consisting of a balance sheet as at the end of the Fund Year and a statement of income and expenditure for that Fund Year;

(d) have the financial statements of the Fund audited by an auditor appointed by the Board; and

(e) require a report to be given to the Board by the auditor in respect of each such audit.

Reporting

16 (1) The Board must once at least in every year have copies of the audited financial statements together with a short report of the Fund's operations for the year provided to –

(a) the Standing Committee;

(b) the Bishop and Registrar of every participating diocese; and

(c) the proper officer of every participating organisation.

(2) A report of the proceedings of the Board since the previous Ordinary Session of General Synod together with a copy of all financial statements and reports under sub-section 16(1) made since that Session must be laid before each Ordinary Session of General Synod.

Limit of Payment

17 Notwithstanding anything in this Schedule the Board is not bound to make any payment except out of funds held by it for the purposes of this Schedule.

Insufficient Funds

18 In the event of the funds held by the Board at any time being insufficient to make all the payments at that time payable by it under this Schedule the Board, subject to any direction of the Standing Committee, must make such payments as in its opinion are fair and equitable in the circumstances.

PART III: THE CORPORATION

Appointment

19 So far as the Corporations Act 2001 permits, the Board of the Fund must procure at all times that under the Memorandum and Articles of Association of the Corporation –

(a) there must be not less than 5 members of the Corporation;

(b) except as provided in paragraph 19(a) the number of members of the Corporation always equals the number of members of the Board of the Fund;

(c) the members of the Corporation are those persons who from time to time are the members of the Board of the Fund and have consented to be members of the Corporation;

(d) only persons who are members of the Corporation are eligible to be directors of the Corporation and all members of the Corporation are directors of the Corporation; and

(e) a person who ceases to be a member of the Board of the Fund ceases to be a member of the Corporation.

Removal of Members

20 So far as the Corporations Act 2001 permits, the Board of the Fund must procure at all times that under the Memorandum and Articles of Association of the Corporation a member of the Corporation who –

(a) is continuously absent from the Commonwealth of Australia for more than 3 months without the consent of the remaining members of the Corporation;

(b) resigns;

(c) fails to attend 3 successive meetings of the Directors of the Corporation without leave of the Board of the Corporation;

(d) becomes bankrupt; or

(e) in the opinion of the remaining members of the Corporation or a majority of them otherwise becomes incapable or unworthy of acting; may be removed from office by the remaining members of the Corporation at a meeting of which 14 days' notice has been given to that member wherever resident and to all other members of the Corporation for the time being in the Commonwealth of Australia.

Powers of Investment and Borrowing

21 (1) The Corporation acting upon the direction of the Board of the Fund has power –

(a) to invest the assets of the Fund;

(b) to vary or realise those investments; and

(c) to underwrite or sub-underwrite the issue of any investments authorised under this Schedule.

(2) The Corporation acting upon the direction of the Board of the Fund has power from time to time to borrow, or maintain an existing borrowing of money, whether by way of a secured or unsecured loan with a bank or other institution.

Duty of Investment

22 Subject to –

(a) the direction of the Board of the Fund; or

(b) the direction (if any) of –

(i) General Synod; or

(ii) the Standing Committee;

the Corporation must invest such part or the whole of the Fund in such names in such manner and subject to such conditions as the Board of the Fund in its sole discretion determines.

PART IV: THE ACTUARY

Appointment

23 The Board must appoint an Actuary with appropriate qualifications and experience.

24 The Actuary holds office for a term of 3 years or such lesser period as is specified by the Board but is eligible for re-appointment for a further term. Actuarial Responsibilities

25 (1) The Board must cause actuarial investigations of the affairs of the Fund to be made at such intervals not exceeding 3 years as may be decided by the Board.

(2) An actuarial report must be given to the Board in relation to each investigation referred to in sub-section 25(1).

(3) Arising from an actuarial investigation the Board may make, alter or rescind rules or regulations under section 9 relating to benefits payable to participants.

(4) The Actuary must give advice to the Board upon the request of the Board and may give advice at other times.

PART V: CONTRIBUTIONS

Additional Participating Dioceses

26 Where the synod of a diocese which is not then a participating diocese adopts this Schedule, the Board may admit the diocese to be a participating diocese upon such terms and conditions (including terms as to retrospectivity) as the Board with the advice of the Actuary may determine.

Participating Organisation

27 (1) An organisation which engages 1 or more members of the clergy and agrees to the terms and conditions of participation in the scheme of this Schedule, upon application to and approval by the Board, becomes a participating organisation.

(2) A participating organisation may make contributions to the Fund on the account of any participant. Contributions must be of the amount and made at the times which would be appropriate if that participant were rendering qualifying service in a participating diocese.

Amount of Contributions

28 Subject to any direction of the General Synod or of the Standing Committee the rate of annual contribution for the purpose of this Schedule –

(a) must be set by the Board; and

(b) applies from the following first day of January.

Responsibility for Contributions

29 (1) This section applies to a parish institution or organisation (not being a participating organisation) in a participating diocese which is responsible for the payment of the stipend or salary of any participant rendering qualifying service in that diocese, unless the diocese determines to the contrary.

(2) Where this section applies the parish institution or organisation must pay to the proper officer of the diocese in respect of each day during which it is responsible for the payment of the stipend or salary of the participant an amount equal to a 365th part of the annual contribution fixed under section 28.

Payment of Contributions to Diocese

30 Each amount payable to a diocese under section 29 is payable at such times and in such manner as the diocese prescribes.

Payment of Contributions to the Fund

31 (1) Each participating diocese or participating organisation must pay a contribution to the Fund within 14 days of the last day of the months of March, June, September and December in each year in respect of each participant receiving stipend or salary as a member of that diocese or organisation who has rendered qualifying service in that diocese or organisation during the whole or any part of the quarter ending on that day. The contribution must be so much of the annual contribution fixed under section 28 of this Schedule as is apportionable to the number of completed days of the member's qualifying service so rendered during the quarter.

(2) In the event of payments not being made within the time limit in subsection 31(1) interest on the late payment calculated on a daily basis at a rate set by the Board from time to time may be charged at the discretion of the Board.

PART VI ENTITLEMENTS

General

32 Subject to this scheme every participant serving in a participating diocese or with a participating organisation is entitled to long service leave on his or her ordinary stipend or salary.

Amount of Long Service Leave

33 (1) The amount of Long Service leave entitlement for a participant is:

(a) on completion of 10 years of qualifying service an amount of long service leave calculated:

(i) at the rate of 10 weeks for 10 years qualifying service in respect of each year of qualifying service prior to the Commencement Date; and

"(ii) [3]at the rate of 13 weeks for 10 years qualifying service in respect of each year of qualifying service from and after the Commencement Date until and including the Revised Entitlement Date; and

(iii) at the rate of 10 weeks for 10 years qualifying service in respect of each year of qualifying service after the Revised Entitlement Date."

(b) subject to sub-clause 35(2), on completion of each subsequent year of qualifying service an amount of long service leave calculated;

(i) at the rate of 1 week for each year of qualifying service in respect of each year of qualifying service prior to the Commencement Date; and

"(ii) [4]at the rate of 13 weeks for 10 years qualifying service in respect of each year of qualifying service from and after the Commencement Date until and including the Revised Entitlement Date; and

(iii) at the rate of 10 weeks for 10 years qualifying service in respect of each year of qualifying service after the Revised Entitlement Date."

(c) on completion of a period of qualifying service fixed by the Board under sub-section (3), a period of leave fixed by the Board under sub-section (3).

(2) Sub-section (3) applies where in the opinion of the Board –

(a) the relevant circumstances of a participant are abnormal; and

(b) it would be to the disadvantage of the participant for sub-section (3) not to apply.

(3) Where this sub-section applies the Board may fix –

(a) (i) a period of qualifying service of less than 10 years where the participant has not completed 10 years qualifying service; or

(ii) a period of less than 5 years further qualifying service where the participant has completed 10 years qualifying service and part only of any subsequent period of 5 years qualifying service; and

(b) a period of long service leave to which the participant is entitled upon completion of the period fixed under paragraph 33(3)(a).

(4) Where long service leave has been taken by a participant the participant's long service leave entitlement is reduced accordingly.

(5) An entitlement under this section only arises in respect of completed years of qualifying service.

Qualifying Service

34 (1) Qualifying service means –

(a) service at any time whether before or after Parts II and III of the Initial Canon came into force –

(i) in a diocese the synod of which resolved before or within 12 months after the coming into force of those Parts that the diocese participate in the scheme of the Initial Canon; and

(ii) in that part of the Diocese of Carpentaria which became the Diocese of the Northern Territory by virtue of the Diocese of the Northern Territory Formation Canon of 1966;

(b) service at any time after Parts II and III of the Initial Canon came into force -

(i) in any other diocese after that diocese has become a participating diocese; or

(ii) in a participating organisation after that organisation has become a participating organisation.

(2) Notwithstanding any other provisions of this Schedule, in calculating the length of qualifying service of any participant the following must not be taken into account –

(a) any excess over 15 years' service rendered before Parts II and III of the Initial Canon came into force;

(b) any service rendered after Parts II and III of the Initial Canon and the Former Canon came into force in respect of which –

(i) the contributions mentioned in Part V have not been paid; or

(ii) where that service is missionary service, in respect of which there has not been paid to the Fund a sum which corresponds to the aggregate of the contributions which would have been payable in respect of a like period of service in a participating diocese;

(c) any period of service in respect of which leave has been taken or payment made under the provisions of the Initial Canon, the Former Canon, this Schedule or of any other long service leave scheme,

(d) any period of service which is taken into account under any Act of any Parliament award or industrial agreement in calculating an entitlement to leave in the nature of long service leave or payment in lieu of such leave whether the Act award or industrial agreement is made before or after any part of this Schedule came

[3] Inserted Synod 2015

[4] Inserted Synod 2015

into force. This paragraph does not apply however in calculating the length of qualifying service of any participant who has made application under subsection 34(3).

(3) (a) When on a particular date a participant has –
(i) begun to render qualifying service; or
(ii) resumed rendering qualifying service;
the participant may make application to the Board to be deemed to have begun or resumed rendering that service on an earlier date.

(b) The Board, acting upon actuarial advice, may determine a date from which and conditions (including conditions as to payment of contributions in respect of the period between the last mentioned date in paragraph 34(3)(a) and the first mentioned date) subject to which the applicant under paragraph 34(3)(a) is deemed to have begun or resumed rendering qualifying service as the case may be.

(c) In making a determination under paragraph 34(3)(b) the Board –
(i) must take into account without further contribution any period of less than 10 years qualifying service which ended less than 5 years before the date of the determination; and
(ii) may take into account any period of less than 10 years qualifying service which ended 5 or more years before the date of the determination;
in respect of which the participant has not under the Initial Canon, the Former Canon or this Schedule taken leave or received payment.

(d) The Board is not required to maintain a record of qualifying service for more than five years after the qualifying service ceases to be rendered by reason only of –
(i) anything in this sub-section; or
(ii) the qualifying service having been rendered (wholly or partly) before the commencement of this Schedule.
Where any such record has existed, but no longer exists, the Board –
(iii) may still determine a date under paragraph (b); and
(iv) if it sees fit may at any time reconstruct the record to its satisfaction and rely on the reconstructed record.

Periods of Leave

35 (1) Leave may be granted and taken in 1 continuous period or if the participant and the diocese or participating organisation so agree in separate periods as follows –
(a) where the amount of the leave exceeds 5 weeks but does not exceed [5]10 weeks, in 2 separate periods; or
(b) where the amount of the leave exceeds [6]10 weeks, in 2 or 3 separate periods.

(2) Any period of leave granted pursuant to sub-section (1) must be comprised of complete weeks each comprised of 7 days.

Annual Holidays Excluded

36 Long service leave taken under this Schedule is exclusive of annual holidays but is inclusive of all other days off occurring during the leave.

When Leave to be Taken

37 Where a participant has become entitled to long service leave under this Schedule the leave must be given, and the participant must take the leave –
(a) where the participant is serving in a participating diocese, as soon as practicable having regard to the needs of the diocese in which the participant is serving except that after an entitlement to leave has accrued the diocese and the participant may agree that the taking of the leave be postponed until an agreed date; or
(b) where the participant is not serving in a participating diocese or is serving in a participating organisation, as soon as practicable having regard to the needs of the Church or the participating organisation.

Priority as Between Participants

38 Participating dioceses and participating organisations determine the order in which participants entitled to long service leave take that leave but, in determining that order, ordinarily must give priority to those who have rendered the longest qualifying service.

Notice of Leave

39 Every participating diocese or participating organisation must give to each participant, unless that participant otherwise agrees, at least 3 months' notice of the date from which it is proposed that the participant's long service leave shall be given and taken.

PART VII: NATURE OF SERVICE

40 (1) Every participating diocese or participating organisation must advise the Board if a participant begins or concludes part-time service.

(2) Where a participating diocese or participating organisation advises the Board in accordance with sub-section 40 (1) they shall advise the Board of the equivalence of that service to full -time service in that participating diocese or participating organisation.

[5] Amended Synod 2015
[6] Amended Synod 2015

(3) Any payment or apportioned payment made by the Board in relation to a participant on part-time service shall be pro-rated in accordance with the advice given by the participating diocese or participating organisation in accordance with sub-section 40 (2).

PART VIII: PAYMENT

Notional Stipend

41 (1) The Standing Committee acting upon the advice of the Board may from time to time determine –

(a) a notional annual stipend in respect of all participants expressed as a sum per annum; or

(b) a notional annual stipend as so expressed in respect of each of two or more categories of participants determined by the Standing Committee on the advice of the Board; effective from the next first day of January.

Sabbatical Allowance

42 (1) In respect of each day of long service leave actually taken the rate at which sabbatical allowance is payable is:

(a) subject to paragraph 42(1)(b) a rate per day equal to 35.5% of a 365th part of the notional stipend pro-rated for the nature of service; or

(b) if the Standing Committee, acting on the advice of the Board, fixes another rate per day, the rate so fixed for the time being.

Normal Payment

43 (1) Where a participant whose salary or ordinary stipend is paid by a participating diocese, by a parish, institution or organisation in a participating diocese or by a participating organisation, enters upon a period of long service leave –

(a) the participant must be paid his or her salary or ordinary stipend in respect of that period of leave either –

(i) in a single payment when the participant enters upon the period of leave; or

(ii) at the time or times at which the participant's salary or stipend would have been paid if he or she had not taken leave.

(b) (i) the Board must pay to the diocese in which the participant was serving or the participating organisation by which the participant was employed immediately before he or she entered upon the leave a sum equal to so much of the notional annual stipend as is apportionable to that period of leave and pro-rated for the nature of service.

(ii) where the salary or ordinary stipend of the participant is not paid by the diocese itself the diocese must remit that sum to the parish institution or organisation by which such salary or stipend is paid; and

(c) the Board in addition must pay to the diocese or participating organisation a sabbatical allowance in respect of that period of leave and pro-rated for the nature of service and that sabbatical allowance must be paid in full to the participant.

(2) Upon a payment being made by the Board under this section the liability of the Fund in respect of the participant for whose benefit it is paid is discharged to the extent of that payment.

Payment Direct to Participant

44 (1) Where a participant whose ordinary salary or stipend is not paid by a participating diocese, by a parish institution or organisation in a participating diocese or by a participating organisation enters upon a period of long service leave the Board must pay directly to the participant so much of the notional annual stipend as is apportionable to the period of that leave and pro-rated for the nature of service and a corresponding sabbatical allowance.

(2) The Board may make the payment under subsection 44(1) conditional upon the participant entering into such an agreement with it relating to the acceptance by the participant of other payments in the nature of stipend salary or wages or the like as the Board deems proper.

Payment in lieu on Death

45 "(1)[7]When the qualifying service of a participant terminates by reason of the participant's death then an amount for each completed year of service is to be paid, equal to –

(a) one week for each year of qualifying service performed prior to the Commencement Date; and

(b) 1.3 weeks for each year of qualifying service performed on or after the Commencement Date until and including the Revised Entitlement Date; and

(c) one week for each year of qualifying service performed after the Revised Entitlement Date -

of the notional stipend current at the date of the participant's death together with a proportionate payment for any incomplete year of qualifying service rendered."

(2) The amount payable under sub-section 45(1) –

(a) is not to include the sabbatical allowance; and

(b) is payable to such person or persons as the Board determines.

Payment in Lieu on Resignation or Retirement

46 (1) [8]"When the qualifying service of a participant terminates other than by reason of the participant's death and –

(a) the participant has completed at least 5 years qualifying service; and

(b) subsection 33(3) does not apply –

[7] Amended Synod 2015

[8] Amended Synod 2015

then the participant is to be paid an amount equal to –

(c) one week for each year of qualifying service performed prior to the Commencement Date; and

(d) 1.3 weeks for each year of qualifying service performance on or after the Commencement Date until and including the Revised Entitlement Date; and

(e) one week for each year of qualifying service performed after the Revised Entitlement Date –

of the then current notional stipend and pro-rated for the nature of service together with a proportionate payment for any incomplete year of qualifying service rendered and pro-rated for the nature of service."

(2) The amount payable under sub-section 46(1) is not to include a sabbatical allowance.

Payment to Another Fund

47 (1) Where the participating diocese or organisation which contributes in respect of a participant gives notice to the Board under this section then at the expiration of three months from the date of giving notice the Board is empowered to exercise its discretion under subsection 47(2) as if the participant had resigned at the expiration of the period of three months.

(2) Where a participant resigns, and the Board satisfies itself –

(a) that the participant intends to continue or resume employment under conditions of employment where contributions are to be made to another fund or organisation whose constitution and rules for the payment of benefits are similar to those of the Fund ("the other Fund"); and

(b) that employment is, or will become, available to the participant to take up;

the Board in its discretion, exercisable at any time before payment is made under this Part, may decide that this section applies, whether or not the participant has completed 10 years of qualifying service.

(3) If the Board decides that this section applies section 46 does not.

(4) Where this section applies and –

(a) the participant has completed 10 years or more of qualifying service; or

(b) the participant had not completed 10 years of qualifying service but has completed a period of less than 10 years qualifying service fixed under sub-section 33(3);

the Board must pay the amount payable under this section either to the other fund or to the participant, as the Board sees fit.

(5) Where this section applies but the participant has not completed 10 years or more of qualifying service or a period of less than 10 years qualifying service fixed under sub-section 33(3), the Board at its sole discretion may fix the participant's completed service as qualifying service under sub -section 33(3), and must pay the amount payable under this section to the other fund.

(6) [9]"The amount payable under this section is an amount equal to –

(a) one week for each year of qualifying service performed prior to the Commencement Date; and

(b) 1.3 weeks for each year of qualifying service on or after the Commencement Date until and including the Revised Entitlement Date; and

(c) one week for each year of qualifying service performed after the Revised Entitlement Date –

of the then current notional stipend and pro-rated for the nature of service together with a proportionate payment for any incomplete year of qualifying service rendered and pro-rated for the nature of service."

(7) The Board may at any time before payment is made under this section revoke its decision, in which case this section no longer applies and section 46 once again applies.

PART IX: GENERAL

Winding Up

48 (1) In this section –

"**End Date**" is the date on which the Fund is wound up or dissolved.

"**Liability of the Fund for long service leave benefits**" means the liability of the Fund for long service leave benefits payable under the Canon determined in accordance with applicable Australian Accounting Standards or similar standards applicable from time to time.

"**Successor Fund**" means an entity, fund, authority or institution of similar purpose to the Fund and whose constitution or trust deed and rules for the payment of benefits are as nearly as possible similar to those of the Fund, and which is an Eligible Charity.

"**Surplus Assets**" means, in respect of the Fund as at the End Date, the assets, property or money of the Fund, remaining after satisfaction of, or provision for, the debts and liabilities of the Fund, other than the liability of the Fund for long service leave benefits.

(2) If –

(a) the Fund is wound up or dissolved for any reason, and

(b) on the End Date there are Surplus Assets of the Fund,

the Surplus Assets are to be paid or transferred in accordance with this section.

(3) The Surplus Assets are to be paid or transferred in accordance with the following provisions –

(a) Each Participating Diocese and Participating Organisation as at the End Date is to nominate to the Board a Successor Fund for that Participating Diocese or Participating Organisation.

[9] Amended Synod 2015

(b) If a Participating Diocese or Participating Organisation does not nominate a Successor Fund to the Board within 6 months after request made by the Board, the Successor Fund for that Participating Diocese or Participating Organisation will be determined by the Board with the approval of the Standing Committee.

(c) The Board will pay from the Surplus Assets to the Successor Fund nominated by a Participating Diocese or Participating Organisation an amount ("A") calculated in accordance with the following formula –

A = B/C x D

where –

B is the liability of the Fund for long service leave benefits, which relate to Participants for whom that Participating Diocese or Participating Organisation made or was liable to make contributions to the Fund under section 31(1) for or in respect of the last complete quarter ending on or before the End Date.

C is the liability of the Fund for long service leave benefits, which relate to all Participants for whom Participating Dioceses or Organisations made or were liable to make contributions to the Fund under section 31(1) for or in respect of the last complete quarter ending on or before the End Date.

D is the total value of the Surplus Assets.

(d) If on the End Date a Participating Diocese or Participating Organisation has not paid any contribution for which it is liable under section 31(1), A must be reduced by the amount of any such unpaid contribution.

(4) Each Successor Fund must assume the liability of the Fund for long service leave benefits in respect of the Participants for whom the relevant Participating Diocese or Participating Organisation made or was liable to make contributions to the Fund under section 31(1) for or in respect of the last complete quarter ending on or before the End Date.

DEFENCE FORCE MINISTRY CANON[1]

Canon 19, 1985

A canon to provide for the office of bishop to the defence force, for the licensing of chaplains serving in the defence force and for other purposes

The General Synod prescribes as follows:

1 This canon may be cited as "Defence Force Ministry Canon 1985".

2 In this canon -

"Bishop to the Defence Force" means the bishop appointed and holding office from time to time under this canon;

"Defence Force Board" means the Defence Force Board constituted under the Defence Force Board Canon 1985.

2A (1) The Primate may, with the approval of a majority of the Metropolitans and of the Defence Force Board, appoint a person in Holy Orders to the office of Bishop to the Defence Force.

(2) If the person so appointed is not already a bishop, the person shall not be consecrated as bishop unless the canonical fitness of the appointee shall have been certified in writing by the Primate and the Metropolitans.

(3) A person appointed to the office of Bishop to the Defence Force shall not enter upon the office unless consecrated as bishop."

2B (1) Before making an appointment to the office of Bishop to the Defence Force, the Primate shall obtain from the Defence Force Board notification of the stipend and allowances to be paid or provided as the case may be to the Bishop to the Defence Force.

(2) No appointment as Bishop to the Defence Force shall be made by the Primate until a majority of the Metropolitans have informed him in writing that they are satisfied that sufficient stipend and allowances will be provided for the occupant of the office".

3 The Bishop to the Defence Force shall be a bishop assistant to the Primate and shall be responsible to the Primate for episcopal oversight of the chaplains serving in the Defence Force and of the ministrations of the Church among men and women of the Defence Force and their families.

4 Subject to the constitution the Bishop to the Defence Force shall hold office at the discretion of the Primate provided that the Bishop to the Defence Force shall continue in office notwithstanding any vacancy in the office of Primate and provided further that the term of office of a Bishop to the Defence Force shall expire -

(a) upon his resignation from the office

(b) upon his attaining the age of 65 years

whichever first occurs.

5 (1) (a) The Bishop to the Defence Force shall advise the Primate as to persons who are under consideration for appointment as chaplains in the Defence Force;

(b) upon a chaplain's appointment by the secular authorities, the Primate may in his discretion, either personally or by the Bishop to the Defence Force, grant to the chaplain a licence in or to the effect of the prescribed form authorising the chaplain to minister in Defence Force ships, establishments and areas of operations to members of the Defence Force and their families wherever they reside;

(c) prior to posting to any Defence Force ship, establishment or area of operation, the bishop of the diocese in which the Defence Force ship, establishment or area of operation is located shall where practicable be advised by the Bishop to the Defence Force or the Principal Chaplain of the intention to post the chaplain;

(d) upon a chaplain commencing his work in a new posting, provided it is in a different diocese to his previous posting, he shall present himself to the bishop of the diocese in which he is based, in order that the bishop may endorse that licence and may grant to the chaplain such further or other licences as he sees fit.

(2) For the purposes of this section "a licence in the prescribed form" means a licence in a form prescribed from time to time by the Standing Committee of General Synod provided that until Standing Committee otherwise determines the form set out in the Schedule shall be deemed to have been prescribed by the Standing Committee.

6 The Bishop holding office as the Bishop to the Forces at the time this canon comes into operation shall be the first bishop to the Defence Force and shall be deemed to have been appointed pursuant to Section 2 of this Canon.

[1] Adopted by the Diocese of Perth pursuant to the "Defence Force Ministry Canon 1985 Adoption Statute 1990" and amendments adopted pursuant to Canons Amendment (Bishop to the Defence Force) Canon 2001 Adoption Statute 2002.

SCHEDULE
LICENCE TO THE OFFICE OF CHAPLAIN IN
THE DEFENCE FORCE

……by Divine permission Primate of Australia to our well beloved in Christ…….
GREETING

WHEREAS you have first made and subscribed all such Declarations and Oaths as by the Constitution and Canons of the Anglican Church of Australia in such case are required, we do give and grant you, in whose fidelity, manner of life, learning and sound doctrine we fully confide, our licence and authority to perform the office of Chaplain in the Defence Force in……., to administer the sacraments, to read the common prayers and to perform other ecclesiastical duties according to the forms prescribed in the Book of Common Prayer, An Australian Prayer Book, and otherwise by lawful authority and the canons, constitutions and ordinances in that behalf lawfully established and promulgated and not otherwise nor in any other manner.

PROVIDED THAT in your office as Chaplain in the Defence Force you shall be under the jurisdiction of the Primate and the Bishop to the Defence Force acting on his behalf and with his authority.

PROVIDED THAT in your office as Chaplain in the Defence Force your Ministrations shall be limited under this licence and authority to Defence Force ships, establishments and areas of operation and to members of the Defence Force and their families wherever they reside.

PROVIDED THAT you shall not perform any Ministry other than to members of the Defence Force and their families without the authority duly given of the Bishop of the Diocese within which you are from time to time performing duties as Chaplain in the Defence Force.

AND we do hereby reserve to ourselves, and to our successors, full power and authority to revoke these presents and all things herein contained, whensoever we shall see just cause so to do.

AUTHORISED LAY MINISTRY CANON[1]
Canon 17, 1992

A canon concerning authorised lay ministry

Whereas ministry is of the essence of the life of the whole body of Christ:
and whereas all baptised persons are called to minister in the Church and in the world:
and whereas certain persons are called to a public and representative lay ministry within and on behalf of this Church:
and whereas it is desirable for the sake of decency and good order within this Church to recognise and regulate certain of those public and representative ministries:
now therefore the General Synod prescribes as follows:

Short title

1 This canon may be cited as the “Authorised Lay Ministry Canon 1992".

Definition

2 In this canon, “lay ministry" means a lay ministry referred to in section 3 but does not include any function required by the discipline or doctrine of this Church to be exercised or performed only by a deacon, priest or bishop.

Authority

3 (1) A lay person who is a communicant member of this Church may be authorised by the bishop of a diocese to exercise within and for this Church in that diocese one or more of the following lay ministries:
- (a) the reading and conduct of authorised services of this Church;
- (b) the preaching of sermons;
- (c) assistance to the priest in the ministration and distribution of the Holy Communion;
- (d) any other lay ministry declared by the bishop of the diocese to be an authorised lay ministry for the purposes of this canon.

(2) An authority under sub-section (1) may be limited by reference to all or any of the following:
- (a) the nature of the functions authorised to be performed;
- (b) the person or persons at whose request or by whose authority the functions may be performed;
- (c) the place at which and the period during which the functions may be performed.

(3) The bishop of a diocese may revoke an authority given under this section.

Diocesan bishop may prescribe certain rules

4 Except as otherwise provided by the synod of the diocese, the bishop of a diocese may prescribe -
- (a) the qualifications of persons who may be authorised to exercise a particular lay ministry;
- (b) the procedure for authorising persons to exercise a particular lay ministry; (c) the form of an authority to exercise a particular lay ministry;
- (d) the duties and functions which may be performed under an authority to exercise a particular lay ministry;
- (e) the manner in which the duties and functions of a particular lay ministry are to be performed; and
- (f) the vesture to be worn by persons performing any particular function in accordance with an authority to exercise a particular lay ministry.

Authority of bishop

5 The provisions of this canon shall not operate to restrict any authority of the bishop or synod of a diocese or to preclude any practice in a diocese relating to a particular lay ministry.

Repeal

6 The Lay Assistants at Holy Communion Canon 1973 ceases to have effect in a diocese that adopts this canon by ordinance of the synod of the diocese.

Coming into force by adoption

7 The provisions of this canon affect the order and good government of this Church within a diocese and shall not come into force in a diocese unless and until the diocese, by ordinance, adopts it.

[1] Adopted by the Diocese of Perth pursuant to the "Authorised Lay Ministry Canon 1992 (No 17, 1992) Adoption Statute 1992"

NATIONAL REGISTER CANON 2007

Canon 15, 2007 as amended by
Canon 13, 2010
Canon 9, 2014
Canon 10, 2017

The General Synod prescribes as follows:

Short title

1. This Canon may be cited as the "National Register Canon 2007".

Definitions

2. The dictionary in the Third Schedule defines particular words and expressions used in this Canon.

Object

3. The object of this Canon is to assist in providing for the physical, emotional and spiritual welfare and safety, and the protection from the risk of abuse, of all people having dealings with clergy and church workers by establishing a National Professional Standards Register to which authorised persons may have access and make disclosures of the Information therein.

Establishment of the National Register

4. There shall be a National Professional Standards Register of clergy and lay persons established and maintained in accordance with the provisions of this Canon.

Information about clergy

5.[1] (1) The National Register shall be a register of all clergy:

(a) against whom a notifiable complaint or a notifiable charge has been made unless it is exhausted; or

(b) in respect of whom there has been a relinquishment of, or consent to deposition from, Holy Orders arising out of sexual misconduct or child abuse;

(c) who have made an adverse admission or are the subject of an adverse finding; or

(d)[2] in respect of whom there has been an adverse check or an adverse criminal history check or an adverse Safe Ministry Check; or

(e) who have not been ordained as a priest or as a bishop, or authorised to function or appointed by a Church authority, because of an adverse risk assessment.[3]

(2) The register of clergy shall contain the following matters:

(a) Information relating to clergy; and

(b) in relation to each member of the clergy included in the register, a notation of the date on which the register was last altered.

Information about lay persons

6.[4] (1) Subject to this Canon the National Register shall be a register of all lay persons:

(a) against whom a notifiable complaint or a notifiable charge has been made unless it is exhausted; or

(b) who have made an adverse admission or are the subject of an adverse finding; or

(c)[5] in respect of whom there has been an adverse check or an adverse criminal history check or an adverse Safe Ministry Check; or

(d) who have not been ordained as a deacon, or authorised to function or appointed by a Church authority, because of an adverse risk assessment.[6]

(2) The register of lay persons shall contain the following matters:

(a) Information relating to lay persons; and

(b) in relation to each lay person included in the register, a notation of the date on which the register was last altered.

Maintenance of the National Register

7. (1) Subject to this Canon, the National Register shall be maintained by the General Secretary in such form as the Standing Committee shall approve so as to ensure the security of the Information therein.

(2) The General Secretary shall issue forms necessary for the operation of the National Register and publish these forms on the website of the General Synod.

Provision of Information for inclusion in the National Register

8.[7] (1) A Director of Professional Standards shall enter information in the National Register relating to any member of the clergy or lay person to which he or she has access in carrying out his or her

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1 Amended by Canon 13, 2010.
2 Amended by Canon 10, 2017.
3 Amended by Schedule 1.3(1)(a) of Canon 11, 2022
4 Amended by Canon 13, 2010.
5 Amended by Canon 10, 2017.
6 Amended by Schedule 1.3(1)(b) of Canon 11, 2022
7 Amended by Canon 13, 2010; amended by Canon 10, 2017.

responsibilities, in accordance with a protocol approved by the General Synod, or the Standing Committee by a two-thirds majority, as soon as practicable, and no later than one month after he or she has access to the Information.

(2) A Director of Professional Standards shall advise the General Secretary if Information of which he or she is aware has not been entered in accordance with subsection (1) as soon as practicable after the expiration of the period specified in subsection (1).

(3) The General Secretary shall:

(a) after receipt of advice under subsection (2), promptly enter a caution in the National Register in relation to the member of the clergy or lay person, the subject of that Information; and

(b) no later than one month after the entry of that caution in the National Register, notify the member of the clergy or lay person concerned, by letter sent to his or her postal or electronic address where that address is known and reasonably believed to be used by the member of clergy or the lay person, of:[8]

(i) the entry of the caution; and

(ii) the right of that person to request in writing of the General Secretary the removal of the caution in accordance with subsection (5).

(4) A Director of Professional Standards who has given the General Secretary advice in accordance with subsection (2) shall as soon as practicable after giving such advice notify that Information to the General Secretary.

(5) The General Secretary shall promptly after the earlier of:

(a) notification by a Director of Professional Standards under subsection (4); and

(b) the expiration of two months from receipt of a request in writing from the member of the clergy or lay person the subject of the caution requesting its removal,

remove the caution from the National Register.

Exclusion from operation of the canon

8A.[9] (1) The General Synod, or the Standing Committee, may establish exclusion criteria, and shall publish any such criteria on the General Synod website.

(2) If exclusion criteria are established they must include:

(a) a system of screening for sexual misconduct in relation to adults and child abuse;

(b) a code of conduct; and

(c) a system for making and dealing with complaints of sexual misconduct in relation to adults and child abuse.

(3) The General Synod, or Standing Committee by a two-thirds majority, on application by a province or diocese may exclude from the operation of this Canon for such period as it determines:

(a) a Church body other than a parish; and

(b) a category of church workers;

if it is satisfied that the Church body or the category of church workers meets the exclusion criteria.

(4) The exclusion of a Church body from the operation of this Canon shall not apply to any clergy employed by or exercising ministry within the Church body unless otherwise specified in the exclusion.

(5) The General Synod, or the Standing Committee by a two-thirds majority, may in respect of an exclusion referred to in subsection (3) revoke the exclusion if it is satisfied that the Church body or the category of church workers no longer meets the exclusion criteria.

(6) The General Secretary shall publish on the website of the General Synod a list of all Church bodies and categories of church workers excluded from the operation of this Canon and the date on which the exclusion took effect and if applicable the period during which the exclusion had effect.

Notification of Information in the National Register

9.[10] (1) Subject to subsection (5), the General Secretary shall, as soon as practicable, and no later than one month, after the entry of Information in the National Register relating to a member of the clergy or a lay person (other than a changed entry relating to item 4 of each of the First and Second Schedules), notify the member of the clergy or lay person concerned of the entry of that Information by letter sent to his or her last known postal or electronic address where that address is known.

(2)[11] Where a Director of Professional Standards receives a police request or a withdrawal of the police request and is reasonably satisfied of its authenticity, the Director of Professional Standards shall forthwith:

(a) enter a notation of the police request in the National Register, or remove that notation, as the case may be; and

(b) make a police request record or a withdrawal of the police request record, as the case may be, and provide that record to the General Secretary.

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8 Amended by Part 3 Division 4 section 3.9 of Canon 11, 2022

9 Added by Canon 13, 2010.

10 Amended by Canon 9, 2014.

11 Inserted by Canon 9, 2014.

(3)[12] Where the General Secretary receives a police request or a withdrawal of the police request and is reasonably satisfied of its authenticity, the General Secretary shall forthwith:

(a) enter a notation of the police request in the National Register, or remove that notation, as the case may be; and

(b) make a police request record or a withdrawal of the police request record, as the case may be.

(4)[13] The General Secretary shall keep any such police request record or withdrawal of the police request record, as the case may be.

(5)[14] Where the General Secretary receives a police request, or a police request record 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 six months after the receipt of the police request or the receipt of a withdrawal of the police request, or a withdrawal of the police request record from a Director of Professional Standards, as the case may be.

Removal of Information in the National Register

10.[15] (1) A Director of Professional Standards shall notify the General Secretary as soon as practicable after becoming aware that a notifiable complaint or a notifiable charge against a member of clergy or a lay person has been exhausted.

(2) Where notification is received from the applicable Director of Professional Standards that a notifiable complaint or notifiable charge against a member of the clergy or a lay person has been exhausted, the General Secretary shall, as soon as practicable and no later than one month after receipt of the notification, remove Information in the National Register relating to that notifiable complaint or notifiable charge and notify:

(a) the member of the clergy or lay person concerned of the removal of that Information by written notification sent to his or her postal or electronic address where that address is known and reasonably believed to be used by the member of clergy or the lay person;[16] and

(b) each authorised person who has had access to that Information, other than the person or persons in subsections 11(d) and (e), of the removal of that Information, by written notification.

(3) Each authorised person referred to in subsection (2)(b), shall, as soon as practicable and no later than one month after the receipt of the notification referred to in that subsection, forward a copy of that notification to each Church authority to whom the authorised person has disclosed the Information.

(4) Where notification is received from the applicable Director of Professional Standards that a member of the clergy or a lay person relating to whom there is Information in the National Register has died, the General Secretary shall, as soon as practicable and no later than one month after receipt of the notification, remove Information in the National Register relating to that member of the clergy or lay person.

Access to and disclosure of Information in the National Register

11. Access to and disclosure of Information in the National Register shall, subject to sections 12 and 13, be limited to the following authorised persons:

(a) a diocesan bishop or delegate;

(b) the Bishop to the Defence Force or delegate;

(c) a Director of Professional Standards;

(d) the General Secretary;

(e) any person within the General Synod Office whose duties include assisting the General Secretary in maintaining the National Register; and

(f) such other persons as may be determined by the Standing Committee by a two-thirds majority;

who agree to abide by the protocols under this Canon approved by the General Synod, or the Standing Committee by a two-thirds majority.

Entitlement to ascertain the existence and obtain a copy of any Information in the National Register

12.[17] The General Secretary, on application by a person to ascertain whether there is any Information, and if so to obtain a copy of the Information, in the National Register relating to that person, shall , other than in respect of Information which is the subject of a police request, notify the person whether there is any such Information, and if so provide a copy of that Information to that person, in accordance with a protocol approved by the General Synod, or the Standing Committee by a two-thirds majority.

Entitlement to ascertain details of access to Information in the National Register

13. The General Secretary, on application by a person to ascertain whether there has been access to any Information in the National Register relating to that person by an authorised person, shall notify the person

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12 Inserted by Canon 9, 2014.

13 Inserted by Canon 9, 2014.

14 Inserted by Canon 9, 2014.

15 Amended by Canon 13, 2010.

16 Amended by Part 3 Division 4 section 3.9 of Canon 11, 2022

17 Amended by Canon 9, 2014.

whether there has been any such access, and if so provide details of that access to that person, in accordance with a protocol approved by the General Synod, or the Standing Committee by a two-thirds majority.

Amendment of Information in the National Register

14. (1) The General Secretary, on application by a person to amend the Information in the National Register relating to that person, shall:
(a) amend the Information in the National Register relating to that person, or
(b) include a statement of the person in the National Register,
subject to any limitation on the length of any amendment or statement determined by the Standing Committee, in accordance with a protocol approved by the General Synod, or the Standing Committee by a two-thirds majority.

(2) The General Secretary shall, as soon as practicable and no later than one month after making the amendment or including the statement referred to in subsection (1), notify by written notification each authorised person who has had access to that Information, other than the person or persons in subsections 11(d) and (e), of the making of that amendment or the inclusion of that statement.

(3) Each authorised person referred to in subsection (2) shall, as soon as practicable and no later than one month after the receipt of the notification referred to in subsection (2), forward a copy of that notification to each Church authority to whom the authorised person has disclosed the Information.

Annual report and audit

15. (1) The General Secretary shall, as soon as practicable after the end of each calendar year, provide a report as to the operation of the National Register to the Standing Committee for that year containing such information as the Standing Committee may determine.

(2) The Standing Committee shall:
(a) determine the scope of an audit of the operation of the National Register to verify compliance with this Canon and the protocols under this Canon; and
(b)[18] appoint an independent person to undertake an audit of the operation of the National Register for each calendar year and provide a report to the Standing Committee as soon as practicable after the end of that year.

(3)[19] Each diocese shall provide access to such of its records and provide such information as requested by the independent person undertaking the audit as is reasonably necessary to enable the audit to be undertaken.

(4)[20] The General Secretary shall, as soon as practicable after the report of the audit has been provided to the Standing Committee, publish the report on the General Synod website.

Protocols

16. The Standing Committee by a two-thirds majority may revise any protocol or make any additional protocol under this Canon where it is necessary or convenient to carry out or give effect to this Canon.

Report to the General Synod

17. The Standing Committee shall prepare a report on the operation of this Canon for each ordinary session of the General Synod which shall include:
(a) any protocol under this Canon which the Standing Committee has approved or revised, and
(b) any other decision under this Canon which the Standing Committee has made,
since the last ordinary session of the General Synod.

Coming into force of particular provisions

18. (1) Paragraphs (a), (b), (c) and (f) of section 11 of this Canon shall not come into force until 1 March 2008.

(2) The provisions of this Canon relating to the Episcopal Standards Board shall not come into force in a diocese unless and until the diocese adopts the Episcopal Standards Canon 2007 by ordinance of the synod of the diocese.

Repeal of the National Register Canon 2004

19. The National Register Canon 2004 is hereby repealed.

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[18] Amended by Canon 10, 2017.

[19] Added by Canon 10, 2017.

[20] Added by Canon 10, 2017.

THE FIRST SCHEDULE - INFORMATION ABOUT CLERGY

1. Full name.
2. Date of birth.
3. Gender.
4. Last known postal and electronic address, and telephone numbers.
5. Date of ordination as a deacon and name of the diocese in which ordained.
6. Date of ordination as a priest and name of the diocese in which ordained.
7. Date of consecration as a bishop and name of the diocese in which consecrated.
8. Particulars of any current licence or authorisation to function, and any past licence or authorisation to function if available, including the diocese for which the licence or authorisation to function is or was held.[21]
9. Particulars of any current appointment, and any past appointment if available, including the Church authority by which the appointment was made, and the diocese in which the appointment is or was held.
10. Date of a notifiable complaint, and date or period and category of the alleged sexual misconduct or child abuse.
11. Date and reason the Investigator refrained from investigating a notifiable complaint.
12. Date of recommendation by the Investigator to the Church authority of a suspension from duties, office or an appointment by a Church body, or of a prohibition order, arising out of a notifiable complaint.
13. Date of reference of a notifiable complaint to a Determiner.
14. Date and particulars of a determination or recommendation of a Determiner relating to a notifiable complaint.
15. Date and particulars of any disciplinary action taken arising out of a notifiable complaint.
16. Date and particulars of any relinquishment of Holy Orders arising out of sexual misconduct or child abuse.
17. Date and particulars of any consent deposition from Holy Orders arising out of sexual misconduct or child abuse.
18.[22] Date, applicable jurisdiction and particulars of any adverse check.
19. Date, applicable jurisdiction and particulars of any adverse criminal history check.
20. Date, applicable diocese and particulars of any adverse Safe Ministry Check.
21. Name of the bishop or bishops and date of any decision by the bishop not to ordain the person as a priest or to issue a licence or authorisation to function to the person or any refusal by the bishops to consecrate the person as a bishop because of an adverse risk assessment.[23]
22. Name of the Church authority and date of any refusal by the Church authority to appoint the person because of an adverse risk assessment.
23.[24] Date, applicable jurisdiction and particulars of a notifiable charge.
24.[25] Date, applicable jurisdiction and particulars of an adverse admission.
25.[26] Date, applicable jurisdiction and particulars of an adverse finding.

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21 Amended by Schedule 1.3(2)(a) of Canon 11, 2022
22 Amended by Canon 10, 2017.
23 Amended by Schedule 1.3(2)(b) of Canon 11, 2022
24 Added by Canon 13, 2010.
25 Added by Canon 13, 2010.
26 Added by Canon 13, 2010.

THE SECOND SCHEDULE - INFORMATION ABOUT LAY PERSONS

1. Full name.
2. Date of birth.
3. Gender.
4. Last known postal and electronic address, and telephone numbers.
5. Particulars of any current licence or permission to function, and any past licence or permission to function if available, including the diocese for which the licence or permission to function is or was held. [27]
6. Particulars of any current appointment, and any past appointment if available, including the Church authority by which the appointment was made, and the diocese in which the appointment is or was held.
7. Date of a notifiable complaint, and date or period and category of the alleged sexual misconduct or child abuse.
8. Date and reason the Investigator refrained from investigating a notifiable complaint.
9. Date of recommendation by the Investigator to the Church authority of a suspension from duties, office or an appointment by a Church body, or of a prohibition order, arising out of a notifiable complaint.
10. Date of reference of a notifiable complaint to a Determiner.
11. Date and particulars of a determination or recommendation of a Determiner arising out of a notifiable complaint.
12. Date and particulars of any disciplinary action taken arising out of a notifiable complaint.
13. [28] Date, applicable jurisdiction and particulars of any adverse check.
14. Date, applicable jurisdiction and particulars of any adverse criminal history check.
15. Date, applicable diocese and particulars of any adverse Safe Ministry Check.
16. Name of the bishop and the date of any decision by the bishop not to ordain the person as a deacon or to issue a licence or permission to function to the person because of an adverse risk assessment.[29]
17. Name of the Church authority and date of any refusal by the Church authority to appoint the person because of an adverse risk assessment.
18. [30] Date, applicable jurisdiction and particulars of a notifiable charge.
19. [31] Date, applicable jurisdiction and particulars of an adverse admission.
20. [32] Date, applicable jurisdiction and particulars of an adverse finding.

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27 Amended by Schedule 1.3(3)(a) of Canon 11, 2022

28 Amended by Canon 10, 2017.

29 Amended by Schedule 1.3(3)(b) of Canon 11, 2022

30 Added by Canon 13, 2010.

31 Added by Canon 13, 2010.

32 Added by Canon 13, 2010.

THE THIRD SCHEDULE – DICTIONARY

In this Canon, and protocols approved under this Canon, unless the context otherwise requires:

adverse admission[33] means an admission by a person of conduct occurring within or outside of Australia:

(a) in proceedings before a court or tribunal within or outside of Australia;

(b) to a Church authority; or

(c) to a Director of Professional Standards;

which is made or recorded in writing and which a Director of Professional Standards certifies constitutes sexual misconduct or child abuse by that person;

adverse check[34] means the cancellation, revocation, suspension of, and refusal to issue, a statutory clearance on account of known of suspected child abuse or sexual misconduct;[35]

adverse criminal history check means a criminal history check of a person provided under legislation of the Commonwealth, a State or Territory, or another country disclosing the commission of a criminal offence by that person which a Director of Professional Standards certifies arises out of sexual misconduct or child abuse by that person;

adverse finding[36] means:

(a) the conviction of a person of a criminal offence;

(b) the finding that a person is guilty of a criminal offence without proceeding to a conviction; or

(c) a finding against a person;

by a court or tribunal within or outside of Australia, which a Director of Professional Standards certifies constitutes sexual misconduct or child abuse by that person;

adverse risk assessment means an assessment that a person is unsuitable for ordination or the issue of an authorisation to function or an appointment:[37]

(a) made by or on behalf of a Church authority on the grounds of; or

(b) certified by a Director of Professional Standards to arise out of; the risk of sexual misconduct or child abuse by that person;

adverse Safe Ministry Check means a Safe Ministry Check of a person disclosing sexual misconduct or child abuse or the risk of sexual misconduct or child abuse by that person;

Appellate Tribunal means the Appellate Tribunal established in accordance with the provisions of Chapter IX of the Constitution;

appointment includes employment;

authorisation to function means a licence or any written instrument by which a member of the clergy is appointed, authorised, permitted or sanctioned to exercise ministry as a member of the clergy and **authorising to function** and **authorised to function** have a corresponding meaning;[38]

authorised person means a person referred to in section 11;

bullying[39] means behaviour directed to a person which:

(a) is repeated;

(b) is unreasonable (being behaviour that a reasonable person, having considered the circumstances, would see as unreasonable, including behaviour that is victimising, humiliating, intimidating or threatening); and

(c) creates a risk to the person's health and safety;

caution[40] means a notice that Information of which a Director of Professional Standards is aware and to which he or she has access in carrying out his or her responsibilities has not been entered in the National Register within the time specified in section 8(1);

child means anyone under the age of 18;

child abuse[41] means:

(a) the following conduct in relation to a child:

  (i) bullying[42]; or

  (ii) emotional abuse; or

  (iii) neglect; or

  (iv) physical abuse; or

  (v) sexual assault, sexual exploitation, sexual harassment or sexually inappropriate behaviour[43]; or

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33 Added by Canon 13, 2010.

34 Added by Canon 10, 2017.

35 Definition amended by Part 2 Division 10 section 2.30(a) of Canon 11, 2022

36 Added by Canon 13, 2010.

37 Amended by Schedule 1.3(4)(a) of Canon 11, 2022

38 Inserted by Part 2 Division 6 section 2.16(a)(i) of Canon 11, 2022

39 Added by Canon 13, 2010; amended by Canon 10, 2017.

40 Added by Canon 13, 2010.

41 Renumbered by Canon 9, 2014.

42 Amended by Canon 13, 2010.

43 Amended by Canon 13, 2010; amended by Canon 10, 2017.

(vi) spiritual abuse; or
(vii)[44] grooming; or
(viii)[45] a child abuse reporting offence; or[46]
(ix)[47] failure without reasonable excuse to report child abuse; or
(x) imaged-based abuse;[48]

(b) possessing, producing or distributing child exploitation material in circumstances that have been found to constitute, or may constitute, a criminal offence;[49]

however done, including by or through the use of the internet, electronic means and other like technology;[50]

child abuse reporting offence means a criminal offence against the law of the Commonwealth, a State or a Territory, or against the law of another country which is equivalent to a criminal offence against the law of the Commonwealth, a State or a Territory, involving the failure by a person to report child abuse;[51]

child exploitation material[52] means material that describes or depicts a person who is or who appears to be a child:

(a) engaged in sexual activity; or
(b) in a sexual context; or
(c) as the subject of torture, cruelty or abuse (whether or not in a sexual context) in a way that a reasonable person would regard as being, in all the circumstances, offensive. Child exploitation material can include any film, printed matter, electronic data, computer image or any other depiction;

[53]

Church authority means a diocesan bishop or a person or body having authority to ordain, authorise to function, permit to function, license, elect, appoint, dismiss or suspend a member of the clergy or a lay person;[54]

Church body[55] means any body corporate, organisation or association that exercises ministry within, or on behalf of, or in the name of, the Church, and is controlled by a diocese or province or the General Synod;

church worker means a lay person:

(a) who is or was permitted to function by the bishop of a diocese; or[56]
(b) who is or was employed by a Church body[57]; or
(c)[58] who, for payment or not, holds or has held a position or performs a function with the actual or apparent authority of a Church authority or Church body, including an office, position or function:
  (i) of leadership in a parish, diocese or General Synod body; and
  (ii) as a member of the General Synod or a diocesan synod; and
  (iii)[59] as a member of a body controlled by a diocese or province or the General Synod; and
  (iv) as a churchwarden, member of any parish council or member of any committee constituted by or by the authority of the General Synod, a diocesan synod or a parish council;

clergy means a person who is or has been a bishop, priest or deacon in this Church, but does not include a deceased person;

Controlled by a diocese or province or the General Synod[60] means that the majority of the members of the body with management responsibility is elected or appointed:

(a) in the case of a diocese, under an ordinance of the diocese, or under the constitution of the Church body by one or more of the bishop, the diocesan synod and the diocesan council;
(b) in the case of a province, under an ordinance of the province, or under the constitution of the Church body by one or more of the metropolitan, the provincial synod and the provincial council;
(c) in the case of the General Synod, under a canon of the General Synod, or under the constitution of the Church body by one of more of the Primate, the General Synod and the Standing Committee;

court or tribunal[61] means, in relation to an adverse finding or an adverse admission, a court or tribunal which has jurisdiction:

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44 Added by Canon 10, 2017.
45 Added by Canon 10, 2017.
46 Amended by Part 2 Division 1 section 2.2(a) of Canon 11, 2022
47 Added by Canon 10, 2017.
48 Inserted by Part 3 Division 1 section 3.1(a) of Canon 11, 2022
49 Amended by Part 3 Division 1section 3.1(b) of Canon 11, 2022
50 Amended by Part 3 Division 1 section 3.1(c) of Canon 11, 2022
51 Inserted by Part 2 Division 1 section 2.2(b) of Canon 11, 2022.
52 Inserted by Canon 9, 2014.
53 Definition of 'child offence' deleted by Part 2 section 2.2(c) of Canon 11, 2022
54 Amended by Schedule 1.3(4)(b) of Canon 11, 2022
55 Amended by Canon 13, 2010; amended by Canon 10, 2017.
56 Amended by Schedule 1.3(4)(c) of Canon 11, 2022
57 Amended by Canon 13, 2010.
58 Amended by Canon 13, 2010.
59 Amended by Canon 10, 2017.
60 Added by Canon 10, 2017.
61 Added by Canon 13, 2010.

(a) to make the adverse finding, or
(b) to make an adverse finding in relation to the conduct which is subject to the adverse admission;

Defence Force Representative means the Bishop to the Defence Force or delegate or the Director of Professional Standards of the Defence Force or their successors in office;

Determiner means:
(a) the person or body in a diocese having power to make findings or recommendations relating to the conduct of clergy or church workers; or
(b) the Special Tribunal; or
(c) the Episcopal Standards Board; or
(d) the Appellate Tribunal; or
(e) any other person or body determining an appeal from a person or body having power to make findings or recommendations relating to the conduct of clergy or church workers;

diocesan bishop means the bishop of a diocese, or in the absence of the bishop the commissary appointed by the bishop, or in the time of a vacancy in the see the administrator of the diocese or their successors in office;

Diocesan Representative means the diocesan bishop or delegate or the Director of Professional Standards of the diocese;

Director of the Episcopal Standards Commission means:
(a) the Director of the Episcopal Standards Commission appointed under the Special Tribunal Canon 2007; or
(b) a person acting in that office;

Director of Professional Standards means:
(a) the Director of Professional Standards of a diocese or the Defence Force or his or her successor in office; or
(b) the person who carries out the functions of a Director of Professional Standards in a diocese or the Defence Force or his or her successor in office; or
(c) the person who works in conjunction with the Investigator; or
(d) the Director of the Episcopal Standards Commission or his or her successor in office; or
(e) a person acting in such an office;

emotional abuse means acts or omissions in relation to a child where the child has suffered, or is likely to suffer, significant harm to his or her wellbeing or development;

Episcopal Standards Board means the Episcopal Standards Board constituted under the Episcopal Standards Canon 2007;

Episcopal Standards Commission means the Episcopal Standards Commission constituted under the Special Tribunal Canon 2007;

Exempt Information[62] means Information relating to a notifiable complaint or a notifiable charge, where the notifiable complaint or the notifiable charge has been exhausted;

exhausted[63] means a notifiable complaint or a notifiable charge which:
(a) has been withdrawn; or
(b) has been determined to be false, vexatious or misconceived; or
(c) is one where a Determiner finds that it is more likely than not that the subject matter of the complaint did not occur; or
(d) is one where a court or tribunal finds that it is more likely than not that the subject matter of the charge did not occur;

Failure without reasonable excuse to report child abuse[64] means the failure without reasonable excuse to comply with the laws of the Commonwealth or a State or Territory requiring the reporting of child abuse to the police or other authority;

General Secretary means:
(a) the General Secretary of the General Synod or his or her successor in office; or
(b) a person acting in that office;

grooming[65] means conduct deliberately undertaken with the aim of engaging and influencing a person for the purpose of sexual activity;

image-based abuse means taking, distributing or threatening to distribute intimate, nude or sexual images of another person in circumstances that have been found to constitute, or may constitute, a criminal offence;[66]

independent person[67] means a person who
(a) is not a member of the clergy; or church worker; and
(b) has experience in undertaking audits of a similar nature to an audit of the operation of the National Register;

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62 Amended by Canon 13, 2010.
63 Amended by Canon 13, 2010.
64 Added by Canon 10, 2017.
65 Added by Canon 10, 2017.
66 Inserted by Part 3 Division 1 section 3.1(d) of Canon 11, 2022
67 Added by Canon 10, 2017.

Information[68] means the matters other than Exempt Information, whether occurring before or after this Canon came into force:

(a) relating to clergy specified in section 5(1):
  (i) which are referred to in the First Schedule so far as they are known[69]; and
  (ii) which, as to any additional matters, are determined by the Standing Committee; or

(b) relating to lay persons specified in section 6(1):
  (i) which are referred to in the Second Schedule so far as they are known[70]; and
  (ii) which, as to any additional matters, are determined by the Standing Committee;

Investigator means the person or body in a diocese having power to investigate or cause to be investigated the conduct of clergy or lay persons or the Episcopal Standards Commission;

lay person means a person who has not been ordained, but does not include a deceased person;

[71]

National Register means the National Professional Standards Register referred to in section 4;

neglect means the neglect of a child where the child has suffered, or is likely to suffer, significant harm to his or her wellbeing or development;

notifiable charge[72] means the charge of a person of:

(a) the commission of a criminal offence; or

(b) the engagement in professional misconduct; occurring within or outside of Australia, which a Director of Professional Standards certifies arises out of alleged sexual misconduct or child abuse by that person;

notifiable complaint means a complaint in accordance with the relevant canon, ordinance, rule or protocol received by a Director of Professional Standards of sexual misconduct or child abuse by a member of the clergy or a lay person, whenever and wherever occurring:

(a) which has been communicated to the member of the clergy or lay person; or

(b) which the Director of Professional Standards has certified has been sent to the postal or electronic address of the member of clergy or lay person that is known or has not been sent to the member of clergy or lay person because neither their postal nor their electronic address is known; or[73]

(c)[74] which is the subject of a police request;

permission to function means a licence or any written instrument by which a person who is not a member of the clergy is appointed, authorised, permitted or sanctioned to exercise ministry and **permitting to function** and **permitted to function** have a corresponding meaning; [75]

physical abuse means the physical assault of a child other than lawful discipline by a parent or guardian;

police request[76] means:

(a) a request made orally or in writing by an officer of a police service that a member of the clergy or lay person not be notified of Information relating to that person; or

(b) a further request or further requests up to a maximum of three further requests, each made before the expiry of the request or immediately preceding further request orally or in writing by an officer of a police service that a member of the clergy or lay person not be notified of the Information referred to in paragraph (a); or

(c) a further request made before the expiry of a third further request referred to in paragraph (b) or any further requests after that, but made before the expiry of the immediately preceding further request, orally or in writing by an officer of a police service that a member of the clergy or lay person not be notified of the Information referred to in paragraph (a), but only when the General Secretary is satisfied that, for special or exceptional reasons, the further requests should have effect under subsection 9(5).

police request record[77] means a written record containing the name of the officer of the police service making a police request and his or her police service, the date of the making of the police request, the medium by which the police request is made, and the Information the subject of the police request;

police service[78] means the Australian Federal Police or the police service of a State or Territory of Australia;

professional standards role means a role undertaken as part of the professional standards policies and procedures and includes the role of a contact person, support person, Investigator and Determiner;

prohibition order means an order prohibiting a member of the clergy or a church worker from holding a specified position or office in or being appointed by a Church body or Church authority or from carrying out any specified functions in relation to any office or position in the diocese or in relation to any appointment by a Church body;

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68 Amended by Canon 13, 2010.

69 Amended by Part 3 Division 4 section 3.10(a) of Canon 11, 2022

70 Amended by Part 3 Division 4 section 3.10(a) of Canon 11, 2022

71 Definition of 'licence' repealed by Part 2 Division 6 section 2.16(b) of Canon 11, 2022

72 Added by Canon 13, 2010.

73 Amended by Part 3 Division 4 section 3.10(b) of Canon 11, 2022

74 Added by Canon 9, 2014.

75 Inserted by Part 2 Division 6 section 2.16(a)(ii) of Canon 11, 2022

76 Added by Canon 9, 2014.

77 Added by Canon 9, 2014.

78 Added by Canon 9, 2014.

Safe Ministry Check means the questionnaire for the selection of ordination candidates, for the screening of clergy, and for the screening of church workers who have contact with children in his or her ministry, in use in a diocese or the Defence Force;

sexual assault[79] means any intentional or reckless act, use of force or threat to use force involving some form of sexual activity against a person;

(a) without their consent: or

(b) with their consent in circumstances where consent is not a defence to such conduct under the applicable laws:

(i) of the Commonwealth, a State or Territory; or

(ii) another country where those law are of a substantially similar nature to a law of the Commonwealth, a State or Territory which provides that consent is not a defence to such conduct;

sexual exploitation[80] means any form of sexual contact or invitation to sexual contact with a person, with whom there is a professional or pastoral or supervisory relationship, regardless of who initiated the contact, but does not include such contact or invitation within a marriage;

sexual harassment[81] means:

(a) an unwelcome sexual advance, or an unwelcome request for sexual favours, by a person to another person, or

(b) other unwelcome conduct of a sexual nature by a person in relation to another person,

whether intended or not, in circumstances in which a reasonable person, having regard to all the circumstances, would have anticipated that the other person would be offended, humiliated or intimidated;

sexually inappropriate behaviour[82] means conduct of a sexual nature, other than sexual assault, sexual exploitation, sexual harassment, grooming, or image-based abuse which is inconsistent with the standards of sexual conduct applicable to clergy or church workers;[83]

sexual misconduct[84] means the following conduct in relation to an adult:

(a) sexual assault; or

(b) sexual exploitation; or

(c) sexual harassment; or

(d) sexually inappropriate behaviour; or

(e) grooming;

Special Tribunal means the Special Tribunal established in accordance with the provisions of Chapter IX of the Constitution;

spiritual abuse means the mistreatment of a child by actions or threats when justified by appeal to God, faith or religion where the child has suffered, or is likely to suffer, significant harm to his or her wellbeing or development;

Standing Committee means the Standing Committee of General Synod;

Statutory clearance means—

(a) a working with children check; or

(b) a working with vulnerable people check by reason that the person has contact with a child as part of engaging in a regulated activity—

under the laws of the Commonwealth or of a State or Territory;[85]

withdrawal of the police request[86] means a notification made orally or in writing by an officer of the police service concerned that it withdraws the police request relating to a member of the clergy or lay person;

withdrawal of the police request record[87] means a written record containing the name of the officer of the police service making a withdrawal of the police request and his or her police service, the date of the making of the withdrawal of the police request, the medium by which the withdrawal of the police request is made, and the Information the subject of the withdrawal of the police request.

withdrawn in relation to a notifiable complaint includes the circumstance in which a Director of Professional Standards certifies that the person making the complaint has failed without reasonable excuse to comply with the relevant canon, ordinance, rule or protocol under which the complaint has been made;

[88]

[89]

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79 Added by Canon 10, 2017.

80 Added by Canon 13, 2010; amended by Canon 10, 2017.

81 Added by Canon 10, 2017.

82 Added by Canon 10, 2017.

83 Amended by Part 3 Division 1 section 3.1(e) of Canon 11, 2022

84 Amended by Canon 13, 2010 and Canon 10, 2017.

85 Inserted by Part 2 Division 8 section 2.24 of Canon 11, 2022

86 Added by Canon 9, 2014.

87 Added by Canon 9, 2014.

88 Definition 'working with children check' deleted by Part 2 Division 10 section 2.30(b) of Canon 11, 2022

89 Definition of 'working with vulnerable people check' deleted by Part 2 Division 10 section 2.30(c) of Canon 11, 2022

PROTOCOL FOR PROVISION OF INFORMATION FOR INCLUSION IN THE NATIONAL REGISTER

Title

1. The Protocol may be cited as the "Protocol for provision of Information for inclusion in the National Register 2007".

Definitions

2. The words and expressions used in this Protocol have the same meaning as in the National Register Canon 2007.

Entry of Information by the Director of Professional Standards[1]

3.[2] A Director of Professional Standards who is required to enter information in the National Register relating to any member of the clergy or lay person shall do so by entering information electronically on the National Register and satisfying themselves that the Information is accurate.

3A.[3] [deleted]

Accuracy and completeness of Information[4]

4.[5] The Director of Professional Standards, whenever satisfied that Information on the National Register is inaccurate or incomplete, shall amend the Information to ensure its accuracy and completeness.

5.[6] [deleted]

6. [deleted]

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1 Amended at the Seventeenth Session of General Synod 6 September 2017.

2 Amended by General Synod Standing Committee Resolution SC2013/1/22; amended at the Seventeenth Session of General Synod 6 September 2017.

3 Added by General Synod Standing Committee Resolution SC2009/1/041; deleted by General Synod Standing Committee Resolution SC2013/1/22.

4 Added by SC2013/1/22; amended at the Seventeenth Session of General Synod 6 September 2017.

5 Amended by General Synod Standing Committee Resolution SC2009/1/041; amended by General Synod Standing Committee Resolution SC2013/1/22; amended at the Seventeenth Session of General Synod 6 September 2017.

6 Clauses 5 - 6 deleted by General Synod Standing Committee Resolution SC2013/1/22.

PROTOCOL FOR ACCESS TO AND DISCLOSURE OF INFORMATION IN THE NATIONAL REGISTER

Part 1 General

Title

1. The Protocol may be cited as the "Protocol for access to and disclosure of Information in the National Register 2007".

Part 2 Access by authorised persons

Acknowledgment and agreement of authorised persons

2. The General Secretary must not allow an authorised person other than himself or herself to have any access to Information in the National Register unless he or she has received a signed document in the form of the acknowledgement and agreement at the end of this Schedule from the authorised person. The General Secretary must sign this form of acknowledgement and agreement before undertaking any responsibility under this Canon. The acknowledgment and agreement will remain in force unless withdrawn or the signatory ceases to be an authorised person.

Register of authorised persons

3. The General Secretary must maintain a register of the name, contact details, and the period of access to the National Register, of each authorised person.

Record of reason for access

4. Each time an authorised person has access to Information in the National Register relating to a member of the clergy or lay person (other than the General Secretary, or any person within the General Synod Office whose duties include assisting the General Secretary in maintaining the National Register), he or she must declare to the General Secretary the reason for the access, and the Church authority to which the Information will be disclosed.

Log of access by authorised persons

5. The General Secretary must maintain a log of each access recording the name of the authorised person and the member of the clergy or lay person, the details on the declaration relating to the access, and the date of access.

Access by and disclosure to third parties under compulsion of law

6. Subject to this Protocol, an authorised person may only give access to, and disclose, Information in the National Register relating to a member of the clergy or lay person to a person if compelled by law to do so.

Non- disclosure of information where there is a police request

6A.[1] An authorised person who has access to Information in the National Register in respect of which there is a notation of a police request must not disclose the existence or substance of the Information to the person to whom the Information relates.

Part 3 Access and disclosure by a Diocesan Representative

Ordination, the issue of a licence or appointment to a position within the diocese

7. Where a Church authority proposes to ordain, or issue a licence to, or to appoint to a position within the diocese, a member of the clergy or lay person, the Diocesan Representative, where required to by the procedures of the Church authority, is authorised to have access to any Information in the National Register relating to the member of the clergy or lay person and disclose whether there is any such, and if so what, Information to the Church authority.

Application for ordination, the issue of a licence or appointment to a position within the diocese

8. Where a member of the clergy or lay person applies for ordination, or the issue of a licence, or appointment to a position within the diocese, the Diocesan Representative, where required to by the procedures of the Church authority, is authorised to have access to any Information in the National Register relating to the member of the clergy or lay person and disclose whether there is any such, and if so what, Information to the Church authority.

Invitation to apply for ordination, the issue of a licence or appointment to a position within the diocese

9. Where a Church authority invites a member of the clergy or lay person to apply for ordination, or the issue of a licence, or appointment to a position within the diocese, and the member of the clergy or lay person expresses interest in making an application, the Diocesan Representative, where required to by the procedures of the Church authority, is authorised to have access to any Information in the National Register relating to the member of the clergy or lay person and disclose whether there is any such, and if so what, Information to the Church authority.

Part 4 Access and disclosure by the Defence Force Representative

10. The Defence Force Representative, where required to by the Primate or the Bishop to the Defence Force, is authorised to have access to and disclose any Information in the National Register relating to a member of the clergy or lay person in the same circumstances as a Diocesan Representative.

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[1] Inserted at the Sixteenth Session of General Synod 1 July 2014.

Part 5 Access and disclosure by a Director of Professional Standards

Abuse and allegations of abuse

11. Where a Director of Professional Standards receives information relating to sexual misconduct or child abuse or alleged sexual misconduct or child abuse by a member of the clergy or a lay person, he or she is authorised to have access to any Information in the National Register relating to the member of the clergy or lay person. The Director of Professional Standards is authorised to disclose whether there is any such, and if so what, Information to an Investigator, Determiner or other applicable Church authority.

Appointment of persons to professional standards roles

12. Where a Church authority proposes to appoint a member of the clergy or lay person to or in a professional standards role, and the member of the clergy or lay person has expressed interest in accepting the appointment, the Director of Professional Standards, where required by the relevant procedures for the appointment of persons to professional standards roles, is authorised to have access to any Information in the National Register relating to the member of the clergy or lay person. The Director of Professional Standards is authorised to disclose whether there is any such, and if so what, Information to the person expressing interest in the appointment, and the Church authority.

Election of bishop

13.[2] Where a member of the clergy accepts nomination, or expresses interest in accepting nomination, for appointment as a bishop, or has been so nominated and consents to a search of the National Register for Information relating to the nominee, the Director of Professional Standards, where required to by the procedures of the diocese for the election of a bishop, is authorised to have access to any Information in the National Register relating to the member of the clergy. The Director of Professional Standards is authorised to disclose whether there is any such, and if so what, Information to each member of the clergy accepting nomination or expressing interest in accepting nomination, and the Church authority or nomination committee.

Election of persons by a Church authority

14. Where a Church authority holds an election for which members of the clergy or lay persons are candidates, the Director of Professional Standards, where required to by the procedures of the diocese for the conduct of elections, is authorised to have access to any Information in the National Register relating to the candidates. The Director of Professional Standards is authorised to disclose whether there is any such, and if so what, Information to the candidates, and the Church authority.

Consecration of bishop

15. Where a person in priest's orders is to be consecrated bishop:
    (a) the Director of Professional Standards of the diocese for or in respect of which the consecration is to take place; or
    (b) the Director of Episcopal Standards in any other case; is authorised to have access to any Information in the National Register relating to the person. The Director of Professional Standards is authorised to disclose whether there is any such, and if so what, Information to the person to be consecrated and the Metropolitan, Primate or other bishop as the case requires.

Disclosure to third parties where there is consent

16. A Director of Professional Standards is authorised to have access to any Information in the National Register relating to a member of the clergy or lay person and disclose in writing whether there is any such, and if so what, Information to a third party, where he or she has received the consent in writing of the member of the clergy or lay person. The Director of Professional Standards must take reasonable steps to check the postal or electronic address of the third party before sending a letter containing the disclosure to the third party at that address.

Disclosure to third parties where necessary to protect persons from the risk of abuse

17. A Director of Professional Standards is authorised to have access to any Information in the National Register relating to a member of the clergy or lay person and disclose that Information to a third party, where he or she reasonably believes that disclosure is necessary to protect the third party or any other person from the risk of abuse by the member of the clergy or lay person.

Part 6 Access and disclosure by the General Secretary

Election of the Primate

18. When an election is held for the Primate, each of the General Secretary and the Director of Episcopal Standards, where required to by the Primate Canon 1985, is authorised to have access to any Information in the National Register relating to the candidates and disclose whether there is any such, and if so what, Information to the candidates, and the Board of Electors.

Election and appointment of persons by the General Synod

19. Where the General Synod holds an election for which members of the clergy or lay persons are candidates, or proposes to appoint a member of the clergy or lay person to a position and the member of the clergy or lay person expresses interest in the appointment, the General Secretary, where required to by the procedures of the General Synod for the conduct of elections and making appointments, is authorized to have access to any

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2 Amended by General Synod Standing Committee Resolution SC2010/1/54.

Information in the National Register relating to the candidates or the member of the clergy or lay person and disclose whether there is any such, and if so what, Information to the candidates or persons expressing interest in the appointment, and the General Synod.

Election, appointment and nomination of persons by the Standing Committee[3]

20.[4] Where the Standing Committee holds an election for which members of the clergy or lay persons are candidates, or proposes to appoint or nominate a member of the clergy or lay person to a position or for election by the General Synod under rule 7(c)(1) and (2) of the Standing Orders and the member of the clergy or lay person expresses interest in the appointment or nomination, the General Secretary, where required to by the procedures of the Standing Committee for the conduct of elections and making appointments, is authorised to have access to any Information in the National Register relating to the candidates or the member of the clergy or lay person and disclose whether there is any such, and if so what, Information to the candidates or persons expressing interest in the appointment, and the Standing Committee.

Advice by the Standing Committee to the Primate regarding the appointment of members of a Reference Commission

20A.[5] Where the Primate seeks the advice of the Standing Committee regarding the appointment of a member of a Reference Commission under s 14 of the Strategic Issues, Commissions, Task Forces and Networks Canon 1998, and a person expresses interest in the appointment, the General Secretary, where required to by the procedures of the Standing Committee for giving advice regarding such an appointment, is authorised to have access to any Information in the National Register relating to the person and disclose whether there is any such, and if so what, Information to the person, and the Standing Committee.

Preparation of material for and submissions to the Royal Commission into Institutional Reponses to Child Sexual Abuse[6]

20B.[7] The General Secretary is authorised to have access to Information relating to child abuse and to disclose it in de-identified form to the Royal Commission Working Group and to any lawyer or other person retained on behalf of the General Synod for any purpose in connection with providing advice to the Primate, Dioceses and Anglican organisations with the preparation of material for and submissions to the Royal Commission into Institutional Reponses to Child Sexual Abuse.

Information for a Determiner

20C.[8] Where a request is received from or on behalf of a Determiner as to whether there is any Information in the National Register relating to a member of the clergy or lay person, the General Secretary is authorised to have access to the National Register and disclose whether there is any such, and if so what, Information therein to the Determiner.

20D.[9] When the General Secretary receives an application for information about a church worker from a prescribed person, whether directly or through a diocesan authority or otherwise, within the meaning of the Disclosure of Information Canon 2017, the General Secretary is authorised to have access to any Information in the National Register relating to the church worker and disclose whether there is any such, and if so what, Information relating to the church worker to the prescribed person.

Certificate as to Information in the National Register

21. The General Secretary will provide to a member of the clergy or lay person, at his or her request, a certificate stating whether there is any, and if so what, Information in the National Register relating to the member of the clergy or lay person.

Part 6A Access and Disclosure by the Primate

Appointment of the General Secretary

21A.[10] Where the Standing Committee proposes to appoint the General Secretary (whether in a permanent or acting capacity), and a person expresses interest in the appointment, the Primate, where required to by the procedures of the Standing Committee for making such an appointment, is authorized to have access to any Information in the National Register relating to the person and disclose whether there is any such, and if so what, Information to the person, and the Standing Committee.

Part 7 Access by staff of the General Synod Office

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3 Amended by General Synod Standing Committee Resolution SC2017/02/47.

4 Amended by General Synod Standing Committee Resolution SC2017/02/47.

5 Inserted by General Synod Standing Committee Resolution SC2009/3/036; amended by General Synod Standing Committee Resolution SC2016/2/35.

6 Inserted by General Synod Standing Committee Resolution SC2016/2/30.

7 Inserted by General Synod Standing Committee Resolution SC2013/1/22.

8 Inserted by General Synod Standing Committee Resolution SC2016/2/30.

9 Inserted at the Seventeenth Session of General Synod 6 September 2017.

10 Inserted by General Synod Standing Committee Resolution SC2009/3/036.

22.[11] Any person within the General Synod Office whose duties include assisting the General Secretary in maintaining the National Register is authorised to have access to any Information in the National Register for the purposes of:

(a) providing assistance to another authorised person and carrying out any maintenance or enhancement of the National Register; and

(b) disclosing to a person duly authorised by the Bishop of a diocese to conduct an audit or other formal review of compliance by personnel of that diocese with duties under the National Register Canon 2007 and the protocols made thereunder subject to the person so authorised signing a confidentiality agreement in a form approved by the General Secretary.

Part 8 Disclosure to independent person for the purpose of audit under the Safe Ministry to Children Canon 2017 or equivalent ordinance of a diocese

23[12] Where a General Synod audit or a diocesan audit is undertaken under the Safe Ministry to Children Canon 2017 or an equivalent ordinance of a diocese and a Diocesan Representative, a Director of Professional Standards, the Defence Force Representative, the General Secretary or the Primate has been authorised to access and disclose Information in the National Register under this Protocol, they are also authorised to disclose that information to the independent person or person undertaking the audit under the equivalent ordinance of a diocese for the purposes of the person determining whether a national register assessment has occurred in relation to a member of clergy or layperson, on the condition that the person have signed a confidentiality agreement in a form approved by the General Secretary.

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11 Amended by General Synod Standing Committee Resolution SC2014/3/27.

12 Inserted by General Synod Standing Committee Resolution SC2020/2/41.

Acknowledgment and agreement

I (insert name), the (insert position and diocese if applicable) acknowledge that I have read the protocols approved under the National Register Canon 2007:

(a) Protocol for provision of Information for inclusion in the National Register 2007;

(b) Protocol for access to and disclosure of Information in the National Register 2007;

(c) Protocol to ascertain the details of any Information and access to that Information in the National Register 2007;

(d) Protocol for amendment of Information in the National Register 2007.

I agree to abide by these protocols, and not to disclose my password to any other person.

(Date)

(Signature).

PROTOCOL TO ASCERTAIN DETAILS OF ANY INFORMATION AND ACCESS TO THAT INFORMATION IN THE NATIONAL REGISTER

Title

1. The Protocol may be cited as the "Protocol to ascertain details of any Information and access to that Information in the National Register 2007".

Application to ascertain details of any Information and access to that Information in the National Register

2. A person applying:
   (a) to ascertain the existence and obtain a copy of any Information relating to himself or herself; or
   (b) to obtain details of any access to any Information relating to himself or herself by an authorized person;
   shall complete the form issued by the General Secretary in which is specified the postal or electronic address to which they General Secretary is to send the reply, and send the completed form to the General Secretary.

Notification of the details of any Information and access to that Information in the National Register

3. As soon as practical after receiving the application referred to in clause 2, the General Secretary shall, after being reasonably satisfied that the application is being made by the person specified therein, notify the person by written notification sent to his or her nominated postal or electronic address whether:
   (a) there is any Information in the National Register, and if so provide a copy of that Information; or
   (b) any authorised person has had access to any Information in the National Register relating to the person, and if so details of each declaration made by each authorised person under clause 4 of the Protocol for access to and disclosure of Information in the National Register 2007.

PROTOCOL FOR AMENDMENT OF INFORMATION IN THE NATIONAL REGISTER

Title

1. The Protocol may be cited as the "Protocol for amendment of Information in the National Register 2007".

Application for amendment of Information in the National Register

2. A person making an application for the amendment of the Information in the National Register relating to himself or herself shall complete the form issued by the General Secretary, in which is specified:
   (a) the Information which is sought to be amended, and
   (b) the ground on which the amendment is sought, and
   (c) any evidence in support of the amendment, and
   (d) the corrected or additional Information that would be entered in the National Register, and the deleted Information that would be removed from the National Register, if the amendment were made, and

   send the completed form to the General Secretary.

Provision of the application to the Director of Professional Standards

3. As soon as practical after receiving the application referred to in clause 2, the General Secretary shall provide a copy of the application to the Director of Professional Standards who notified the General Secretary of the Information for inclusion in the National Register.

Review of the application by the Director of Professional Standards

4. As soon as practical, and no later than one month, after receiving a copy of the application referred to in clause 3 unless an extension of time is granted by the General Secretary, the Director of Professional Standards shall review the application and notify the General Secretary as to whether he or she agrees, disagrees or has insufficient information to be able to agree or disagree, with the proposed amendment.

Amendment of Information or inclusion of statement in the National Register

5. As soon as practical after receiving the notification of the Director of Professional Standards referred to in clause 4, the General Secretary, subject to the exclusion of irrelevant or scandalous matter, shall:
   (a) where the Director of Professional Standards agrees with the proposed amendment, make the amendment;
   (b) where the Director of Professional Standards disagrees with the proposed amendment, include a statement containing the proposed amendment in the National Register with a notation that the Director of Professional Standards, who notified the General Secretary of the Information for inclusion in the National Register, disagrees with the proposed amendment;
   (c) where the Director of Professional Standards has insufficient information to be able to agree or disagree with the proposed amendment, include a statement containing the proposed amendment in the National Register with a notation that the Director of Professional Standards, who notified the General Secretary of the Information for inclusion in the National Register, has insufficient information to be able to agree or disagree with the proposed amendment, and notify the person making the application of its outcome.

SCHEDULE 2 – TRACKED VERSION OF THE AMENDMENTS TO THE SAFE MINISTRY TO CHILDREN CANON 2017

SAFE MINISTRY TO CHILDREN CANON 2017

Canon 4, 2017 as amended by
General Synod Standing Committee Resolution SC2018/03/39[1]
General Synod Standing Committee Resolution SC2018/03/40[2]General Synod Standing Committee Resolution SC2021/2/25[3]
General Synod Standing Committee Resolution SC2021/2/26[4]

Whereas –

A. in 2004 the General Synod adopted the Safe Ministry Policy Statement which states that this Church is committed to the physical, emotional and spiritual welfare and safety of all people, particularly within its own community, and includes the commitments to carefully recruit and train its clergy and church workers, adopt and encourage safe ministry practices by its clergy and lay church workers, and provide pastoral support to and supervision of any person known to have abused a child or another vulnerable person,

B. in 2014 the General Synod adopted the Charter for the Safety of People within the Churches of the Anglican Communion which includes the commitments to adopt standards for the practice of pastoral ministry by clergy and other church personnel, to assess the suitability of persons for ordination as clergy or appointment to positions of responsibility in the church, and to promote a culture of safety in parishes and church organisations by education and training:

now the General Synod prescribes as follows:

PART 1 – PRELIMINARY

Title

1. This canon is the Safe Ministry to Children Canon 2017.

Object

2. The object of this canon is:
   (a) to prescribe a code of conduct for safe ministry to children;
   (b) to prescribe minimum standards and guidelines for safe ministry to children; and
   (c) to implement the Protocol so far as it provides for obtaining and taking into account Ministry Suitability Information before authorising clergy and church workers to undertake ministry to children.

Interpretation

3. In this canon, unless the context otherwise requires:
   authorisation to function means a licence or any written instrument by which a member of the clergy is appointed, authorised, permitted or sanctioned to exercise ministry as a member of the clergy and **authorising to function** and **authorised to function** have a corresponding meaning;[5]
   child has the same meaning as in the National Register Canon 2007;
   child abuse has the same meaning as in the National Register Canon 2007;
   Church authority has the same meaning as in the National Register Canon 2007;
   Church body means any body corporate, organisation or association that exercises ministry within, or on behalf of, or in the name of, the Church, and is controlled by a diocese or province or the General Synod;
   church worker means a person undertaking any ministry to children who is not a member of clergy and who—
   (a) is permitted to function by the Bishop of a diocese; or
   (b) is employed by a church body; or
   (c) whether for payment or not, holds a position or performs a function with the actual or apparent authority of a Church authority or a Church body.[6]
   clergy means a person who is a bishop, priest or deacon in this Church;

   code of conduct means a code of conduct for safe ministry to children;

   cogent means clear, logical and convincing;

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1 Amended by General Synod Standing Committee Resolution SC2018/03/39 which came into effect on 1 January 2019.
2 Amended by General Synod Standing Committee Resolution SC2018/03/40 which came into effect on 1 January 2019.
3 Amended by General Synod Standing Committee Resolution SC2021/2/25 which came into effect on 1 July 2021.
4 Amended by General Synod Standing Committee Resolution SC2021/2/26 which came into effect on 1 January 2022.
5 Inserted by Part 2 Division 6 section 2.17(a)(i) of Canon 11, 2022
6 New definition inserted by Part 2 Division 2 section 2.7 of Canon 11, 2022

contact means physical contact, oral communication (whether face-to-face or by telephone), written communication or electronic communication (which includes email, instant messaging, social media and video chats);

controlled by a diocese or province or the General Synod has the same meaning as in the National Register Canon 2007;

diocesan audit means an audit as to whether:

(a) any diocesan code of conduct containing additional standards of conduct for observance, and additional guidelines for conduct to be followed, is inconsistent with the standards of conduct and the guidelines for conduct contained in the prescribed code of conduct, or an equivalent code of conduct in respect of which the Standing Committee has made a determination under section 5(3);

(b) a diocese has standards, and guidelines unless there are cogent reasons for not doing so, that give effect to the prescribed standards and guidelines;

(c) a diocese has in place procedures which:

(i) effectively monitor observance by clergy and church workers in the diocese of the standards, and guidelines unless there are cogent reasons for not doing so, applicable to them that give effect to the prescribed standards and guidelines; and

(ii) provide for an appropriate response to instances of non-observance; and

(d) the procedures in paragraph (c) have, in all material respects, been followed, and

(e) any additional standards and guidelines for safe ministry to children prescribed by a diocese are inconsistent with the prescribed standards and guidelines, or equivalent standards and guidelines applicable to a Church body in respect of which the Standing Committee has made a determination under section 9(3);

diocesan safe ministry authority means a Church body with responsibility for safe ministry to children in a diocese, and where not established is the diocesan council;

General Synod audit means an audit as to whether:

(a) any code of conduct that applies to clergy and church workers in a Church body in respect of which the Standing Committee has made a determination under section 5(3) gives substantial effect to the standards of conduct and the guidelines for conduct contained in the prescribed code of conduct as appropriately adapted to the context of the Church body;

(b) the prescribed standards have been observed, and guidelines have been followed unless there are cogent reasons for not doing so, by the person or body appointing or electing clergy and church workers to a General Synod professional standards role or a General Synod safe ministry role;

(c) any standards and guidelines for safe ministry to children that apply to clergy and church workers in a Church body in respect of which the Standing Committee has made a determination under section 9(3) give substantial effect to the applicable prescribed standards and guidelines as appropriately adapted to the context of the Church body;

General Synod professional standards role means a professional standards role to which a person is elected or appointed by the General Synod or the Standing Committee or the Primate or the General Secretary;

General Synod safe ministry role means a safe ministry role to which a person is elected or appointed by the General Synod or the Standing Committee or the Primate or the General Secretary;

[7]

ministry to children means work of a kind where a person:

(a) is required to hold a statutory clearance by reason that the person has contact with a child as part of engaging in a regulated activity; or[8]

(b) exercises a pastoral ministry which has direct, regular and not incidental contact with children; or

(c) provides services to children that are ancillary to the exercise of a pastoral ministry within paragraph (b) which involve:

(i) contact with children during an overnight activity (such as camps and similar activities); or

(ii) close, personal contact with children (such as changing clothes, washing and toileting); or

(d) supervises the ministry of a person within any one or more of paragraphs (a) to (c); or

(e) performs a professional standards role; or

(f) performs a safe ministry role;

occasional ministry to children means the exercise of a pastoral ministry to children where the ministry is not regular and involves direct contact with children that is not incidental;[9]

pastoral ministry includes the provision of spiritual advice and support, education, counselling, medical care, and assistance in times of need;

permission to function means a licence or any written instrument by which a person who is not a member of the clergy is appointed, authorised, permitted or sanctioned to exercise ministry and **permitting to function** and **permitted to function** have a corresponding meaning;[10]

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7 Definition 'licence' repealed by Part 2 Division 6 section 2.17(b) of Canon 11, 2022

8 Amended by Part 2 Division 10 section 2.31(a) of Canon 11, 2022

9 Inserted by Part 2 Division 10 section 2.27 of Canon 11, 2022

10 Inserted by Part 2 Division 6 section 2.17(a)(ii) of Canon 11, 2022

Person of Concern is a person who is currently participating or wishes to participate in the life of a parish or congregation and whose presence constitutes a risk of harm from sexual abuse to others in the parish or congregation;

prescribed code of conduct means the code of conduct prescribed under this canon from time to time;

prescribed standards and guidelines means the standards and guidelines prescribed under this canon from time to time;

professional standards process has the same meaning as in the Episcopal Standards (Child Protection) Canon 2017;

professional standards role means a role in:

(a) recommending or determining whether an action is to be taken; or

(b) providing support to a person;

under a professional standards process;

Protocol means the Protocol for the disclosure of ministry suitability information between the churches of the Anglican Communion which the Anglican Consultative Council referred to in resolution 16.27 passed in 2016, and the text of which is set out in the Third Schedule;

Safe Ministry Commission means the Safe Ministry Commission established pursuant to the Strategic Issues, Commissions, Task Forces and Networks Canon 1998;

Safe ministry role means a role:

(a) in recommending or determining standards and guidelines for safe ministry to children or with a Person of Concern; or

(b) in recommending or determining or supervising safe ministry in a parish or congregation with a Person of Concern;

but excludes a role as a member of the synod of the diocese and, if a diocese has established a diocesan safe ministry authority separate from its diocesan council excludes a role as a member of the diocesan council;[11]

spiritual abuse has the same meaning as in the National Register Canon 2007;

standards for safe ministry with Persons of Concern means the standards in Part 4 of the Second Schedule;[12]

standards of screening means the standards in Part 2 of the Second Schedule;[13]

standards of training means the standards in Part 3 of the Second Schedule;[14]

statutory clearance has the same meaning as in the National Register Canon 2007;[15]

[16] [17]

PART 2 - CODES OF CONDUCT

Prescribed code of conduct

4. (1) The code of conduct is prescribed in the First Schedule.

(2) The General Synod, or the Standing Committee by a two-thirds majority, may by resolution amend the First Schedule by:

(a) prescribing amendments to the prescribed code of conduct or a substituted code of conduct; and

(b) determining the date on which the amendments to the prescribed code of conduct, or the substituted code of conduct, shall come into force.

(3) The Standing Committee prior to amending the First Schedule shall consult with the Safe Ministry Commission and diocesan safe ministry authorities as to the proposed amendments to the prescribed code of conduct or the proposed substituted code of conduct, and the date on which the proposed amendments to the prescribed code of conduct, or the proposed substituted code of conduct, shall come into force.

(4) Any amendments to the prescribed code of conduct, or any substituted code of conduct, shall not deal with or concern the faith ritual or ceremonial of this Church other than in relation to the spiritual abuse of a child or the confession of child abuse.

(5) Subject to section 5, clergy and church workers shall:

(a) observe the standards of conduct, and

(b) follow the guidelines for conduct unless there are cogent reasons for not doing so,

contained in the prescribed code of conduct.

Equivalent code of conduct

5. (1) In this section **Church body** does not include a diocese or a diocesan safe ministry authority.

(2) The prescribed code of conduct shall not apply to clergy and church workers in a Church body which has a code of conduct applicable to them pursuant to:

(a) the laws of the Commonwealth or a State or Territory; or

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11 Amended by Part 2 Division 10 section 2.32 of Canon 11, 2022

12 Amended by Part 2 Division 7 section 2.22(a) of Canon 11, 2022

13 Amended by Part 2 Division 7 section 2.22(b) of Canon 11, 2022

14 Amended by Part 2 Division 7 section 2.22(c) of Canon 11, 2022

15 Inserted by Part 2 Division 8 section 2.23 of Canon 11, 2022

16 Definition 'working with children check' deleted by Part 2 Division 10 section 2.31(b) of Canon 11, 2022

17 Definition 'working with vulnerable people check' deleted by Part 2 Division 10 section 2.31(c) of Canon 11, 2022

(b) a requirement or condition for registration, approval or funding to provide services for children under the laws of the Commonwealth or a State or Territory; or

(c) a contract or arrangement with the Commonwealth or a State or Territory or an agency or authority of the Commonwealth or a State or Territory.

(3) Subject to subsection (2), the prescribed code of conduct shall apply to clergy and church workers in a Church body unless the Standing Committee by a two-thirds majority, on application by a province or diocese, determines that the Church body has a code of conduct containing equivalent standards of conduct for observance, and guidelines for conduct to be followed, by its clergy and church workers as appropriately adapted to the context of the Church body that give substantial effect to the standards of conduct and the guidelines for conduct contained in the prescribed code of conduct.

(4) The General Secretary shall publish on the General Synod website a list of all Church bodies that have been determined under subsection (3) to have an equivalent code of conduct, the date on which the determination was made, and if applicable the period during which the determination had effect.

Additional code of conduct

6. (1) A diocese may prescribe a code of conduct containing additional standards of conduct for observance, and additional guidelines for conduct to be followed, by the following persons, other than clergy and church workers in a Church body specified in section 5(2):

(a) in the case of clergy and church workers to whom the prescribed code of conduct applies, that are not inconsistent with the standards of conduct and the guidelines for conduct contained in the prescribed code of conduct; or

(b) in the case of clergy and church workers to whom a code of conduct specified in section 5(3) applies, that are not inconsistent with the standards of conduct and the guidelines for conduct contained in that code of conduct.

Publication of prescribed code of conduct

7. (1) The General Secretary shall publish the prescribed code of conduct on the General Synod website.

(2) The General Secretary shall table at each ordinary session of the General Synod any amendments to the prescribed code of conduct, or any substituted code of conduct, prescribed by the Standing Committee since the preceding ordinary session of the General Synod.

PART 3 - STANDARDS AND GUIDELINES

Prescribed standards and guidelines

8. (1) Standards of screening, standards of training and standards for safe ministry with Persons of Concern are prescribed in the Second Schedule.

(2) The General Synod, or Standing Committee by a two-thirds majority, may by resolution amend the Second Schedule by:

(a) prescribing amendments to the prescribed standards and guidelines or substituted standards and guidelines;

(b) prescribing further minimum standards for observance, and guidelines to be followed, for safe ministry to children; and

(c) determining the date on which the amendments to the prescribed standards and guidelines, or substituted standards and guidelines, or further standards and guidelines, shall come into force.

(3) The Standing Committee prior to amending the Second Schedule shall consult with the Safe Ministry Commission and diocesan safe ministry authorities as to the proposed amendments to the prescribed standards and guidelines, or proposed substituted standards and guidelines, or proposed further standards and guidelines, and the date on which the proposed amendments to the prescribed standards and guidelines, or proposed substituted standards and guidelines, or proposed further standards and guidelines, shall come into force.

(4) Any amendments to the prescribed standards and guidelines, or any substituted standards and guidelines, or any further standards and guidelines, shall not deal with or concern the faith ritual or ceremonial of this Church other than in relation to the spiritual abuse of a child or the confession of child abuse.

(5) Subject to section 9:

(a) each diocese shall have standards, and guidelines unless there are cogent reasons for not doing so, that give effect to the prescribed standards and guidelines; and

(b) clergy and church workers in a diocese shall observe:

(i) the standards, and

(ii) the guidelines unless there are cogent reasons for not doing so,

applicable to them that give effect to the prescribed standards and guidelines.

(6) The prescribed standards and guidelines apply to clergy and church workers who perform a General Synod professional standards role or a General Synod safe ministry role.

Equivalent standards and guidelines

9. (1) In this section **Church body** does not include a diocese or a diocesan safe ministry authority.

(2) The prescribed standards and guidelines shall not apply to clergy and church workers in a Church body which:

(a) is registered or approved or funded to provide services to children pursuant to the laws of the Commonwealth or a State or Territory; or

(b) provides services to children pursuant to a contract or arrangement with the Commonwealth or a State or Territory or an agency or authority of the Commonwealth or a State or Territory.

(3) Subject to subsection (2), the prescribed standards and guidelines shall apply to clergy and church workers in a Church body unless the Standing Committee by a two-thirds majority, on application by a province or diocese, determines that the Church body has equivalent standards for observance, and guidelines to be followed, by its clergy and church workers for safe ministry to children as appropriately adapted to the context of the Church body that give substantial effect to the applicable prescribed standards and guidelines.

(4) The General Secretary shall publish on the General Synod website a list of all Church bodies that have been determined under subsection (3) to have equivalent standards and guidelines, the date on which the determination was made, the applicable prescribed standards and guidelines for which the Church body has equivalent standards and guidelines, and if applicable the period during which the determination had effect.

Additional standards and guidelines

10. (1) A diocese may prescribe additional standards and guidelines for safe ministry to children, other than for a Church body specified in section 9(2):

(a) that are not inconsistent with the prescribed standards and guidelines; or

(b) in the case of a Church body specified in section 9(3), that are not inconsistent with the standards and guidelines applicable to that Church body.

Publication of prescribed standards and guidelines

11. (1) The General Secretary shall publish the prescribed standards and guidelines on the General Synod website.

(2) The General Secretary shall table at each ordinary session of the General Synod any amendments to the prescribed standards and guidelines, or substituted standards and guidelines, or further standards and guidelines, prescribed by the Standing Committee since the preceding ordinary session of the General Synod.

PART 4 – AUDIT

Audit

12. (1) In this section:

church worker has the same meaning as in the National Register Canon 2007;

independent person means a person who:

(a) is not a member of the clergy or a church worker; and

(b) has experience in undertaking audits of a similar nature to a General Synod audit and a diocesan audit.

(2) The General Secretary shall appoint an independent person to undertake a General Synod audit and a diocesan audit of each diocese at intervals of three years or such lesser period as determined by the Standing Committee, and provide as soon as practicable after the completion of the audit:

(a) a report of the General Synod audit to the Standing Committee; and

(b) a report of the diocesan audit to the diocesan council of the diocese concerned, the diocesan safe ministry authority of that diocese and the Standing Committee.

(3) The General Secretary shall consult with diocesan safe ministry authorities as to when the audit of each diocese shall be conducted.

(4) The Standing Committee shall determine the scope of the General Synod audit and a diocesan audit.

(5) The Primate and the General Secretary shall provide access to such of their records, the records of the General Synod and the records of the Standing Committee, and provide such information, as requested by the independent person undertaking the General Synod audit as is reasonably necessary to enable the General Synod audit to be undertaken.

(6) Each diocesan safe ministry authority shall provide access to such of the records of the diocese, and provide such information, as requested by the independent person undertaking the diocesan audit as is reasonably necessary to enable the diocesan audit to be undertaken.

(7) The General Secretary shall as soon as practicable after:

(a) the report of the General Synod audit has been provided to the Standing Committee, and

(b) the report of the diocesan audit has been provided to the diocesan council of the diocese concerned, the diocesan safe ministry authority of that diocese and the Standing Committee,

publish the report on the General Synod website.

(8) The General Secretary is authorised to provide:

(a) the report of the General Synod audit to an agency or authority of the Commonwealth or a State or Territory with responsibility for child safe standards in institutions providing services for children; and

(b) agency or authority of the State or Territory in which the diocese is located, with responsibility for child safe standards in institutions providing services for children.

12A. (1) Where the Standing Committee is satisfied that—

(a) an audit equivalent to a diocesan audit is required pursuant to the laws of the Commonwealth or of a State or Territory; and

(b) the report of the audit is publicly available—

the Standing Committee may by a two-thirds majority on the application of that diocese exempt the diocese from a diocesan audit.

(2) Where the Standing Committee is satisfied that—

(a) an audit equivalent to part of a diocesan audit is required pursuant to the laws of the Commonwealth or of a State or Territory; and

(b) the report of the audit is publicly available—

the Standing Committee may by a two-thirds majority on the application of that diocese exempt the diocese from that part of a diocesan audit. [18]

PART 5 – GENERAL

Diocesan safe ministry authority

13. (1) Each diocese shall have a diocesan safe ministry authority.

(2) A diocesan safe ministry authority shall at the request of General Secretary promptly inform the General Secretary of the details of the screening and training of persons from the diocese who are being considered for appointment or election for a General Synod professional standards role or a General Synod safe ministry role.

PART 6 – COMING INTO FORCE

Coming into force of particular provisions

14. (1) Subject to this section, this canon will come into force on and from the date appointed by the President, being not later than one calendar month from the date on which the canon is passed.

(2) The standards of screening, standards of training and standards for safe ministry with Persons of Concern prescribed under section 8(1) shall come into force on the date specified in the Second Schedule.

(3) Section 12 shall come into force on 1 January 2019.

(4) Section 13 shall come into force on 1 January 2018.

Coming into force in a diocese

15. The provisions of this canon affect the order and good government of the Church within a diocese and shall not come into force in a diocese unless and until the diocese by ordinance adopts this canon.

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[18] Inserted by the Part 3 Division 3 section 3.8 of Canon 11, 2022

SCHEDULES

FIRST SCHEDULE

Interpretation

1. In this Schedule:

Faithfulness in Service means Faithfulness in Service: A national code for personal behaviour and the practice of pastoral ministry by clergy and church workers as tabled at the 17th ordinary session of the General Synod held in 2017.

Code of conduct

2. The code of conduct is the standards and guidelines of Faithfulness in Service set out in:
   (a) section 3 (Putting this Code into Practice) so far as they relate to section 5 (Children), and
   (b) section 5 (Children),

   when read in each case with section 1 (About this Code) and section 2 (Key Terms).

SECOND SCHEDULE
PART 1 - INTERPRETATION

Interpretation

1. In this Schedule, unless the context otherwise requires:

accredited training means:
(a) training that:
(i) includes the course content in the Safe Ministry Training National Benchmarks so far as it relates to ministry to children, with reasonable adjustments for cultural, linguistic and ability diversity; and
(ii) is delivered by persons who are accredited, and/or online training which is accredited, by a diocesan safe ministry authority; or
(b) training of another Church body or organisation that a diocesan safe ministry authority has determined is equivalent to the training in paragraph (a);

church ministry assessment means a reasonable endeavour made to obtain information about the person from the responsible authority, and if obtained consideration of that information;

criminal history assessment means consideration of a National Police History Check of the person;

denomination means a religious body or a religious organisation declared to be a recognised denomination for the purposes of the *Marriage Act 1962* (Cth), other than the Anglican Church of Australia, that holds the Christian Faith as set forth in the Nicene Creed and the Apostles' Creed;[19]

denominational authority means a person or body of another denomination having authority to ordain, authorise to function, permit to function, license, elect, appoint, dismiss or suspend a member of the clergy or a lay person of that denomination;[20]

diocesan authority means a person or body of another diocese of this Church having authority to ordain, authorise to function, permit to function, license, elect, appoint, dismiss or suspend a member of the clergy or a lay person of that diocese;[21]

information means a written statement by a responsible authority which discloses:
(a) whether or not there has been, and
(b) if there has been, the substance of,

any untested allegation, charge, finding or admission of the commission of a criminal offence, or a breach of the rules in force in the applicable Province or diocese or denomination or institution regarding the moral conduct of clergy and lay persons undertaking ministry or of persons working for the institution, including rules relating to sexual conduct and conduct towards children and vulnerable adults;[22]

institution means an institution that is not an institution of this Church or of a Province or of a denomination;[23]

institutional assessment means a reasonable endeavour made to obtain information about a person from an institution authority and includes consideration of any information so obtained;[24]

institution authority means a person or body of an institution with the power to elect, appoint, suspend or dismiss a person as an officer, employee or volunteer of that institution;[25]

[26]

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19 Definition inserted by Part 2 Division 4 section 2.11 of Canon 11, 2022
20 Amended by Schedule 1.4(1)(a) of Canon 11, 2022
21 Amended by Schedule 1.4(1)(b) of Canon 11, 2022
22 Amended by Part 2 Division 10 section 2.28(a)(i) and (ii) of Canon 11, 2022
23 Definition inserted by Part 2 Division 10 section 2.28(b) of Canon 11, 2022
24 Definition inserted by Part 2 Division 10 section 2.28(b) of Canon 11, 2022
25 Definition inserted by Part 2 Division 10 section 2.28(b) of Canon 11, 2022
26 Definition 'licensed clergy' repealed by Part 2 Division 6 section 2.18 of Canon 11, 2022

medical assessment means consideration of a medical report of the person by a registered medical practitioner;
National Register means the National Register established under the National Register Canon 2007;
national register assessment means a check whether there is any information about the person entered in the National Register, and if so consideration of that information;
other clergy means—
(a) a bishop, priest or deacon in a Province; and
(b) an ordained minister of a denomination;[27]
Persons of Concern Policy means the Policy for Safe Ministry in a parish where there is a risk of sexual abuse by a Person of Concern as tabled at the 17th ordinary session of the General Synod held in 2017;
professional standards personnel means clergy and church workers performing a professional standards role;
Province means a member church of the Anglican Consultative Council other than this Church or an extra-provincial church under the direct metro-political jurisdiction of the Archbishop of Canterbury and includes part of a Province;[28]
provincial authority means the person or body in a Province having authority to ordain, authorise to function, permit to function, license, elect, appoint, dismiss or suspend a member of the clergy or a lay person of that Province;[29]
[30] **psychological assessment** means consideration of a psychological report that includes an assessment of the personal, social and psychosexual maturity of the person by a registered psychologist experienced in psychological assessment;
responsible authority means:
(a) a provincial authority; or
(b) a diocesan authority; or
(c) a denominational authority; or
(d) an institution authority;[31]
risk assessment means a risk assessment provided by the Department for Communities and Social Inclusion Screening Unit of South Australia;
safe ministry assessment means consideration of the person's completed Safe Ministry Check, and if applicable referees' completed Safe Ministry Checks;
[32] **Safe Ministry Check** means a check that includes the applicable Safe Ministry Check as tabled at the meeting of the Standing Committee held on 9–10 November 2018;
safe ministry personnel means clergy and church workers performing a safe ministry role;
Safe Ministry Training National Benchmarks means the Safe Ministry Training National Benchmarks as tabled at the 17th ordinary session of the General Synod held in 2017;
screening authority means:
(a) in the case of a person to be ordained as a deacon, or a member of the clergy to be authorised to function or a church worker permitted to function,[33] the bishop of the diocese or his or her delegate; or
(b) in the case of a member of the clergy to be elected or appointed as the bishop of the diocese, the electing or appointing body or its delegate; or
(c) in the case of a church worker to undertake paid or voluntary ministry to children, the appointing person or body or their delegate; or
(d) in the case of a professional standards personnel and safe ministry personnel, the electing or appointing body or its delegate.

1A A person is **screened** if the prescribed standards of screening have been applied in respect of that person by the relevant screening authority**.**[34]

PART 2 - STANDARDS OF SCREENING

Application

2. (1) This Part applies to all persons ordained as deacons, or authorised to function, appointed or elected as the bishop of a diocese, or permitted to function, after this Part comes into force.[35]
(2) This Part so far as it requires a statutory clearance[36], or a criminal history assessment, or a risk assessment, applies to all persons authorised to function, appointed or elected as the bishop of a diocese, or permitted to function, when this Part comes into force.[37]

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27 Definition inserted by Part 2 Division 3 section 2.10 of Canon 11, 2022
28 Amended by Part 2 Division 10 section 2.28(c) of Canon 11, 2022
29 Amended by Schedule 1.4(1)(c) of Canon 11, 2022
30 Amended by General Synod Standing Committee Resolution SC2021/2/25 which came into effect on 1 July 2021.
31 Amended by Part 2 Division 10 section 2.28(d) of Canon 11, 2022
32 Amended by General Synod Standing Committee Resolution SC2018/03/39 which came into effect on 1 January 2019.
33 Amended by Schedule 1.4(2) of Canon 11, 2022
34 Inserted by Part 2 Division 10 section 2.29 of Canon 11, 2022
35 Amended by Schedule 1.4(3)(a) of Canon 11, 2022
36 Amended by Part 3 Division 2 section 3.3 of Canon 11, 2022
37 Amended by Schedule 1.4(3)(a) of Canon 11, 2022

(3) This Part so far as it requires a national register assessment and a safe ministry assessment by the screening authority applies to all persons authorised to function, appointed or elected as the bishop of a diocese, or permitted to function, when this Part comes into force, except where the screening authority is reasonably satisfied this has previously been done, and where not so satisfied provided that these assessments are undertaken by 1 January 2021.[38]

(4) Subject to subclauses (2) and (3), this Part does not apply to persons ordained as deacons, authorised to function, appointed or elected as the bishop of a diocese, or permitted to function, when this Part comes into force.[39]

Deacons

3. The standards of screening for a person to be ordained as a deacon are:

(1) the person holds an unconditional statutory clearance; and[40]

(2) the following assessments by the screening authority:

(a) where a statutory clearance is not required by or is not able to be sought under the laws of a Commonwealth, State or Territory;[41]

(b) a national register assessment;

(c) a safe ministry assessment;

(d) a medical assessment;

(e) a psychological assessment; and

(f) where the person was previously authorised for ministry in a Province or in another diocese of this Church or another denomination, a church ministry assessment, except where reasonably satisfied this has previously been done.

The Bishop of the diocese and clergy authorised to function[42]

4. The standards of screening for a member of the clergy to be authorised to function, or to be elected or appointed as the bishop of the diocese, are:[43]

(1) the person holds a statutory clearance; and[44]

(2) the following assessments by the screening authority:

(a) where an unconditional statutory clearance is not required by or is not able to be sought under the laws of a Commonwealth, State or Territory, a criminal history assessment or a risk assessment;[45]

(b) a national register assessment;

(c) a safe ministry assessment; and

(d) where the person was previously authorised for ministry in a Province or in another diocese of this Church or another denomination, a church ministry assessment, except where reasonably satisfied this has previously been done.

Church workers who are paid or permitted to function[46]

5. The standards of screening for church workers to be permitted to function or to undertake paid ministry to children are:[47]

(1) the person holds a statutory clearance; and[48]

(2) the following assessments by the screening authority:

(a) where an unconditional statutory clearance is not required by or is not able to be sought under the laws of a Commonwealth, State or Territory, a criminal history assessment or a risk assessment;[49]

(b) a national register assessment;

(c) a safe ministry assessment; and

(d) where the person was previously authorised for ministry in a Province or in another diocese of this Church or another denomination, a church ministry assessment, except where reasonably satisfied this has previously been done.

Voluntary church workers

6. The standards of screening for church workers, who are not professional standards personnel and safe ministry personnel, to undertake voluntary ministry to children are:

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38 Amended by Schedule 1.4(3)(a) of Canon 11, 2022

39 Amended by Schedule 1.4(3)(a) of Canon 11, 2022

40 Amended by Part 3 Division 2 section 3.4(a) of Canon 11, 2022

41 Amended by Part 3 Division 2 section 3.4(b) of Canon 11, 2022

42 Amended by Schedule 1.4(4)(a) of Canon 11, 2022

43 Amended by Schedule 1.4(4)(b) of Canon 11, 2022

44 Amended by Part 3 Division 2 section 3.5(a) of Canon 11, 2022

45 Amended by Part 3 Division 2 section 3.5(b) of Canon 11, 2022

46 Amended by Schedule 1.4(5)(a) of Canon 11, 2022

47 Amended by Schedule 1.4(5)(b) of Canon 11, 2022

48 Amended by Part 3 Division 2 section 3.6(a) of Canon 11, 2022

49 Amended by Part 3 Division 2 section 3.6(b) of Canon 11, 2022

(1) the person holds an unconditional statutory clearance or a conditional statutory clearance that enable the ministry to be undertaken where required by or is not able to be sought under the law of the Commonwealth or a State or Territory; and[50]

(2) the following assessments by the screening authority:

(a)[51] where an unconditional statutory clearance or a conditional statutory clearance that authorises the ministry to be undertaken is not required by or is not able to be sought under the laws of a Commonwealth, State or Territory and the person is aged 18 years or over, a criminal history assessment where a National Police History Check can be applied for by the person or a risk assessment;[52]

(b) a national register assessment; and

(c)[53] a safe ministry assessment when the person is aged 13 years and over.

Professional standards personnel and safe ministry personnel

7. The standards of screening for professional standards personnel, and safe ministry personnel, who have not otherwise been screened as a deacon, authorised to function, appointed or elected as the bishop of a diocese, or permitted to function as a paid or voluntary church worker, are a national register assessment by the screening authority.[54]

Creation and retention of records

8. Accurate records of the screening of clergy and church workers are to be created and maintained in a secure manner.

PART 3 - STANDARDS OF TRAINING

Application

9. (1) This Part applies to all persons ordained as deacons, or authorised to function, appointed or elected as the bishop of a diocese, or permitted to function, or elected or appointed as professional standards personnel or safe ministry personnel, after this Part comes into force.[55]

(2) This Part applies to all persons authorised to function, appointed or elected as the bishop of a diocese, or permitted to function, or elected or appointed as professional standards personnel or safe ministry personnel, when this Part comes into force, provided that accredited training is undertaken by 1 January 2021.[56]

Accredited training

10. The standards of training for clergy and church workers are satisfactory completion of accredited training:

(1) (a) by the bishop of the diocese, within three years prior to his or her election or appointment, or in exceptional circumstances prior to his or her installation; or

(b) by deacons, clergy authorised to function, and church workers permitted to function, within three years prior to being ordained, authorised to function, permitted to function or appointed to undertake ministry to children, except where the bishop of the diocese or his or her delegate is satisfied there are exceptional circumstances in which case the training is to be completed as soon as practicable but not later than three months after the person is ordained, authorised to function, permitted to function or appointed to undertake ministry to children; or[57]

(c) by professional standards personnel, who are not a deacon, authorised to function, appointed or elected as the bishop of a diocese, or permitted to function as a paid or voluntary church worker, within three years prior to election or appointment to a professional standards role; or[58]

(d) by safe ministry personnel, who are not a deacon, authorised to function, appointed or elected as the bishop of a diocese, or permitted to function as a paid or voluntary church worker, within three years prior to election or appointment to a safe ministry role; and[59]

(2) by clergy and church workers in paragraph (a), at intervals of not more than three years after prior satisfactory completion of accredited training.

Creation and retention of records

11. Accurate records of the satisfactory completion of accredited training by clergy and church workers are to be created and maintained in a secure manner.

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50 Amended by Part 3 Division 2 section 3.7(a) of Canon 11, 2022

51 Amended by General Synod Standing Committee Resolution SC2018/03/40 which came into effect on 1 January 2019.

52 Amended by Part 3 Division 2 section 3.7(b) of Canon 11, 2022

53 Amended by General Synod Standing Committee Resolution SC2018/03/39 which came into effect on 1 January 2019.

54 Amended by Schedule 1.4(6)(a) of Canon 11, 2022

55 Amended by Schedule 1.4(3)(b) of Canon 11, 2022

56 Amended by Schedule 1.4(3)(b) of Canon 11, 2022

57 Amended by Schedule 1.4(7) of Canon 11, 2022

58 Amended by Schedule 1.4(6)(b) of Canon 11, 2022

59 Amended by Schedule 1.4(6)(b) of Canon 11, 2022

PART 4 - STANDARDS FOR SAFE MINISTRY WITH PERSONS OF CONCERN

Standards

12. (1) The standards for safe ministry with a Person of Concern in a parish are the actions required to implement the process specified in section 5 of the Persons of Concern Policy.

(2) The standards for safe ministry with a Person of Concern in a congregation are the actions required to implement the process specified in section 5 of the Persons of Concern Policy as adapted by a diocesan safe ministry authority to apply to a congregation.

Creation and retention of records

13. Accurate records relating to the implementation of the Persons of Concern Policy in respect of each Person of Concern are to be created and maintained in a secure manner.

PART 5 – STANDARDS OF SUPERVISION[60]

Application

14. This part applies to all persons licensed or authorised or appointed as church workers who are under the age of 16 years.

15. A church worker who is under the age of 16 years shall, except in an emergency, undertake all ministry to children under the direct supervision of at least one church worker who is aged 18 years or over.

Creation and retention of records

16. Accurate records relating to the supervision of church workers who are under the age of 16 years are to be created and maintained in a secure manner.

PART 6 - COMING INTO FORCE OF PARTICULAR PROVISIONS[61]

17.[62] (1) Parts 2 (except paragraph (b) of clause 6(2)) and 3 when read with Part 1 of this Schedule shall come into force on 1 January 2018.

(2) Paragraph (b) of clause 6(2) when read with Part 1 of this Schedule shall come into force on a date determined by the Standing Committee.

(3) Part 4 when read with Part 1 of this Schedule shall come into force on 1 January 2019.

(4)[63] Part 5 shall come into force on 1 January 2021.

THIRD SCHEDULE

Protocol for the disclosure of ministry suitability information between the churches of the Anglican Communion.

Definitions

1. In this Protocol:

Assessing Province means the Province in which a Church authority is to assess whether the Church worker should be authorised for ministry;

Authorising Province means the Province or Provinces in which the Church worker is authorised, or has previously been authorised, to undertake ministry by a Church authority;

Church authority means the person or body responsible for authorising Church workers to undertake ministry in the Authorising Province or the Assessing Province;

Church worker means a member of the clergy or a lay person who:

(a) is authorised, or has previously been authorised, to undertake ministry by a Church authority of the Authorising Province; and

(b) has applied to undertake authorised ministry, or has been nominated for appointment to a position or office involving the undertaking of authorised ministry, in the Assessing Province;

Ministry Suitability Information means a written statement by a Church authority of the Authorising Province about the Church worker that discloses:

(a) whether or not there has been; and

(b) if so, the substance of;

any allegation, charge, finding or admission of the commission of a criminal offence, or the breach of the Authorising Province's rules regarding the moral conduct of clergy and lay persons undertaking ministry, including rules relating to sexual conduct and conduct towards children and vulnerable adults;

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60 Inserted by General Synod Standing Committee Resolution SC2021/2/26 which came into effect on 1 January 2022.

61 Renumbered by General Synod Standing Committee Resolution SC2021/2/26 which came into effect on 1 January 2022.

62 Renumbered by General Synod Standing Committee Resolution SC2021/2/26 which came into effect on 1 January 2022.

63 Added by General Synod Standing Committee Resolution SC2021/2/26 which came into effect on 1 January 2022.

Province includes part of a Province.

System for the disclosure of Ministry Suitability Information by the Authorising Province

2. The Authorising Province will have and maintain a system for the disclosure of Ministry Suitability Information about a Church worker of the Province to the applicable Church authority of the Assessing Province that includes the following requirements:
   (a) the applicable Church authority of the Province is to promptly deal with an application by the applicable Church authority of the Assessing Province for the disclosure of Ministry Suitability Information; and
   (b) the applicable Church authority of the Province is to disclose the Ministry Suitability Information to the applicable Church authority of the Assessing Province.

System for assessing the suitability of a Church worker for authorised ministry in the Assessing Province

3. The Assessing Province will have and maintain a system for the assessment of the suitability of a Church worker to undertake authorised ministry in the Province that includes the following requirements:
   (a) the applicable Church authority is to make an application to the Authorising Province for Ministry Suitability Information;
   (b) the applicable Church authority is not to authorise the Church worker to undertake ministry in the Province unless and until it has carried out an assessment of whether the Church worker is a risk to the physical, emotional and spiritual welfare and safety of people that takes into account the Ministry Suitability Information disclosed by the Authorising Province; and
   (c) the applicable Church authority is to keep the Ministry Suitability Information confidential, except where its disclosure:
      (i) is required by law; or
      (ii) is reasonably believed to be necessary to protect any person from the risk of being harmed by the Church worker; or
      (iii) is necessary for the purpose of undertaking the assessment of whether the Church worker is suitable to undertake authorised ministry in the Province or any disciplinary action against the Church worker.

TRUST FUNDS STATUTE 2016

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BE IT RESOLVED by the Archbishop, clergy and laity of the Diocese of Perth in Synod assembled as follows:

PART 1 - PRELIMINARIES

1 **Short Title**

1.1 This Statute may be cited as the Trust Funds Statute 2016.

2 **Repeal**

2.1 The Trust Funds Statute 1965-1978 is repealed, provided, however, that such repeal will not affect or invalidate any act done or commenced under or by virtue of the repealed statute.

3 **Interpretation**

3.1 The meanings of words and phrases given in the Interpretation Statute 2007 apply in this Statute except that for the purposes of this Statute the words and phrases listed hereunder have their meanings given or altered as follows:

ACF means the Anglican Community Fund (Inc).

allied ministry has the meaning given in the Parish Governance Statute;

Beneficiary Accounts means the individual accounts held with the ACF by the beneficiaries pursuant to section 4.1(c);

Diocesan Funds common pool means the common pool of funds referred to in section 7;

Diocesan Office Working Account means the general working account for the Diocese.

Equity Investment Pool means a common pool of equities which the Trustees may establish from time to time under a policy of the Trustees;

Fixed Trust means a trust administered by the Trustees in respect of which the income only is expendable;

Fixed Trusts Investment Pool means the common pool of trust funds referred to in section 5;

Income Appropriation Accounts means an account in the name of an Investment Pool held with the ACF for the receipt and distribution of income;

Investment Pools or **Pool** means any one or more of the Diocesan Funds common pool, the Fixed Trust Investment Pool, the Variable Trusts Investment Pool, and any Property Investment Pool or Equity Investment Pool;

parish has the meaning given in the Parish Governance Statute;

Property Investment Pool means a common pool of trust funds which the Trustees may establish from time to time under a policy of the Trustees;

Trustees means The Perth Diocesan Trustees;

Variable Trust means a trust administered by the Trustees in respect of which both the capital and income is expendable; and

Variable Trusts Investment Pool means the common pool of trust funds referred to in section 6.

3.2 As to property and moneys subject to specific trusts, this Statute shall be read and construed and take effect subject to the conditions of such trusts.

4 **Accounts with the ACF**

4.1 The Trustees shall:

(a) hold Income Appropriation Accounts for each Investment Pool;

(b) ensure that the ACF keeps an account in its books showing at all times the current amount for the time being at credit in each Income Appropriation Account;

(c) require each beneficiary of a Fixed Trust and/or a Variable Trust and each parish to hold an account with the ACF to facilitate payments of interest and/or capital to beneficiaries; and

(d) ensure that the ACF keeps an account in its books showing at all times the current amount being at credit in each Beneficiary Account.

4.2 This Statute does not apply to monies deposited directly by parishes or allied ministries in the ACF pursuant to the provisions of the Parish Governance Statute.

PART 2 – FIXED TRUSTS

5 **Fixed Trusts Investment Pool**

5.1 All trust funds now held or which may in the future be held by the Trustees in respect of Fixed Trusts shall be amalgamated in the Fixed Trusts Investment Pool and shall be invested by the Trustees from time to time with the perpetual nature of the trust funds in view.

5.2 The moneys constituting the Fixed Trusts Investment Pool may be invested in accordance with the powers conferred on the Trustee by act of legislature 52 Victoria No 2 and The Diocesan Trustees Statute.

5.3 Investments made from moneys forming part of the Fixed Trusts Investment Pool shall not be deemed to be made in the name or on account of, or nor shall they belong to, any particular beneficiary.

5.4 The Trustees shall keep an account in their books showing at all times the current amount for the time being at credit in the Fixed Trusts Investment Pool. The amounts standing to the credit of the relevant Beneficiary Accounts shall be off set against the current amount at credit in the Fixed Trust Investment Pool.

5.5 Any capital profits or losses upon realisation of any investment by the Trustees through the Fixed Trusts Investment Pool shall be credited or debited (as the case may require) to the Fixed Trusts Investment Pool at the time of such realisation.

5.6 The Trustees shall cause the ACF to credit or debit each relevant Beneficiary Account for the capital profit or loss in proportion to the then current amount at credit in the relevant Beneficiary Accounts on account of Fixed Trusts Investment Pool.

5.7 The income received from the investments by the Trustees through the Fixed Trusts Investment Pool shall be credited to the relevant Income Appropriation Account.

5.8 The Trustees shall cause the ACF to distribute the income to the relevant beneficiaries by paying an equal rate of interest, which will be fixed from time to time by the Trustees, on the balance in each Beneficiary Account.

5.9 The Trustees shall ensure that distributions are made so that the Trustees retain an appropriate amount of the income in an Income Appropriation Account in any year.

PART 3 – VARIABLE TRUSTS

6 **Variable Trusts Investment Pool**

6.1 All trust funds now held, or which may in the future be held by the Trustees in respect of Variable Trusts shall be amalgamated in the Variable Trusts Investment Pool and shall be invested with the short-term nature of the funds in view.

6.2 The moneys constituting the Variable Trusts Investment Pool may be invested in accordance with the powers conferred on the Trustees by act of legislature 52 Victoria No 2 and The Diocesan Trustees Statute.

6.3 Investments made from moneys forming part of the Variable Trusts Investment Pool shall not be deemed to be made in the name or on account of, or nor shall they belong to, any particular beneficiary.

6.4 The Trustees shall keep an account in their books showing at all times the current amount for the time being at credit in the Variable Trusts Investment Pool. The amounts standing to the credit of the relevant Beneficiary Accounts shall be off set against the current amount at credit in the Variable Trust Investment Pool.

6.5 Any capital profits or losses upon realisation of any investment by the Trustees through the Variable Trusts Investment Pool shall be credited or debited (as the case may require) to the Variable Trusts Investment Pool at the time of such realisation.

6.6 The Trustees shall cause the ACF to credit or debit each relevant Beneficiary Account for the capital profit or loss in proportion to the then current at credit in the relevant Beneficiary Accounts on account of the Variable Trusts Investment Pool.

6.7 The Trustees may in their discretion at any time withdraw from the Variable Trusts Investment Pool or Income Appropriation Account any capital and/or income and cause the ACF to pay that into a Beneficiary Account to the credit of a particular beneficiary.

6.8 If for the purpose of providing for any withdrawal any investment is realised, then for the purpose of this section that part of the moneys arising from such realisation as is equal to the amount of interest accrued on such investment shall be deemed to be income of the Variable Trusts Investment Pool and the balance shall be deemed to be capital.

6.9 Where the whole of the capital and income due to a beneficiary is withdrawn and paid into the Beneficiary Account of that beneficiary, that beneficiary shall as from the date of such payment cease to have any claim to accruing income from the Variable Trusts Investment Pool.

6.10 The Trustees shall determine the value of the investments in the Variable Trusts Investment Pool without regard to the accrued income thereon. Each withdrawal from the Variable Trusts Investment Pool shall be effected on the basis of such valuation. The Trustees shall adjust as necessary the account referred to in section 6.4 as a result of any withdrawals.

6.11 The income received from the investments by the Trustees through the Variable Trusts Investment Pool shall be credited to the relevant Income Appropriation Account.

6.12 The Trustees shall cause the ACF to distribute the income to the relevant beneficiaries by paying an equal rate of interest, which will be fixed from time to time by the Trustees, on the balance in each Beneficiary Account.

6.13 The Trustees shall ensure that distributions are made so that the Trustees retain an appropriate amount of the income in an Income Appropriation Account in any year.

PART 4 – DIOCESAN FUNDS COMMON POOL

7 **Diocesan Funds common pool**

7.1 All other moneys now held or which may in future be held by the Trustees upon trust including moneys required to be deposited with the Trustees by parishes under the Parish Governance Statute shall unless specifically provided for

in another statute be held in the Diocesan Funds common pool and invested as the Trustees shall determine in accordance with the nature of the funds.

7.2 The Diocesan Funds common pool shall be managed in the same manner as is provided for in relation to the Variable Trusts Investment Pool.

7.3 The income received from the investments by the Trustees through the Diocesan Funds common pool shall be credited to the relevant Income Appropriation Account.

7.4 The Trustees shall cause the ACF to distribute the income to the relevant beneficiaries by paying an equal rate of interest, which will be fixed from time to time by the Trustees, on the balance in each Beneficiary Account.

7.5 The Trustees shall ensure that distributions are made so that the Trustees retain an appropriate amount of the income in an Income Appropriation Account in any year.

PART 5 – GENERAL PROVISIONS

8 **Determinations by the Trustees**

8.1 The Trustees' determinations as to the:

(a) value of investments in any of the Investment Pools;

(b) amount standing to the credit of any beneficiary or trust; and

(c) amount to be distributed to any beneficiary or trust,

from time to time shall be binding on all beneficiaries or trusts under each Pool.

9 **Joint investment and pooling of funds**

9.1 The Trustees may invest and/or pool the property and monies the subject of the Fixed Trusts Investment Pool, the Variable Trusts Investment Pool or the Diocesan Funds common pool with the property and monies the subject of other trusts held by the Trustees from time to time subject always to the terms and conditions of the relevant trust.

10 **Management costs**

10.1 The management costs attendant upon the operation of the Fixed Trust Investment Pool, the Variable Trust Investment Pool and the Diocesan Funds common pool shall until otherwise varied by a resolution of the Trustees be at the rate of six per cent of the gross income of each of those Pools and such percentage shall be credited to the Diocesan Office Working Account as a contribution towards the expenses of administration.

10.2 The management costs attendant upon the operation of the Property Investment Pool and the Equity Investment Pool shall until otherwise varied by a resolution of the Trustees be at the rate of six per cent of the net annual distribution amount from the Property Investment Pool or the Equity Investment Pool (as the case may be) and such percentage shall be credited to the Diocesan Office Working Account as a contribution towards the expenses of administration of the relevant Pool.

10.3 Any moneys standing to the credit of working accounts which are managed by the Trustees may be invested by the Trustees in short term securities and the income therefrom credited to the Diocesan Office working account as a contribution towards the expense of administration.

DIOCESAN COUNCIL FUNDS STATUTE 2016

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BE IT RESOLVED by the Archbishop, clergy and laity of the Diocese of Perth in Synod assembled as follows:

1 Short Title

1.1 This Statute may be cited as the Diocesan Council Funds Statute 2016.

2 Repeal

2.1 The Church Sites Fund Statute 1974, The Diocesan Development Fund Statute 1974, The Clergy Motor Vehicle Loans Fund Statute 1973, and The Property Fire Insurance Statute 1979 are repealed.

3 Interpretation

3.1 The meanings of words and phrases given in the Interpretation Statute 2007 apply in this Statute except that for the purposes of this Statute the words and phrases listed hereunder have their meanings given or altered as follows:

Anglican Community Fund means the Anglican Community Fund (Inc.);

Anglican Schools Commission or **ASC** means The Anglican Schools Commission (Inc.);

ASC schools means the Anglican schools in the Dioceses of Perth, Bunbury and Wangaratta and elsewhere which are owned and operated by the Anglican Schools Commission;

Church Sites Fund means the fund originally established under the Church Sites Fund Statute 1974;

Diocesan Office Working Account means the general working account for the Diocese;

Diocesan Development Fund means the fund originally established under the Diocesan Development Fund Statute 1974;

Diocesan Secretary means the person appointed by the Trustees as secretary or acting secretary for the time being;

Fund means any one or more of the Church Sites Fund, the Diocesan Development Fund, the Clergy Motor Vehicle Loans Fund, and the Property Insurance Fund;

Insurance Reserve Fund means the account holding the provision for insurance deductibles on behalf of the Diocese;

Property Repair and Maintenance Fund mean the fund originally established under the Property Fire Insurance Statute 1979;

Trustees means The Perth Diocesan Trustees; and

Trustees' Investment Pools has the meaning given in the Trust Funds Statute 2016;

PART 1 – General Provisions

4 Management of Funds

4.1 All Funds under this Statute are held by the Trustees on behalf of the Diocesan Council as beneficiary.

4.2 The Trustees may invest and pool the property and monies the subject of the Funds in the Trustees' Investment Pools, subject always to the terms and conditions of the relevant Fund.

4.3 The Funds shall be managed in accordance with rules determined from time to time by the Trustees.

4.4 As a contribution towards the expenses of administration, the Funds shall pay up to six percent per annum of the gross income of the fund as determined by the Trustees, or such other amount as may be approved by Diocesan Council. The moneys shall be paid into the Diocesan Office Working Account.

4.5 The management of the Funds by the Trustees is subject to other relevant Diocesan statutes and policies, and the Anglican Church of Australia (Diocesan Trustees) Act 1888 (WA) and The Diocesan Trustees Statute.

5 Preservation of Capital

5.1 Unless otherwise provided in this Statute, the income from investments of the Funds and any capital growth in those investments shall be made available to the Diocesan Council, after retention of such monies as the Trustees at their discretion deem necessary to preserve the capital base of the Funds.

5.2 The Diocesan Council may allocate the income in such manner as it shall determine for the development of the work of the Church in the Diocese.

PART 2 – Church Sites Fund

6 Composition of fund

6.1 The Church Sites Fund represents the total of:

(a) the cost of land granted to be purchased or otherwise acquired by the Trustees for church, church hall, parish centre, chapel sites at Anglican Schools Commission schools or rectory sites and held in advance of requirements;

(b) loans by parishes or ASC schools in relation to church or chapel sites or buildings, which have not been fully repaid;

(c) moneys held in, or investments made on behalf of, the Church Sites Fund; and

(d) capital profits on the sale of surplus sites not yet re-invested in other sites.

7 Acquisition of sites

7.1 The purpose of the Church Sites Fund is for the acquisition of church, church hall, parish centre, chapel and rectory sites within the Diocese.

7.2 As requested from time to time by Diocesan Council the Trustees shall, subject to the availability of funds, acquire further church, church hall, parish centre, chapel sites at ASC schools and rectory sites by grant, purchase or otherwise.

7.3 The Trustees may also acquire land and other investments with a view to generating capital profits and income for the purposes of the Church Sites Fund. For these acquisitions the Trustees shall utilise the amounts paid by parishes or ASC schools in relation to loans to them from the Fund, the capital profits on the sale of surplus sites and, when necessary, appropriate forms of borrowed funds.

7.4 The costs of such borrowings shall be a charge on the income of the Church Sites Fund, and any excess of such costs over such income shall be borne by Diocesan Council.

7.5 With the approval of Diocesan Council, the Trustees are empowered:

(a) to develop any site not currently required for a church, church hall, parish centre, chapel site at an ASC school or rectory by borrowing for such development, and to apply the net income from such developed site, after payment of interest, and provision of a capital redemption fund in connection with such borrowing for the purposes of the Church Sites Fund; and

(b) to sell, lease, mortgage or otherwise dispose of the land held by it pursuant to this Statute.

8 Beneficial ownership of sites

8.1 Except as provided in this Statute, upon the development of a church, church hall, parish centre, chapel site at an ASC school or rectory on a site held by the Trustees pursuant to this Statute:

(a) the land may be granted to and deemed to belong beneficially to such parish free of charge; and

(b) the land may be used by the Trustees as security for borrowing for such development.

8.2 The Trustees may from time to time grant the beneficial interest in a church site to the relevant parish and the provisions of section 8.1(b) shall apply in relation to such land.

8.3 The Trustees shall maintain a record of those church sites in relation to which the Trustees have divested the beneficial ownership or where the parish acquires or is deemed to have beneficial ownership.

9 Disposal of beneficially owned sites

9.1 If, following development, a parish determines that beneficially owned land is surplus to its requirements, parish council may request the Trustees to dispose of that land.

9.2 If that land is sold by the Trustees, the proceeds of sale shall be applied by the Trustees on the recommendation of the parish council and with the consent of Diocesan Council towards:

(a) the purchase of other land in the parish to be held by the Trustees pursuant to this Statute;

(b) the erection, modification or completion of a building or buildings in the parish; and

(c) other purposes in the parish, subject to the requirements of any Diocesan policies.

9.3 Any proceeds of sale not applied in accordance with section 9.2 shall be paid by the Trustees into the Church Sites Fund free of any beneficial interest of the parish and may be used for the purposes of the Church Sites Fund as set out in this Statute.

9.4 If a parish determines that beneficially owned freehold land is surplus to its requirements, parish council may request the return of the land to the Trustees. Subject to the requirements of any Diocesan policies, the land shall revert free of charge to the Trustees as land held by the Church Sites Fund and the land shall cease to belong beneficially to such parish.

9.5 If a parish determines that beneficially owned crown land is surplus to its requirements, parish council may request the return of the land to the Trustees. The Trustees, with the consent of Diocesan Council, may deal with the land in accordance with the Land Administration Act 1997 and Diocesan policies and the land shall cease to belong beneficially to such parish.

9.6 Diocesan Council may make policies in relation to the disposal of beneficially owned freehold land or crown land, which is surplus to parish requirements, and the application of the proceeds of any disposal of such land.

10 Development loans to The Anglican Schools Commission

10.1 The Trustees may make a grant from the Church Sites Fund to the Anglican Schools Commission towards the purchase of land for the development of an ASC school. The Trustees may register a charge over the land purchased as security for the grant.

10.2 If the Anglican Schools Commission disposes of the land or no longer utilises the land for an ASC school within 50 years of receiving the grant from the Church Sites Fund, it must repay the grant to the Trustees in accordance with the terms of the grant.

10.3 The Trustees may, subject to any Diocesan policies, make a loan from the Church Sites Fund to the Anglican Schools Commission for the development of a chapel at an ASC school. The Anglican Schools Commission must repay the loan in accordance with the terms of the loan.

10.4 If the Anglican Schools Commission disposes of the land the subject of a chapel development, it must repay the loan upon demand by the Trustees.

PART 3 – Diocesan Development Fund

11 Management of fund

11.1 The purpose of the Diocesan Development Fund is for the development of the work of the Church in the Diocese.

11.2 The Trustees may acquire land and other investments with a view to generating capital profits and income for the purposes of the Diocesan Development Fund.

11.3 For these acquisitions the Trustees shall utilise the amounts paid by parishes, Church agencies, Church entities, Church schools or other third parties in relation to loans to them from the Diocesan Development Fund, the capital profits on the sale of land and other investments and, when necessary, appropriate forms of borrowed funds.

PART 4 –Motor Vehicle Loans Fund

12 Management of fund

12.1 The purpose of the Motor Vehicle Loans Fund is to provide collateral for loans through the Anglican Community Fund for the purpose of purchasing motor vehicles by the Trustees, on behalf of the Diocesan Council, for use by the clergy and lay ministry workers.

12.2 The Trustees shall administer the Clergy Motor Vehicle Loans Fund for the benefit of clergy and lay ministry workers.

12.3 Clergy and lay ministry workers may apply for a motor vehicle loan or grant to assist with the purchase of a motor vehicle for use wholly or partly in their ministry. An application for a loan will be subject to the pre-conditions and terms of Diocesan policies, and subject to approval by, Diocesan Council.

12.4 Diocesan Council may make policies in relation to such loans and may delegate its powers in relation to the approval and administration of such loans.

12.5 If approved, the Trustees will enter into a loan agreement on the terms stipulated in the Diocesan policy and make the necessary vehicle purchase arrangements with the clergy or lay ministry worker.

12.6 The Anglican Community Fund will administer the loan on behalf of the Trustees on the conditions and at the rates of interest agreed between the Anglican Community Fund and the Trustees and otherwise in accordance with Diocesan policies.

12.7 The Trustees will be entitled to deduct from, or set off against, any payments due to the clergy or lay ministry worker any moneys which are payable or remain outstanding in respect of any loan to that clergy or lay ministry worker under the Motor Vehicle Fund.

PART 5 – Insurance Reserve Fund

13 Management of fund

13.1 The Trustees are hereby empowered to make arrangements that all property vested in them as Trustees shall be insured against fire and other risks.

13.2 The parishes, church agencies and entities that have the beneficial use of such property are required to make arrangements through the Diocesan Secretary for the adequate and sufficient insurance of such property and shall be liable for the payment of the appropriate premium.

13.3 Notwithstanding the requirements of section 13.2 of this Statute, the Trustees shall not be liable for any claim, compensation or loss incurred if and when there has been insufficient arrangements or an omission to insure made by the parishes, church agencies and entities having the beneficial use of such property.

14 Insurance Reserve Fund

14.1 The Insurance Reserve Fund shall be at the disposal of the Trustees and may be applied by them to meet any loss in property vested in them arising from fire or other damage, providing such loss is not otherwise wholly covered by insurance.

14.2 All profits accruing from any existing or future scheme of insurance shall be credited to the Insurance Reserve Fund.

14.3 The Trustees may declare from time to time what amount standing to the credit of the Insurance Reserve Fund provides an adequate reserve for any insured risks carried by it.

14.4 Any amount standing to the credit of the Insurance Reserve Fund in excess of the amount so declared by the Trustees in accordance with section 14.3 may be dealt with and applied by Diocesan Council as follows:

(a) Fifty percent (50%) shall be transferred to the Property Repair and Maintenance Fund; and

(b) Fifty percent (50%) may be applied to any fund or purpose under the administration of Diocesan Council, in its absolute discretion.

15 Property Repair and Maintenance

15.1 Diocesan Council is empowered to make grants at its discretion from the Property Repair and Maintenance Fund, to the beneficial users of Church property, which is insured through the Trustees, to maintain and keep the Church property in good repair.

15.2 Such grants will be subject to the terms of the relevant Diocesan policies.

15.3 The grants in accordance with section 15.1 shall not be made unless the insurance premium or premiums have been paid by beneficial users within the time specified by the Trustees.

CLERGY RELIEF FUND STATUTE 2016

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BE IT RESOLVED by the Archbishop, clergy and laity of the Diocese of Perth in Synod assembled as follows:

1 Short Title

1.1 This Statute may be cited as the Clergy Relief Fund Statute 2016.

2 Repeal

2.1 The Clergy Pensions and Superannuation and Relief Fund Statute 1977-2003 and The Clergy Accident and Sickness Insurance Statute 1974-1986 are repealed.

3 Interpretation

3.1 The meanings of words and phrases given in the Interpretation Statute apply in this Statute except that for the purposes of this Statute the words and phrases listed hereunder have their meanings given or altered as follows:

annual meeting means the annual meeting of members to be held at such time and place as the Clergy Relief Fund Committee thinks fit;

Anglican Community Fund means the Anglican Community Fund Incorporated;

Clergy Relief Fund or **Fund** means the Clergy Relief Fund established under the provisions of the Clergy Contributing Provident Fund Statute 1960-1972;

Committee means the committee constituted in accordance with section 5.1;

Trustees means the Perth Diocesan Trustees; and

Widows and Dependants' Relief Fund means the fund established under the Clergy Accident and Sickness Insurance Statute 1974-1986.

4 Members of Clergy Relief Fund

4.1 The members of the Clergy Relief Fund shall be the Archbishop and members of clergy in the Diocese who hold the licence of the Archbishop at the relevant time.

5 Clergy Relief Fund Committee

5.1 The Clergy Relief Fund Committee shall consist of the Archbishop or their nominee, the Diocesan Registrar (ex officio), three clerical members elected by the members of the Fund at the annual meeting and one lay person appointed by Diocesan Council.

5.2 The members of the Committee elected or appointed under the Statute shall continue in office until the end of their present terms provided that one elected member of the Committee shall retire each year but be eligible for re-election at the annual meeting of members referred to in Section 5.3.

5.3 The Committee shall annually appoint its own chairperson and secretary and shall meet at such times and places as it thinks fit.

5.4 A resolution passed by a majority of members of the Committee by way of electronic communication shall be as valid and effective as if passed at a meeting of members of the Committee.

5.5 The Committee shall:

(a) administer the Clergy Relief Fund;

(b) present to the annual meeting of members an annual financial statement of accounts of the Clergy Relief Fund; and

(c) report to the annual meeting of members of the Clergy Relief Fund.

5.6 The auditors of the Clergy Relief Fund shall be the Diocesan Auditors.

6 Contributions to the Fund

6.1 The Trustees shall contribute to the Fund from the stipend of every member of the clergy installed or licensed or duly authorised to officiate in the Diocese, an amount equivalent to:

(a) one half of one percent of the actual stipend of that member of clergy; and

(b) any other monies received from time to time for this purpose.

6.2 All the moneys standing to the credit of the Widows and Dependants' Relief Fund shall be paid into the Clergy Relief Fund for use in accordance with this Statute and the Widows and Dependants' Relief Fund shall be wound up.

6.3 The moneys in the Fund shall be invested in the Anglican Community Fund (Inc.).

7 Purpose and use of Clergy Relief Fund

7.1 The Committee may in its sole discretion use the monies in the Clergy Relief Fund for the relief of clergy and their dependants.

7.2 To be eligible for relief, clergy must be:

(a) licensed by the Archbishop and currently serving in the Diocese;

(b) retired following service in the Diocese and currently residing in the Diocese; or

(c) retired following at least 10 years' service in the Diocese, but no longer residing in the Diocese.

7.3 The dependants of deceased clergy, who would otherwise have been eligible in accordance with the above requirements, will also be eligible for relief.

7.4 Clergy or their dependants may apply to the Committee for interest-free loans or grants from the Fund to relieve hardship or temporary financial stress.

7.5 The Committee may approve an ex-gratia payment or an interest-free loan from the Fund on terms and conditions approved by the Committee.

7.6 The Committee shall have the right to refuse any application in its sole discretion.

RECORDS AND ARCHIVES STATUTE 1996

1. Short Title 1
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4. Delivery of Records 1
5. Responsibility of the Diocesan Council 2
6. Committee Constituted 2
7. Responsibilities of the Committee 2
8. Diocesan Secretary and Diocesan Archivist 2
9. Disposal 3
10. Regulations 3

BE IT RESOLVED by the Archbishop, clergy and laity of the Diocese of Perth in Synod assembled as follows:

1. Short Title

This Statute shall be known as the "Records and Archives Statute 1996".

2. Interpretation

In this Statute or in any Regulation unless the context or subject matter otherwise requires the following terms shall have the following meanings;

Archbishop means the archbishop of the Diocese elected in accordance with the Archbishop's Statute, or the Administrator acting in the absence of the Archbishop.

Church means the Anglican Church of Australia within the Diocese;

Church Organisation means the officers, departments, parishes, Church agencies and Church entities (whether or not incorporated) of the Church from time to time;

Committee means the diocesan archives committee established by Section 6 of this Statute;

Diocesan Archives means the archives of the Diocese established by this Statute;

Diocesan Archivist means the person appointed pursuant to Section 8.2 of this Statute;

Diocesan Council means the body constituted by the Diocesan Council Statute;

Diocesan Secretary means the person appointed by the Trustees as Secretary in accordance with the Diocesan Trustees Statute or acting as Secretary for the time being;

Diocese means the Diocese of Perth;

Disposal (in relation to Records) means the Committee's final decision concerning the fate of Records and shall include the:

(a) transfer of records to the Diocesan Archives;
(b) sale or donation of Records; or
(c) abandonment of, destruction or otherwise doing away with Records,

and **Dispose** and **Disposed** shall have a corresponding meaning;

clergy means the Archbishop, assistant bishops, priests and deacons of the Church or of any other church in communion with the Church;

Office Bearer means any person elected or appointed by or under the authority of the Diocesan Council or the Trustees to hold an office or position in the Diocese from time to time;

Records means all records of the Diocese:

(d) of any nature whatsoever;
(e) whenever produced or acquired; and
(f) written, stored, compiled or existing in any form whatsoever;

and Record shall have a corresponding meaning; and

Regulation means a regulation made from time to time pursuant to Section 10 of this Statute and Regulations shall have a corresponding meaning.

Synod means the body constituted by The Constitution Act of the Diocese of Perth 1871-1994; and

Trustees means The Perth Diocesan Trustees as defined in The Diocesan Trustees Statute.

3. Ownership of Records

3.1. The Records are and shall at all times remain the property of the Trustees.

3.2. All Records shall be dealt with in accordance with this Statute and the Regulations.

4. Delivery of Records

4.1. All Records which are or shall not be in use either for entry of events or for frequent reference by those with authority to make such entries or references shall be delivered up to the Diocesan Secretary for acquisition by and preservation in the Diocesan Archives.

4.2. Where the information contained in any of the Records delivered up to the Diocesan Secretary is written, stored or compiled by magnetic or optical means or by microfiche readable documents the person delivering up the Records shall (unless the Diocesan Secretary otherwise allows) first arrange for the information to be accurately, completely and understandably transcribed into writing or printing on paper, and that transcription shall be delivered up with the original Records.

4.3. Any person who has custody of or possesses any Records shall, on demand from the Diocesan Secretary, deliver them up to the Diocesan Secretary in accordance with that demand.

4.4. Any person in whose custody the Records are kept shall upon delivery to the Diocesan Secretary be discharged from any responsibility as to the Records.

5. Responsibility of the Diocesan Council

5.1. The Diocesan Council shall in accordance with this Statute and subject to any direction of Synod be responsible for the:

(a) adequate preservation and conservation of the Records acquired by the Diocesan Archives; and

(b) general administration and funding of the Diocesan Archives.

6. Committee Constituted

6.1. There shall be a body called the Diocesan Archives Committee.

6.2. The Committee shall consist of:

(a) the Diocesan Secretary; and

(b) at least four (4) persons appointed by the Diocesan Council from time to time to hold office for a period of three (3) years each (together "the Diocesan Council Appointee" or "the Diocesan Council Appointees")

6.3. Of the first Committee members so appointed at least one (1) Diocesan Council Appointee shall retire at the expiration of the:

(a) first year;

(b) second year; and

(c) third year, of office.

6.4. The Committee shall determine by ballot which of its members shall retire in accordance with Section 6.3 (a), (b) and (c) above. Each vacancy caused by effluxion of time shall be filled by Diocesan Council and each Committee member so appointed to the vacancy shall hold office for three (3) years. Retiring Committee members shall be eligible for re-appointment at the expiry of their respective term of office.

6.5. Subject to Section 6.3 above, a Committee member shall hold office until:

(a) their term of office expires;

(b) they resign in writing to the Archbishop and the Archbishop accepts the resignation;

(c) they depart from the Diocese with the intention of residing permanently outside the Diocese; or

(d) they are removed from membership of the Committee by the Diocesan Council for any cause which the Diocesan Council considers in its discretion to be sufficient.

6.6. The chairperson of the Committee shall be appointed by the Archbishop from the Diocesan Council Appointees. The chairperson shall hold office for so long as he or she is a member of the Committee, or until the Archbishop appoints another person as chairperson.

6.7. The Committee may meet together for the dispatch of business and adjourn and otherwise regulate their meetings as they deem fit.

7. Responsibilities of the Committee

7.1. The Committee's responsibilities shall include the following:

(a) to administer the Diocesan Archives in accordance with this Statute;

(b) to regulate the acquisition, preservation, conservation and disposal of the Records, whether held in the Diocesan Archives or in any other place, in accordance with whatever professional standards are usually required of archives and archivists;

(c) to assist Church Organisations in carrying out their respective duties by facilitating access to Records held in the Diocesan Archives;

(d) to ensure that the Diocesan Archives is accessible for academic and scholarly research;

(e) to advise Church Organisations on, and ensure that appropriate resources are available to assist with, the creation, acquisition, preservation, conservation and disposal of the Records;

(f) to regulate the acquisition, preservation, conservation and disposal of Records from private sources relevant to the activities of the Church;

(g) to report the proceedings of each Committee meeting to the Diocesan Council;

(h) to present a report to each annual session of Synod; and

(i) to submit to the Diocesan Council at least three (3) months prior to each financial year for the latter's consideration and approval a financial budget detailing the income and expenditure relating to the activities of the Diocesan Archives for that financial year. The Diocesan Archives shall only incur expenditure in accordance with the budget as approved.

8. Diocesan Secretary and Diocesan Archivist

8.1. The Diocesan Secretary shall be responsible for managing the Diocesan Archives in line with the direction set by the Committee.

8.2. The Diocesan Secretary shall, on the advice of the Committee, appoint a suitably qualified person (who may be on the Diocesan Secretary's staff) to be the Diocesan Archivist on whatever terms and conditions the Diocesan Council may determine.

8.3. The Diocesan Archivist shall be responsible to the Diocesan Secretary in carrying out his or her daily duties.

8.4. The Diocesan Archivist shall attend all Committee meetings and shall be the secretary to the Committee.

9. Disposal

9.1. Any Records acquired by the Diocesan Archives may only be disposed of in accordance with the Regulations.

10. Regulations

10.1. The Diocesan Council may from time to time with the Committee's advice make, amend or repeal Regulations not inconsistent with this Statute, providing for all or any of the purposes contained in this Statute including (without limitation) rules:

(a) regulating access;

(b) specifying fees for research or storage; and

(c) regulating acquisitions and disposal, of the records.

10.2. Regulations providing for access to the Records shall not be contrary to any law in force from time to time in the State of Western Australia (or where applicable in the Commonwealth of Australia) and in the case of any records other than Records of the Church shall not be contrary to any expressed direction given by or on behalf of any person who shall own or deposit those records.

THE CEMETERIES STATUTE 1974

BE IT RESOLVED by the Archbishop Clergy and Laity of the Diocese of Perth in Synod assembled

1. In this Statute the word "cemetery" shall refer only to those cemeteries listed in the schedule.
2. Every cemetery shall be under the control of a Committee of Management consisting of the Rector and Churchwardens of the Ecclesiastical District in which it is situate.
3. The Committee of Management shall make such rules for the conduct of the cemetery as it shall deem necessary being not inconsistent with this Statute. Such rules shall be effective when approved by the Diocesan Council.
4. No part of any coffin shall be within one metre of the surface of the ground. No coffin shall be disinterred contrary to the provisions of the Cemeteries Act 1897 as amended of the State of Western Australia.
5. No monument tombstone or other structure shall be erected on the grave until the design and inscription have been approved by the Committee of Management.
6. Nothing herein shall interfere with the rights and duties of The Perth Diocesan Trustees in whom the sole ownership of the land is and shall continue to be vested.
7. The Cemeteries and Fees Statute 1914-55 is hereby repealed.
8. This Statute may be cited as The Cemeteries Statute 1974.

SCHEDULE

Parish of Swan - St Mary's, Middle Swan
Parish of Swan - All Saints, Upper Swan
Parish of Kelmscott - St Mary's, Kelmscott
Parish of York - Gilgering
Parish of York - Greenhills
Parish of Northam - Katrine
Parish of Toodyay-Goomalling - Culham
Parish of Toodyay-Goomalling – Nardie (owned by State of WA)

JOHN WOLLASTON EDUCATION CENTRE STATUTE 1975-2009

WHEREAS it is deemed desirable to continue the role and work of The John Wollaston Theological College known as "Wollaston College", and it is also deemed desirable to rename Wollaston College as the 'John Wollaston Education Centre',

BE IT THEREFORE RESOLVED by the Archbishop, clergy and laity of the Diocese of Perth in Synod assembled:

1 The John Wollaston Theological College Statute 1975-2006 ("the Principal Statute") is amended by deleting its present provisions and substituting the provisions set out in the Schedule.

SCHEDULE

1 Synod authorises the continuance of the Wollaston College under the name John Wollaston Education Centre ("the Centre") for all or any of the purposes of providing:
   (a) facilities, programmes and resources for theological and spiritual training, formation, education and study;
   (b) facilities, programmes and resources for religious education, training and study;
   (c) facilities for public worship and meditation;
   (d) a place of residence for a minister of religion or for a religious order or for staff of the Centre; and
   (e) a retreat and conference facility for the Diocese, the Church and the community.

2 All the real and personal estate of the Centre as at the date of the passing of this Statute shall remain vested in The Perth Diocesan Trustees and all future real and personal estate of the Centre when acquired shall be vested in the said Trustees.

3 The Centre shall be controlled and managed pursuant to Rules of Management approved by the Diocesan Council and The Perth Diocesan Trustees from time to time.

4 All persons previously holding office under the Principal Statute cease to hold office.

5 Until otherwise determined by Synod, the Archbishop shall be responsible for coordinating, reviewing, authorising and promoting theological and religious education study and formation in the Diocese.

ANGLICAN ECOCARE STATUTE 2006

WHEREAS it is deemed desirable to establish Anglican EcoCare as a standing Commission of Synod

BE IT THEREFORE RESOLVED by the Archbishop, clergy and laity of the Diocese of Perth in Synod assembled as follows:

1 This Statute may be cited as the "Anglican EcoCare Statute 2006".

2 The organisation known as Anglican EcoCare is hereby established as a standing commission of Synod (the **Commission**).

3 The Commission is established to:

(a) pursue in particular the final point in the Mission Statement of the Anglican Communion adopted by the Diocese, namely "to strive to safeguard the integrity of creation and to sustain and renew the life of the earth";

(b) be an agent of education concerning environmental and faith matters for the Diocese in both practical and didactic ways;

(c) provide experiential opportunities for environmentally sensitive Christian living, prayer and community building;

(d) be a prophetic voice on matters of faith and environment;

(e) establish and maintain working relationships with educational institutions, commerce and industry regarding environmental matters; and

(f) establish relationships with other ventures that share the same purposes with the approval of the Diocesan Council.

4 The Commission shall be controlled and managed by a Management Committee of nine persons consisting of:

(a) The Archbishop or a person appointed by him;

(b) Three persons appointed by the Archbishop;

(c) Three persons elected by the Synod;

(d) One person appointed by the Social Responsibilities Commission as established by the Social Responsibilities Statute; and

(e) One person appointed by the Management Committee.

5 The members appointed by the Archbishop shall hold office for a term of three years provided that:

(a) of the appointments first made after this Statute comes into force, one of the three persons in each category shall be appointed for a term of three years, one for a term of two years and one for a term of one year; and

(b) the term of a retiring member shall continue until the appointment of that member's successor.

6 If present at a meeting, the Archbishop or his nominee may chair the Management Committee which otherwise shall elect one of its members to chair the meeting.

7 The Management Committee shall meet at least once a quarter and shall:

(a) be responsible for pursuing the purposes of the Commission;

(b) devise and provide programmes pursuant to the purposes;

(c) manage any funds that may be allocated by the Diocesan Council or received from other sources; and (d) present a report to each Synod.

8 The Diocesan Council shall make such budgetary provision as it considers proper to facilitate the work of the Commission.

9 The Management Committee shall only incur expenditure in accordance with its budget as approved by the Diocesan Council.

10 The Archbishop shall have the power to settle any disputes arising in relation to the work of the Commission.

PROTECTION OF THE ENVIRONMENT CANON 2007[1]
Canon 11, 2007

Canon to assist in the protection of the environment.

The General Synod prescribes as follows:

Preamble

A. This Church acknowledges God's sovereignty over his creation through the Lord Jesus Christ.

B. In Genesis it says that "The Lord God took the man and put him in the garden of Eden to till it and keep it." In 1990 the Anglican Consultative Council gave modern form to this task when it declared that one of the five marks of the mission of the Church was "to strive to safeguard the integrity of creation, and to sustain and renew the life of the earth".

C. This Canon gives form to this mark of mission in the life of the Anglican Church of Australia.

D. This Church recognises the importance of the place of creation in the history of salvation.

E. This Church acknowledges the custodianship of the indigenous peoples of this land.

F. This Church recognizes that climate change is a most serious threat to the lives of the present and future generations. Accordingly, this Canon seeks to reduce the release of greenhouse gases by this Church and its agencies.

Short title and principal canon

1. This Canon may be cited as the "Protection of the Environment Canon 2007".

Mechanisms to assist in protecting the environment

2. (1) Every diocese which adopts this Canon undertakes to reduce its environmental footprint by increasing the water and energy efficiency of its current facilities and operations and by ensuring that environmental sustainability is an essential consideration in the development of any new facilities and operations, with a view to ensuring that the diocese minimalises its contribution to the mean global surface temperature rise.

(2) Every diocese which adopts this Canon undertakes to establish such procedures and process such as an environment commission, or similar body as are necessary to assist the diocese and its agencies to:

(a) give leadership to the Church and its people in the way in which they can care for the environment,

(b) use the resources of God's creation appropriately and to consider and act responsibly about the effect of human activity on God's creation,

(c) facilitate and encourage the education of Church members and others about the need to care for the environment, use the resources of God's creation properly and act responsibly about the effect of human activity on God's creation, and,

(d) advise and update the diocese on the targets needed to meet the commitment made in sub-section (1);

(e) urge its people to pray in regard to these matters.

Reporting

3. (1) Every diocese which adopts this Canon undertakes to report to each ordinary session of the General Synod as to its progress in reducing its environmental footprint in order to reach the undertaking made in accordance with sub-section (1) of section 2.

(2) Any report will outline the targets that were set, the achievements made, and difficulties encountered.

Adoption of Canon by Diocese

4. The provisions of this Canon affect the order and good government of the Church within a diocese and the Canon shall not come into force in any diocese unless and until the diocese by ordinance adopts the Canon.

[1] The Diocese of Perth adopted this canon pursuant to the "Protection of the Environment Canon 2007 (No. 11 of 2007) Adoption Statute 2008"

SOCIAL RESPONSIBILITIES STATUTE 2009

WHEREAS it is deemed desirable to establish a standing commission of Synod for social responsibilities,

BE IT THEREFORE RESOLVED by the Archbishop, clergy and laity of the Diocese of Perth in Synod assembled as follows:

1 This Statute may be cited as the "Social Responsibilities Statute 2009".

2 The Social Responsibilities Commission is hereby established as a standing commission of Synod ("the Commission").

3 The Commission is established to:

(a) assist the Church to seek to transform unjust structures of society;

(b) be a prophetic voice on matters of faith and social justice for the Diocese of Perth in both practical and didactic ways;

(c) engage in the research and analysis of social justice issues from a Christian perspective;

(d) prepare, promote and communicate educational and liturgical material on issues of social justice;

(e) assist Anglican schools, agencies and worshipping communities to:

(i) extend social justice advocacy in the light of Gospel; and

(ii) develop capacity for social justice advocacy and outreach;

(f) encourage the development of vital worshipping communities where social justice is integral to the life of the community of believers;

(g) investigate and/or prepare material on matters referred to it by either the Archbishop, Diocesan Council or matters initiated by the Commission of its own accord; and

(h) work towards implementing objectives identified in any diocesan strategic plans in place from time to time.

4 [1]The Commission shall be controlled and managed by a Management Committee of no more than ten persons consisting of:

(a) The Archbishop or an appointee of the Archbishop;

(b) Up to two additional persons appointed by the Archbishop;

(c) Three persons appointed by Diocesan Council;

(d) One person appointed by the Anglican EcoCare Commission; and

(e) Up to three appointed by the Management Committee.

5 [2]The Management Committee should, as far as practicable, consist of:

(a) people currently serving or experienced in one or more of the following areas Aboriginal and Torres Strait Islanders/First Nations & reconciliation issues, social inclusion, the justice system, housing, disability matters, human rights, refugee and migration issues and issues relevant to regional or rural areas; and

(b) women and men of achievement and distinction and who can make significant contributions to the work of the Management Committee and the Commission's progress.

6 All members of the Management Committee shall hold office for a term of three years provided that:

(a) of the appointments first made after this Statute comes into force, one of the persons appointed or elected under section 4(c) shall serve for a term of three years, one for a term of two years and one for a term of one year;

(b) of the appointments first made after this Statute comes into force one of the two persons appointed under section 4(b) shall serve a term of two years and the other for a term of one year; and

(c) the term of a retiring member shall continue until the appointment of that member's successor.

7 If present at a meeting, the Archbishop or the Archbishop's appointee may chair the Management Committee which otherwise shall elect one of its members to chair meetings.

8 The Management Committee shall meet at least once a quarter, and shall:

(a) be responsible for pursuing the purposes of the Commission;

(b) provide leadership in relation to policy and planning;

(c) devise and provide programmes pursuant to the purposes;

(d) oversee the implementation of any strategic plans in place from time to time;

(e) ensure lines of communication are maintained with the Diocesan Office;

(f) manage any funds that may be allocated by the Diocesan Council or received from other sources; and

(g) present a report to each Synod.

9 The Diocesan Council shall make such budgetary provision as it considers proper to facilitate the work of the Commission.

10 The Management Committee shall only incur expenditure in accordance with its budget as approved by the Diocesan Council.

11 The Archbishop shall have the power to settle any disputes arising in relation to the work of the Commission.

[1] Amended by the Social Responsibilities Statute 2009 Amendment Statute 2018.

[2] Amended by the Social Responsibilities Statute 2009 Amendment Statute 2018.

CANON CONCERNING BAPTISM 1992[1]
Canon No 21 of 1998

A Canon concerning Baptism

The General Synod prescribes as follows:

1 This Canon may be cited as "Canon Concerning Baptism 1992".

2 The Sacrament of Holy Baptism shall normally be administered at public worship.

3 Baptism shall take place by immersing a person in water or by pouring water upon the candidate and by pronouncing the words, "I baptise you in the name of the Father, and of the Son, and of the Holy Spirit".

4 Due notice must be given to the minister of a church before a child is brought or a person comes to the church to be baptised.

5 Except in extreme circumstances -

(a) the minister, before baptising any person able to answer for himself or herself, shall be satisfied that such person has been instructed and prepared in the Christian faith; and

(b) the minister, before baptising an infant or person who cannot answer for himself or herself, shall be satisfied that at least one of the parents or guardians of the infant or person have been instructed in the Christian faith, and that they are aware that the same responsibilities rest on them as are required of the godparents.

6 Subject to sections 4, 5, 7 and 8, no minister may refuse or, except for the purpose of preparing or instructing the parents or guardians or godparents, delay baptising a child who has a parent or guardian who professes to be a Christian.

7 A minister shall not normally baptise a child whose parents or guardians are not parishioners of or resident in the parish where it is proposed the baptism be administered unless at least one of the parents or guardians attends divine service in the parish or the minister has sought the advice of the minister of the parish where the parents or guardians reside or usually attend divine service.

8 Every child to be baptised shall have at least one, but usually three godparents or sponsors of whom at least two shall be of the same sex as the child and of whom at least one shall be of the opposite sex. Either or both of the parents of a child may act as godparents or sponsors. Godparents or sponsors shall be baptised persons and should be persons who will faithfully fulfil their responsibilities both by their spiritual nature and instruction of the children committed to their charge and by the example of their own godly living.

9 For every candidate for baptism who is able to answer for himself or herself one such sponsor shall suffice, whose responsibility shall be to encourage the candidate to continue in the Christian life.

10 This Church holds and teaches that the sign of the cross[2] used in baptism is no part of the substance of the sacrament but retains that sign in baptism.

11 The minister shall, in a Register kept for the purpose, record or cause to be recorded the name of each person baptised, and the date and place of baptism, and provide the person and his or her godparents or sponsors with a certificate of baptism.

12 A diocesan synod may promulgate rules and guidelines not inconsistent with this canon for the administration of baptism within that diocese.

13 The Godparents Canon 1977 is repealed as regards a diocese which adopts this canon.

14 The canons numbered 29, 30, 68, 69 and 70 of the Canons of 1603, in so far as the same may have any force, have no operation or effect in a diocese which adopts this canon.

15 The provisions of this Canon affect the order and good government of this Church within a diocese and shall not come into force in a diocese unless and until the diocese adopts this Canon by ordinance of the synod of the diocese.

[1] The Diocese of Perth adopted this canon pursuant to the "Canon Concerning Baptism 1992 (No 21 of 1998) Adoption Statute 1998"

[2] A fuller explanation of the sign of the cross at baptism is set out in A Prayer Book for Australia at p822

CANON CONCERNING CONFIRMATION 1992[1]
Canon 14, 1998

A Canon concerning confirmation

The General Synod prescribes as follows:

1 This canon may be cited as "Canon concerning Confirmation 1992".

2 The bishop of a diocese must personally or by a bishop authorised by him confirm throughout his diocese as often and in as many places as convenient, laying his hands upon those who have been baptised and instructed in the Christian faith and life as set forth in the Scriptures and in the Catechism and praying over them.

3 Every minister who has a cure of souls shall encourage those baptised as infants to affirm the Christian faith for themselves and to present for confirmation.

4 Every minister who has a cure of souls must instruct or cause to be instructed all who wish to be confirmed in the Christian faith as set forth in the Scriptures and in the Catechism.

5 A minister normally must present to the bishop only those who have come to years of discretion and who are ready to make public affirmation of their commitment to our Lord Jesus Christ and who can render an appropriate account of the faith and life expected of a Christian.

6 The canons numbered 60 and 61 of the Canons of 1603, in so far as the same may have any force, have no operation or effect in a diocese which adopts this canon.

7 The provisions of this canon affect the order and good government of this Church within a diocese and shall not come into force in a diocese unless and until the diocese adopts this canon by ordinance of the synod of the diocese.

[1]The Diocese of Perth adopted this canon pursuant to the "Canon concerning Confirmation 1992 (No 14 of 1998) Adoption Statute 1998"

RECEPTION CANON 1981-1995[1]

A Canon to authorise the use of a service for the reception into communicant membership of this Church of baptised persons who were formerly communicant members of other churches.

The General Synod prescribes as follows:

1 This canon may be cited as the "Reception Canon 1981".

2 [2]When a person who has been baptised and who is or was a communicant member of another church which holds the apostolic faith but which is not in full communion with this Church desires to become a communicant member of this Church, the priest, being assured that such is *his* desire, shall after due preparation present that person to the bishop at the time of confirmation or some other time. The bishop may receive and welcome *him* into communicant membership of this Church, laying hands on *him* with prayer for the strengthening of the Holy Spirit using the form of service set out in the schedule to this canon, or in some other form of service authorised for use in this church by canon, in accordance with the rubrics incorporated therein.

3 A person received into communicant membership in accordance with this canon shall have the same status in this Church as a person who has been confirmed in accordance with the rites of this Church.

4 The reception of a person into communicant membership in accordance with this canon shall be recorded in the registers of this Church.

5 This canon affects the order and good government of the Church within a diocese and shall not come into force in any diocese unless and until the diocese by ordinance adopts the canon.

[1] The Diocese of Perth adopted this canon in amended form pursuant to the "Reception Canon Amendment Canon 1995 (No 14, 1995) Adoption Statute 1996".

[2] Amended 1995

ADMISSION TO HOLY COMMUNION CANON 1973[1]
No 14, 1973

A Canon for Admission to Holy Communion

WHEREAS it is desirable that this Church should make due provision to welcome Christians from other Churches at the Holy Communion

NOW THEREFORE the General Synod prescribes as follows: -

1 A person is eligible to be admitted to the Holy Communion:
   (a) if he is a member of this Church who has been confirmed or is ready and desires to be confirmed or if he is a Communicant of a Church in full communion with this Church or
   (b) if he:
      (i) has been baptised in the name of the Holy Trinity and
      (ii) is a communicant member of another Church which professes the Apostolic faith or
   (c) if he has been baptised and is included in a class of persons authorised by a rule of General Synod to be admitted to the Holy Communion; or
   (d) if he has been baptised and is in immediate danger of death.

2 Where a priest ordinarily responsible for a congregation becomes aware that a person who is a customary member of the congregation and is eligible to be admitted to the Holy Communion by virtue of paragraph (b) of Section 1 hereof, has regularly received the Holy Communion in this Church over a long period which appears likely to continue indefinitely, the priest shall bring to the notice of the person the ordinary requirements of this Church for persons desiring to be admitted regularly to the Holy Communion and ask him to comply with these requirements.

3 Where any clergyman is in doubt as to the application of this Canon he may refer the matter to the Bishop of the Diocese for his guidance thereon.

4 The Canon affects the order and good government of the Church within a diocese and shall not come into force in any diocese unless and until the diocese by ordinance adopts the said Canon.

5 This Canon may be cited as “Admission to Holy Communion Canon 1973”.

[1] Canon adopted by the Diocese of Perth pursuant to the "Admission to Holy Communion Canon 1973 Adoption Statute 1974"

CANON FOR THE ADMISSION OF CHILDREN TO HOLY COMMUNION 1981[1]
Canon 6, 1985

A Canon for the admission of children to Holy Communion

The General Synod prescribes as follows:

1 This canon may be cited as the "Canon for the admission of children to Holy Communion, 1981".

2 A child who has been baptised but who has not been confirmed is eligible to be admitted to the Holy Communion if the minister is satisfied that the child has been adequately instructed, gives evidence of appropriate understanding of the nature and meaning of the Holy Communion and has fulfilled the conditions of repentance and faith; and if the child, with the sponsorship of his or her parents or of other confirmed members of the congregation, seeks such admission while awaiting Confirmation.

3 (1) The bishop of the diocese may make regulations, not inconsistent with ordinances (if any) made under sub-section (2), concerning the practice and procedure in relation to the admission of children to the Holy Communion under this canon.

4 The Synod of the diocese may, by ordinance, regulate the practice and procedure in relation to the admission of children to the Holy Communion under this canon.

5 This canon affects the order and good government of the Church within a diocese and shall not come into force in any diocese unless and until the diocese by ordinance adopts the canon.

[1] Adopted by the Diocese of Perth pursuant to the "Canon for the admission of children to Holy Communion 1981 Adoption Statute 1985"

HOLY COMMUNION CANON 2001

Canon 10, 2001[1]

A canon concerning the Holy Communion or the Lord's Supper

The General Synod prescribes as follows:

1 This canon may be cited as the "Holy Communion Canon 2001".

2 Wherever possible, in the church or one of the churches in every parish, the Holy Communion or the Lord's Supper should be celebrated sufficiently frequently and at appropriate times so as to provide reasonable opportunity for every parishioner to communicate regularly and frequently and at Easter.

3 Every minister when celebrating the Holy Communion or the Lord's Supper must receive the sacrament, normally first.

4 The sacrament must normally be offered separately in both kinds to every communicant.

5 The bread offered must be wholesome and the wine must be of good quality.

6 (1) If a minister who has the cure of souls believes that anyone who intends to partake of the Holy Communion or the Lord's Supper ought not to be admitted thereto by reason of malicious and open contention with another or other grave sin without repentance, the minister must:

(a) inform the bishop of the diocese of the belief of that minister, and

(b) not refuse to admit that person to the Holy Communion or the Lord's Supper unless directed by the bishop so to do, provided that in the case of grave and immediate scandal any ordained minister, in the discretion of that minister, may refuse to admit the person concerned pending receipt of a direction from the bishop. Before issuing a direction other than an interim direction or a direction that a person not be refused admission to the Holy Communion the bishop must afford that person an opportunity to be heard.

(2) Should the bishop direct a minister under sub-section (1) not to admit a person to the Holy Communion, every other minister in the diocese should likewise refuse to admit that person to the Holy Communion unless and until the bishop otherwise directs.

7 The canons numbered 20, 21, 22, 23, 26, 27 and 28 of the Canons of 1603, in so far as the same may have any force, have no operation or effect in a diocese which adopts this canon.

8 The provisions of this canon affect the order and good government of this Church within a diocese and shall not come into force in a diocese unless and until the diocese adopts this canon by ordinance of the synod of the diocese.

[1] Adopted by the Diocese of Perth pursuant to the "Holy Communion Canon 2001 (No. 10 of 2001) Adoption Statute 2001"

SOLEMNIZATION OF MATRIMONY CANON 1981[1]

A Canon concerning the Solemnization of Matrimony

The General Synod prescribes as follows -

1 This canon may be cited as the "Solemnization of Matrimony Canon 1981".

2 The canons numbered 62, 63, 100, 101, 102, 103 and 104 included in the Constitutions and Canons Ecclesiastical agreed upon by the Bishops and Clergy of the Province of Canterbury in the year of our Lord 1603 and known as the Canons of 1603, and any Canon amending or appended to the 62nd or the 102nd Canon, shall not have and operation or effect in this Church.

3 Matrimony shall not be solemnized according to the rites and ceremonies of this Church

(a) unless the celebrant is a minister registered on the nomination of this Church as an authorised celebrant according to the law of the Commonwealth of Australia;

(b) unless at least one of the parties to be married has been baptized;

(c) except in a church or chapel of this Church or a church building licensed by the bishop of the diocese for the solemnization of matrimony unless the bishop of the diocese in the particular case gives express permission for the solemnization of the marriage at some other specific place;

(d) where the persons to be married are within a prohibited relationship as declared by the law of this Church in force in the diocese concerned;

(e) where a party to be married is a minor, otherwise than in accordance with the laws of the Commonwealth of Australia relating to the consent of parents or guardians in the case of the marriage of such persons;

(f) except in the presence of not less than two witnesses; and

(g) where either or each of the parties to be married is a divorced person, except in accordance with the law of this Church as to the marriage of such persons in force in the diocese concerned.

4 Nothing in this canon shall affect the provisions of any ordinance of a diocese in force or having effect at the time when the diocese adopts this canon relating to the publication of Banns of Marriage and dispensation therewith.

5 The provisions of this canon affect the order and good government of this Church within a diocese and shall not come into force in any diocese unless and until the diocese by ordinance adopts it.

[1] The Diocese of Perth adopted this canon pursuant to the "Solemnization of Matrimony Canon 1981 Adoption Statute 1982"

MATRIMONY (PROHIBITED RELATIONSHIPS)
CANON 1981[1]

A Canon concerning Canon 99 of the Canons Ecclesiastical made in the year 1603 and the prohibition of the solemnization of matrimony between persons within certain prohibited relationships.

WHEREAS certain Constitutions and Canons Ecclesiastical made in the year 1603 (hereinafter called "the Canons of 1603") were published in England by lawful authority

AND WHEREAS certain of the Canons of 1603 continue to apply to and be in force in the several dioceses of The Anglican Church of Australia

AND WHEREAS it is desirable to repeal Canon 99 of the Canons of 1603 insofar as it applies to or is in force in the several dioceses of The Anglican Church of Australia and to prohibit the solemnization of matrimony between persons within certain prohibited relationships

NOW THEREFORE the General Synod prescribes as follows:

1 This Canon may be cited as the "Matrimony (Prohibited Relationships) Canon 1981".

2 In this canon unless the context otherwise requires:

"adopted" in relation to a child means adopted under the law of any place (whether in or outside Australia) relating to the adoption of children;

"minister" means a minister who on the nomination of this Church is authorised by the law of the Commonwealth of Australia to solemnize matrimony;

"prohibited relationship" means any relationship described in the Schedule as extended by Sections 5 and 6;

"the Canons of 1603" means the Constitution and Canons Ecclesiastical agreed upon by the Bishops and Clergy of the Province of Canterbury in the year of our Lord 1603 and known as the Canons of 1603.

3 The Canon numbered 99 included in the Canons of 1603 shall henceforth have no operation or effect in this Church.

4 A minister shall not solemnize matrimony between persons who are within a prohibited relationship.

5 A prohibited relationship shall include a relationship of the half-blood and a relationship traced through or to any person born of unmarried parents.

6 (1)A prohibited relationship shall include a relationship traced through or to a person who is or was an adopted child and for that purpose the relationship between an adopted child and his adoptive parent or each of his adoptive parents shall be deemed to be or to have been the natural relationship of child and parent.

(2) Nothing in sub-section (1) of this section makes it lawful for a clergyman to solemnize a marriage which he could not lawfully have solemnized if that sub-section had not been enacted.

(3) For the purpose of this section:

(a) a person who has at any time been adopted by another person shall be deemed to remain the adopted child of that other person notwithstanding that any order by which the adoption was effected has been annulled, cancelled or discharged or that the adoption has for any other reason ceased to be effective; and

(b) a person who has been adopted on more than one occasion shall be deemed to be the adopted child of each person by whom he has been adopted.

7 The provisions of this canon affect the order and good government of the Church within a diocese and shall not come into force in any diocese unless and until the diocese by ordinance adopts the canon.

[1] The Diocese of Perth adopted this canon pursuant to the "Matrimony (Prohibited Relationships) Canon 1981 Adoption Statute 1982"

THE SCHEDULE

The relationship between a man and a woman who is or has been his:

- mother
- daughter
- father's mother
- mother's mother
- son's daughter
- daughter's daughter
- sister
- wife's mother
- wife's daughter
- father's wife
- son's wife
- father's father's wife
- mother's father's wife
- wife's father's mother
- wife's mother's mother
- wife's daughter's daughter
- wife's son's daughter
- son's son's wife
- daughter's son's wife
- father's sister
- mother's sister
- brother's daughter
- sister's daughter

The relationship between a woman and a man who is or has been her:

- father
- son
- father's father
- mother's father
- son's son
- daughter's son
- brother
- husband's father
- husband's son
- mother's husband
- daughter's husband
- father's mother's husband
- mother's mother's husband
- husband's father's father
- husband's mother's father
- husband's son's son
- husband's daughter's son
- son's daughter's husband
- daughter's daughter's husband
- father's brother
- mother's brother
- brother's son
- sister's son

MARRIAGE OF DIVORCED PERSONS CANON 1985[1]
No 7, 1985

A Canon to regulate the practice and procedure of this Church with respect to the Marriage of Divorced Persons

The General Synod prescribes as follows:

1 This canon may be cited as the "Marriage of Divorced Persons Canon 1981".

2 In this canon "divorced person" means a person who was a party to a marriage which has been dissolved in accordance with law.

3. (1) The marriage of a divorced person shall not be solemnised according to the rites and ceremonies of this Church or by a minister of this Church during the life of the person's former spouse unless, upon application made by the proposed celebrant, the bishop of the diocese in which the marriage is to be solemnised has consented to the solemnisation of the marriage.

(2) Where the consent of a bishop is given under sub-section (1), the bishop shall cause notice of the consent to be furnished in writing to the proposed celebrant.

(3) The bishop of a diocese shall not consent to the solemnisation of a marriage pursuant to sub-section (1) unless either

(a) at least one of the persons proposed to be married ordinarily resides in his diocese, or

(b) the bishop of the diocese in which one of the persons proposed to be married ordinarily resides has given his consent to the solemnisation of the marriage.

4 Consent shall not be given by a bishop under this canon unless the bishop and the proposed celebrant are satisfied that the marriage of the divorced person would not contravene the teachings of Holy Scripture or the doctrines and principles of this Church.

5 (1) The bishop of a diocese may make regulations, not inconsistent with ordinances (if any) made under sub-section (2) concerning the practice and procedure in relation to applications under this canon for his consent to the solemnisation of the marriage of a divorced person.

(3) The synod of a diocese may, by ordinance, regulate the practice and procedure in relation to applications under this canon for obtaining the consent of the bishop of the diocese to the solemnisation of the marriage of a divorced person.

6 A minister of this Church may refuse to solemnise the marriage of any divorced person during the life of the person's former spouse.

7 The provisions of this canon affect the order and good government of this Church within a diocese and shall not come into force in any diocese unless and until the diocese by ordinance adopts it.

[1] The Diocese of Perth adopted this canon pursuant to the "Marriage of Divorced Persons Canon 1981 Adoption Statute 1985"

CANON CONCERNING SERVICES 1992[1]
Canon 13, 1998
Canon 19, 2017

A canon concerning Services of the Church

The General Synod prescribes as follows:

1 This canon may be cited as "Canon concerning Services 1992".

2 The minister of each church must bring to the knowledge of the people of the suburb, town or locality in which that church is situated, the times and days on which Divine Service is to be held in that church.

3 Divine Service must be held in every Cathedral and, wherever possible, in the church or one of the churches in every parish at least once on all Sundays.

4 (1) The following forms of service are authorised:

(a) the forms of service contained in the Book of Common Prayer;

(b) such forms as may have been authorised, as regards a parish, pursuant to the Constitution or a canon of the General Synod in force in the diocese of which that parish is part; and

(c) for use within a diocese, any other form that has been:

i. approved for use, on the recommendation of the Liturgy Commission with the concurrence of the Doctrine Commission, by a decision as least two- thirds of the diocesan bishops including all of the Metropolitans; and

ii. approved for use within the diocese by the diocesan council of the diocese.

(2) Every minister must use only the authorised forms of service, except so far as the minister may exercise the discretion allowed by section 5.

5 (1) The minister may make and use variations which are not of substantial importance in any form of service authorised by section 4 according to particular circumstances.

(2) Subject to any regulation made from time to time by the Synod of a diocese, a minister of that diocese may on occasions for which no provision is made use forms of service considered suitable by the minister for those occasions.

(3) All variations in forms of service and all forms of service used must be reverent and edifying and must not be contrary to or a departure from the doctrine of this Church.

(4) A question concerning the observance of the provision of sub-section 5(3) may be determined by the bishop of the diocese.

6 Each service must be said or sung distinctly, reverently and in audible voice in English or another language intelligible to the congregation.

7 A sermon must be preached at least once each Sunday in every cathedral and church in which Divine Service is offered on that Sunday except for some reasonable cause approved by the bishop of the diocese. The preacher must endeavour to expound the scriptures, to the glory of God and to the edification of the people.

8 The minister must determine what parts of Divine Service offered in a church are to be said or sung. No musical instrument may be played in connection with Divine Service in any church without the approval of the minister of that church. The minister must ensure that all music (including any words and accompaniment) is to the glory of God and to the edification of the people.

9 No minister may exorcise except where authorised so to do by the bishop of the diocese.

10 The canons numbered 14, 18, 19, 43, 45, 46, 47, 49 to 57 inclusive, 64, 67 and 72 of the Canons of 1603, in so far as the same may have any force, have no operation or effect in a diocese which adopts this canon.

11 The provisions of this canon affect the order and good government of this Church within a diocese and shall not come into force in a diocese unless and until the diocese adopts this canon by ordinance of the synod of the diocese.

[1] The Diocese of Perth adopted this canon pursuant to the "Canon concerning Services 1992 (No 13 of 1998) Adoption Statute 1998"

CANON CONCERNING VESTURE OF MINISTERS 1992[1]
CANON 19, 1995

A Canon concerning Vesture of Ministers 1992

The General Synod prescribes as follows:

1 This Canon may be cited as "Canon concerning Vesture of Ministers 1992".

2 This Church recognises that, by tradition, its ministers have worn distinctive vesture whilst ministering in Divine Service. This Church also recognises that the vesture worn by its ministers may vary from time to time and place to place. This Church declares that it does not attach any particular doctrinal significance to the diversity of vesture worn by its ministers.

3 Subject to sections 4 and 5, whilst ministering in Divine Service in a cathedral or church a minister shall comply with such standards of vesture as may be prescribed by ordinance of the synod of the diocese in which the service is being held or, in the absence of any such ordinance, by the bishop.

4 A minister may wear a surplice in lieu of the vesture prescribed by the synod or the bishop pursuant to section 3 or referred to in section 5.

5 Subject to section 4 and to any requirement made pursuant to section 3, a minister may wear the vesture which has customarily been worn in the place in which the service is being held.

6 The Use of the Surplice Canon 1977 is repealed as regards a diocese which adopts this Canon.

7 The Canons numbered 17, 24, 25, 58 and 74 of the Canons of 1603, in so far as the same may have any force have no operation in a diocese which adopts this Canon.

8 The provisions of this Canon affect the order and good government of this Church within a diocese and shall not come into force in a diocese unless and until the diocese adopts this Canon by ordinance of the synod of the diocese.

[1] The Diocese of Perth adopted this canon pursuant to the "Canon concerning Vesture of Ministers 1992 (No 19, 1995) Adoption Statute 1995"

CANON CONCERNING CONFESSIONS 1989[1]
Canon 10, 1992 as amended by
Canon Concerning Confessions (Revision) Canon 2017 and
Canon Concerning Confessions (Vulnerable Persons) Canon 2017

A canon concerning confessions

Whereas every confession to an ordained minister is heard in the context of the desire of the penitent to be reconciled to God, to the fellowship of the church, and to those who have been harmed by the penitent's sin:

The General Synod prescribes as follows:

1 This canon may be cited as "Canon concerning confessions 1989".

2 Subject to section 2A, if any person confesses his or her secret and hidden sins to an ordained minister for the unburdening of conscience and to receive spiritual consolation and ease of mind, such minister shall not at any time reveal or make known any crime or offence or sin so confessed and committed to trust and secrecy by that person without the consent of that person.

2A (1) In this section –

abuse means sexual assault, sexual exploitation or physical abuse;
child means a person under the age of 18 years;
child abuse has the same meaning as in the National Register Canon 2007;
Church authority has the same meaning as in the National Register Canon 2007;
church worker has the same meaning as in the National Register Canon 2007;
clergy has the same meaning as in the National Register Canon 2007;
Director of Professional Standards has the same meaning as in the National Register Canon 2007;
grave offence means conduct that amounts to a criminal offence against the laws of the Commonwealth, a State or Territory, or another country which is equivalent to a criminal offence of the Commonwealth, a State or Territory involving:

(a) child abuse; or

(b) abuse of a vulnerable person (other than a child);

ordained minister has the same meaning as **clergy**;
other conduct means conduct confessed by the penitent to an ordained minister which does not constitute a grave offence, but gives the ordained minister reasonable grounds to believe that a vulnerable person is at risk of significant harm;
penitent means a person who makes a confession to an ordained minister;
police mean the Australian Federal Police or the police service of a State or Territory of Australia;
vulnerable person includes a person who by reason of an intellectual disability, mental illness or other impairment, age or circumstance, has reduced capacity, whether permanently or temporarily, to protect himself or herself from abuse.

(2) Subject to subsection (3), where a penitent confesses to an ordained minister that he or she has or may have committed a grave offence or confesses to other conduct, that ordained minister is obliged to keep confidential the grave offence or the other conduct so confessed if he or she is reasonably satisfied that the penitent has reported the grave offence or other the other conduct to the police and, if the person is a church worker or a member of the clergy, to the Director of Professional Standards or other relevant Church authority.

(3) An ordained minister to whom a penitent has confessed that he or she has or may have committed a grave offence or has confessed to other conduct may, for the purpose of obtaining advice as to whether that conduct constitutes a grave offence or other conduct, reveal the nature of that confession to a person nominated by the bishop of the diocese for the purpose of giving that advice.

(4) It is a defence to a charge of breach of discipline or any offence brought against an ordained minister,

(a) arising from his or her disclosure to any person of conduct confessed by a penitent that did not constitute a grave offence, that the ordained minister believed in good faith and on reasonable grounds that the conduct may have constituted a grave offence; or

(b) arising from his or her disclosure to any person of other conduct that the ordained minister believed in good faith and on reasonable grounds that a vulnerable person was at risk of significant harm."

3 The proviso to canon numbered 113 of the Canons of 1603, and any other law of this Church concerning the making of confessions to an ordained minister, in so far as the same may have any force, shall have no operation or effect in this Church.

4 The provisions of this canon affect the order and good government of this Church within a diocese and shall not come into force in a diocese unless and until the diocese adopts this canon by ordinance of the synod of the diocese.

[1] This Canon was adopted by the Diocese of Perth pursuant to the "Canon concerning confessions 1989 (No 10, 1992) Adoption Statute 1992" and the amendments to the Canon pursuant to Canon11,2014 were adopted pursuant to the" Canon concerning confessions 1989 (Amendment) Canon 2014 (No. 11, 2014) Adoption Statute 2014"