Bathurst Diocese

SHARING JESUS FOR LIFE

SECOND SESSION

OF THE

51ST SYNOD

SATURDAY 20 SEPTEMBER 2025

BOOK 3

ORDINANCES

CONTENTS

SAFE MINISTRY ORDINANCES 1

Changes to Safe Ministry Ordinances Explanatory Memorandum 1

Ministry Standards Ordinance 2025 3

Ministry Standards Process 46

Tribunal Ordinance 2025 47

Offences Ordinance 2007 Amendment Ordinance 2025 52

Ministers' Code of Conduct Ordinance 1993 Repeal Ordinance 2025 54

PARISH & ADMINISTRATION ORDINANCES 55

Parish Ordinance 2023 Amendment Ordinance 2025 56

Administration Ordinance 2023 Further Amendment Ordinance 2025 60

SAFE MINISTRY ORDINANCES

CHANGES TO SAFE MINISTRY ODINANCES EXPLANATORY MEMORANDUM

Safe Ministry ordinances 2025

At this session of Synod changes to Safe Ministry ordinances will be proposed, including:

1. A new Ministry Standards Ordinance 2025 (MSO 2025).
2. A new Tribunal Ordinance 2025.
3. Amendments to the Offences Ordinance 2007.
4. Repeal of the Ministers' Code of Conduct Ordinance 1993.

In summary, the recommendation for the repeal of the Ministry Standards Ordinance 2007 and its replacement with the proposed MSO 2025 necessitates additional Ordinance changes which flow from the MSO 2025.

Overview of changes

1. MINISTRY STANDARDS ORDINANCE 2025

a. The rationale and a summary of the consultation process for the repeal of the Professional Standards Ordinance 2007 ('PSO 2007') was provided in a report to Bishop-in-Council in June 2025.

b. The changes in the proposed MSO 2025 address and incorporate:

   i. major NSW legislative changes which were made as the result of the recommendations of the Royal Commission into Institutional Responses to Child Sex Abuse over the past 7 years,

   ii. learnings of Anglican Professional Standards practitioners over the past 21 years, i.e. since in the introduction of the Model Professional Standard Ordinance of the General Synod 2004, and

   iii. feedback from 17 years of implementation of the PSO 2007, particularly in relation to the length of time the current PSO process takes (average 9-12 months), and the human resource and financial cost of running the process currently.

c. The proposed MSO 2025 is based on the Diocese of Sydney's Ministry Standards Ordinance. That is, we have used this as the source document and made amendments to better suit our Diocese's size and resources.

d. The main changes include:

   i. A model change, being that we have moved to the 'fitness for service' model for addressing complaints of misconduct by church workers (see MSO 20025 S.6 -8), with a Ministry Standards Board to hear clergy matters (see MSO 2025 Part 3E), as opposed to the current 'discipline' through tribunals found in our current model (PSO 2007).

ii. Empowering the Director of Ministry Standards to:

a. undertake the necessary initial legal, risk and pastoral management steps (MSO 2025 S.13-14),

b. engage with parties towards early resolution (MSO 2025 S.15.6 & S.25), and

c. with consent of the respondent, to implement recommendations of the Ministry Standards Committee (PS0 2025 S.31).

iii. Empowering the Ministry Standards Committee to:

a. resolve all lay complaints (MSO 2025 S.31.(1)), and

b. resolve by the consent of the clergy respondent clergy matters (non- disputed clergy matters) (MSO 2025 S.31 (2)-(4)

2. TRIBUNAL ORDINANCE 2025

a. The Anglican Church of Australia's Constitution Section 54 requires each Diocese to establish and maintain a Diocesan Tribunal (currently provided in the PSO 2007).

b. The MSO 2025 is a model change to the 'fitness for service' model as stated above. This change necessitates the re-institution of a 'Tribunal Ordinance' for compliance with the Constitution.

c. In practice, it is envisioned that the Tribunal Ordinance 2025 would only be activated if there are ever allegations of breaches of faith, ritual or ceremony made against a licenced person or other clergy person in the Diocese (a Board of Inquiry).

3. OFFENCES ORDINANCE 2007 AMENDMENT ORDINANCE 2025

a. The amendments relate to the:

i. repeal of the PSO 2007, in particular to the removal of a 'disciplinary tribunal', and

ii. updated General Synod "Offences Canon".

4. MINISTERS' CODE OF CONDUCT ORDINANCE 1993 REPEAL ORDINANCE 2025

a. There has not been a specific "ministers code of conduct" since the introduction of Faithfulness in Service and as such there is no need for this Ordinance.

b. Faithfulness in Service is the code of conduct for all church workers in the Diocese. In particular, Section 5 of Faithfulness in Service has been given special status by the Safe Ministry to Children's Canon 2017.

Ministry Standards Ordinance 2025

Table of Provisions

Long Title – Ministry Standards Ordinance of the Diocese of Bathurst 2025 1

CHAPTER 1 – PRELIMINARY 1

1. Name – This Ordinance is the Ministry Standards Ordinance 2025. 1

PART 1A – Purpose And Application 1

2. Overriding purpose 1

3. Application 1

PART 1B - Interpretation 2

4. Interpretation 2

CHAPTER 2 – Scope 4

PART 2A – Church Workers And Misconduct 4

5. Church Workers 4

6. Misconduct by a Church Worker 5

7. What is serious child-related conduct? 7

PART 2B – Exempt Conduct 7

8. Exempt Conduct (Declaration of exemption following disclosure of past conduct) 7

CHAPTER 3 – Ministry Standards Process 8

PART 3A – Receiving Information 8

9. Receipt of Information 8

10. Obligation to report knowledge or reasonable belief of certain matters 8

11. Classification of information 8

PART 3B – Initial pastoral, legal and risk management 9

12. Risk Assessment and Management 9

13. Alternative duties, suspension or interim prohibition order 9

14. Pause MSO process at request of Police or other Government authority 11

PART 3C – Director's management of the Information 11

15. The Director's management of the Information 11

16. Matter to be closed 12

17. Declining or deferring to deal with information 12

18. Notification of a decision to decline to deal with or defer a complaint 13

19. Referral to an equivalent body 13
20. Complaints involving serious criminal convictions 14
21. Early resolution process 14
22. Initial investigation of the information 15
23. Response of Respondent 15
PART 3D – Consideration of the Matter by the Ministry Standards Committee ('MSC') 16
24. Referral to the MSC for consideration 16
25. What can the MSC do when considering the complaint? 16
26. Conduct further Investigation 17
27. Powers of the investigator 17
28. Report of investigation 18
29. Reference to the Board of unresolved complaints against a member of the clergy 18
30. Recommendation that a complaint be dealt with by the Diocesan Tribunal 18
31. Findings and recommendations of the MSC 19
32. Notice of the recommendations 20
33. Response to the recommendation 20
Part 3E– Consideration of the matter by the Ministry Standards Board (Board) 21
34. Application of this Part 21
35. Convening of the Board 21
36. Powers of the Board 21
37. Decisions and Recommendations of the Board 21
38. Notice of recommendation 22
39. Power to defer final Recommendation 22
40. Effect of Prohibition Orders 23
PART 3F – REVIEW OF DECISIONS 23
41. Application for review 23
42. Grounds for review 23
43. Stay of proceedings 23
44. Appointment of Reviewer 24
45. Conduct of review 24
46. Determination on review 24
PART 3G – Powers of the Church authority 24
47. Church authority may act upon recommendation of the Board 24
48. Role of the Church authority as decision maker 24

CHAPTER 4 - PERSONS OR BODIES PERFORMING FUNCTIONS UNDER THIS ORDINANCE.....25
PART 4A – The Director.....25
49. Appointment of the Director of Ministry Standards.....25
50. Functions of the Director.....25
51. Relationship between the Director and the Bishop.....26
52. The Director's entitlement to information held by certain persons.....26
53. The Director to report annually to Synod.....26
PART 4B – The Ministry Standards Committee.....27
54. Establishment of the MSC.....27
55. Functions of the MSC.....27
56. Membership of the MSC.....27
57. Term of office.....28
58. Casual vacancies.....28
59. Conduct of business.....28
60. Validity of proceedings.....28
61. Delegation of functions.....28
PART 4C – The Ministry Standards Board.....29
62. Establishment of the Ministry Standards Board.....29
63. Functions of the Board.....29
64. Panel.....29
65. Appointment of the Panel.....29
66. Appointment of the Board.....29
67. Vacancies on the Board.....30
68. Secretary.....30
69. Quorum.....30
70. Validity of proceedings.....30
PART 4D – Procedural matters for the MSC and the Board.....30
71. Conduct of proceedings.....30
72. Failure to appear.....30
73. Powers and duties.....31
74. Appointment of a person to assist.....31
75. Board to give directions to Director and MSC.....31
76. Written evidence.....31
77. Legal representation in Board hearings.....31
78. Directions in Board hearings.....31

79. Decisions of other bodies 32
80. Standard of proof 32
81. Members of Board not to meet with parties 32
82. Disqualification where conflict of interest 32
83. Medical examination 32
84. Duties of the respondent 33
85. Limitation on promotion of a charge in the Diocesan Tribunal 33
86. Costs 33
87. Rules as to practice and procedure 33
88. Determination of questions 33
89. Public Hearings 34
90. Suppression of names 34
91. Non-publication orders 34
PART 4E – Church authorities and compliance 35
92. Church authority to give effect 35
93. Compliance by church worker 35
CHAPTER 5 - Miscellaneous 35
PART 5A Confidentiality and publication 35
94. Duty of confidentiality 35
95. Release of information by MSC 36
96. Church authority may release information 36
97. Duty of respondents in the release of information 36
98. Reports 36
PART 5B – Indemnity 37
99. Obligation to indemnify 37
PART 5C – Regulations 37
100. Regulation making power 37
PART 5D – Other 37
101. Rights of employers 37
102. Findings of certain other bodies may be treated as conclusive 37
103. Service of documents 37
104. Delegation of the Chancellor's functions 38
105. Commencement 38

Long Title – Ministry Standards Ordinance of the Diocese of Bathurst 2025

An Ordinance to appropriately manage information in relation to alleged church worker misconduct and for determining the fitness for service of church workers.

This Ordinance replaces the Professional Standards Ordinance 2007, which this ordinance repeals in full.

Acknowledgement: This Ordinance is an adaptation of the Diocese of Sydney, Ministry Standards Ordinance 2017.

The Synod of the Diocese of Bathurst ordains as follows.

CHAPTER 1 – PRELIMINARY

1. NAME – THIS ORDINANCE IS THE MINISTRY STANDARDS ORDINANCE 2025.

PART 1A – Purpose And Application

2. OVERRIDING PURPOSE

(1) The overriding purposes of this Ordinance are:

(a) to uphold the standards of conduct expected of church workers in the Diocese;

(b) to protect the community, including complainants, respondents and Church bodies;

(c) to provide a mechanism whereby complaints that church workers are not fit to hold office or ministry can be resolved;

(d) to facilitate the just, timely and efficient resolution of complaints;

(e) to uphold applicable laws in relation to children and vulnerable people protection when resolving complaints against church workers; and

(f) to uphold Anglican Church of Australia General Synod ordinances and standards in relation to children and vulnerable people as adopted by the Anglican Diocese of Bathurst.

(2) The Director (and/or delegates), the Ministry Standards Committee, Investigators and the Board must each seek to give effect to these overriding purposes when exercising any power given by and when interpreting any provision of this Ordinance.

3. APPLICATION

(1) The Professional Standards Ordinance 2007 is hereby repealed.

(2) This Ordinance applies only in respect of alleged misconduct by church workers:

(a) resident, licensed or authorised in the Diocese, or engaged by a Church authority; or

(b) not resident, licensed or authorised in the Diocese nor engaged by a Church authority but whose misconduct is alleged to have occurred in the Diocese or when the church worker was resident, licensed or authorised in the Diocese or was engaged by a Church authority.

(3) This Ordinance applies to misconduct wherever and whenever it is alleged to have been engaged in by a church worker, including misconduct that is alleged to have occurred before or after the commencement of this Ordinance.

PART 1B - Interpretation

4. INTERPRETATION

(1) For the purposes of this Ordinance:

"**Abuse**" has the meaning set out in clause 6(2)(b) of this Ordinance.

"**Appellate Tribunal**" means the Appellate Tribunal constituted by and under Chapter IX of the Constitution;

"**Bishop in Council**" means the Council constituted under Chapter 4 of the *Administration Ordinance* 2023;

"**Board**" means the Ministry Standards Board established under Part 4C;

"**ceremonial**" has the same meaning as that expression has in the Constitution;

"**Chancellor**" means the person holding office from time to time as Bishop's Chancellor in the Diocese;

"**child**" means a person under the age of 18 years;

"**child exploitation material**" means material that describes or depicts a person who is or who appears to be a child – engaged in sexual activity; or in a sexual context; or 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-related work**" has the same meaning as in the *Child Protection (Working with Children) Act* 2012 NSW;[1]

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

"**Church authority**" means the Bishop or a person or body having administrative authority of or in a Church body to licence, appoint, authorise, dismiss, suspend, or implement the recommendation of the MSC under clause 32 in relation to a church worker;

"**Church body**" means a parish, and any school, body corporate, organisation or association that exercises ministry within, or on behalf of, this Church in this Diocese –

(a) which is constituted by ordinance or resolution of the Synod,

(b) in respect of whose organisation or property the Synod may make ordinances, or

(c) in relation to which the Synod, Bishop in Council, the Bishop or a body referred to herein elects or appoints a majority of the members of the governing body;

"**Church worker**" means a person who:

(a) is or has been a member of the clergy; or

(b) holds or has held a position of leadership within the Diocese, and without limitation a position of leadership includes –

(i) an office, or

(ii) membership of a body incorporated by or under the *Anglican Church of Australia (Bodies Corporate) Act 1938* NSW, or

(iii) membership of a body corporate following election or appointment by the Synod, Bishop in Council, the Bishop or a Church body, or

(iv) a warden, or

[1] Sections 6 and 7 of the Child Protection (Working with Children) Act 2012 (NSW) 2012

(v) a member of a parish council, or

(vi) a member of any other board, council or committee established by the Synod, the Bishop-in-Council, or a parish council, or

(vii) a chief executive officer of an organisation constituted by an ordinance of the Synod or the Bishop in Council, responsible to the governing body of the organisation for the work of the organisation; or

(viii) an officer of a kind specified in the Parishes Ordinance 2023 or Administration Ordinance 2023, or

(ix) is authorised or appointed by a rector, priest or deacon in charge, warden or parish council or by any delegate or agent of such a person or body of persons,

but excludes The Diocesan Bishop;

"**Clergy**" means a person in holy orders;

"**Code of Conduct**" means *Faithfulness in Service* and any other code of conduct approved from time to time by the Synod or which operates in the Diocese pursuant to an ordinance of the Synod;

"**complainant**" means a person who makes a complaint;

"**complaint**" means a complaint made in accordance with Chapter 3 of this Ordinance;

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

"**Diocese**" means the Anglican Church of Australia in the Diocese of Bathurst;

"**Diocesan Tribunal**" means the Diocesan Tribunal constituted for the Diocese in accordance with Chapter IX of the 1961 Constitution;

"**Director**" means the Director of Ministry Standards appointed by Bishop in Council in accordance with this Ordinance, and any Deputy Director appointed in the same way;

"**disqualifying offence**" means a criminal offence listed in Schedule 2 of the *Child Protection (Working with Children)* Act 2012;

"**equivalent body**" means a body of another diocese exercising powers, duties or functions similar or equivalent to those of the Director, the MSC, or the Board as the case may be, or where there is no such body, the bishop of the diocese;

"**experienced lawyer**" means a person who is or has been a judge or justice of an Australian Federal, State or Territorial court or a member or president of a tribunal, or who has been admitted as an Australian legal practitioner for not less than 10 years;

"**faith**" has the same meaning as that expression has in the Constitution;

"**Faithfulness in Service**" means the code for personal behaviour and the practice of pastoral ministry by clergy and church workers, as amended from time to time pursuant to an ordinance or resolution of the Synod;

"informant" means any person who provides the Director with information.

"**information**" means information of whatever nature and from whatever source relating to alleged misconduct by a church worker;

"**Investigator**" means the Director or delegate of the Director, appointed to investigate a complaint;

"**misconduct**" has the meaning given in clause 6;

"**national register**" means any national register established pursuant to a Canon of General Synod for the purpose of recording determinations of the Board and other equivalent bodies;

"**Ministry Standards Committee**" or "**MSC**" means the Ministry Standards Committee established under Part 4B;

"**prohibition order**" means an order prohibiting a church worker from holding a specified position or office in or being employed 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 employment by a Church body, and includes a variation of a prohibition order;

"reportable conduct" as defined in Clause 20 of the *NSW Children's Guardian Act 2019;*

"**respondent**" means a church worker whose alleged conduct is the subject of a complaint;

"**ritual**" has the same meaning as that expression has in the Constitution;

"**safety plan**" means a standards for attendance and worship made under the Policy for Safe Ministry to persons of concern;

"**serious child-related conduct**" has the meaning given in clause 7;

"**sexual offence relating to a child**" means – sexual activity by a person against, with or in the presence of a child, or the possession, production or distribution of any form of child pornography;

"**suspension order**" has the meaning in clause 13; and

"**under legal incapacity**" has the same meaning as in Division 4 part 6 of the *Civil Procedure Act 2005 (NSW)*.

CHAPTER 2 – SCOPE

PART 2A – Church Workers And Misconduct

5. CHURCH WORKERS

(1) This Ordinance applies to fitness for office of Church workers.

(2) Exemptions from this Ordinance:

(a) Despite Clause 5(1) a Church Worker may be exempted from the provisions of this Ordinance if the Bishop-in-Council is satisfied that the Church Worker is subject to the authority of a Church body which has a process of similar scope and procedure as this Ordinance.

(b) If the Bishop-in-Council is so satisfied under Clause 5(2)(a), it may pass a resolution to that effect.

(c) If the Bishop-in-Council passes a resolution under Clause 5(2)(b), it may by later resolution revoke the earlier resolution.

(d) A resolution under Clause 5(2)(b) or (c) has effect from the date specified by the Bishop-in-Council and if no date is specified, from the date of the resolution.

(e) For the period during which the resolution under Clause 5(2)(b) is effective, the Church worker shall be exempt from the provisions of this Ordinance.

(f) Where a resolution under Clause 5(2)(b) has been passed, the Director shall notify the relevant Church Body of that resolution and request that the Church Body notify the Director of any changes to the process used by it in dealing with matters which could otherwise have been dealt with by this Ordinance.

6. MISCONDUCT BY A CHURCH WORKER

(1) Misconduct by a Church worker means conduct which, if established, would call into question:

(a) the fitness of the person to hold a role, office or position, or to be or remain in Holy Orders;

(b) the fitness of the person, whether temporarily or permanently, to exercise ministry or perform any duty or function of the role, office or position; or

(c) whether, in the exercise of ministry or in the performance of any duty or function, the person should be subject to any condition or restriction,

but does not mean –

(d) any breach of faith, ritual or ceremonial,

(e) any act or omission that involves:

(i) refusing to appoint, correcting, disciplining, counselling, admonishing, transferring, demoting, suspending, retrenching or dismissing a person if done – in good faith; reasonably; and in the normal and lawful discharge of the duties and functions; or

(ii) respectfully disagreeing with or criticising someone's beliefs or opinions or actions, except in the case of conduct which, if established, would constitute serious child-related conduct, or

(f) public statements, acts or practices made or done in good faith for a proper purpose that are within the standards and doctrines of the Church in the Diocese, or

(g) exempt conduct to which clause 8 applies.

(2) Misconduct by a church worker may include but is not limited to:

(a) acts or omissions that would constitute the commission of an offence under the ***Offences Ordinance 2007*****,** as amended from time to time;

(b) **abuse**, which means:

(i) **bullying** which has the same meaning set out in *Faithfulness in Service*

(ii) **child abuse,** which has the same meaning set out in Faithfulness in Service;

(iii) **domestic / family violence** as defined in section 3 the Crimes (Domestic and Person Violence) Act 2007 NSW;

(iv) **emotional abuse,** which has the same meaning set out in Faithfulness in Service;

(v) **grooming** which means actions deliberately undertaken with the aim of engaging and influencing an adult or a child for the purpose of sexual activity (in the case of sexual abuse of a child, an offender may groom not only the child, but also those close to the child, including the child's parents or guardians, other family members, clergy and church workers. Grooming can include providing gifts or favours to the child or their family. In the case of sexual abuse of an adult, an offender may groom not only the adult, but also those close to them, including their children, clergy and church workers);

(vi) **harassment**, which has the same meaning set out in *Faithfulness in Service*;

(vii) **inappropriate pastoral conduct involving a child** which means engaging in a pattern of conduct involving a child or a group of children that is inconsistent with the standards and guidelines of *Faithfulness in Service*;

(viii) **neglect**, which in respect of a child or other vulnerable person has the same meaning set out in *Faithfulness in Service*;

(ix) **physical abuse**, which 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;

(x) **process failure,** which means any of the following:

A. 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;

B. a failure by a person licensed by the Bishop, a person in holy orders resident in the Diocese or a person who holds an authority under the Authorisation of Lay Ministry Ordinance 2015 for the purposes of paid work, without reasonable excuse, to make a report under clause 10 or a failure by that person to cooperate with an investigation of that conduct;

C. failure without reasonable excuse by a Church authority to deal with or to investigate in a reasonable or timely manner matters involving: abuse; or alleged inappropriate or unreasonable conduct of a church worker who had knowledge of conduct of another church worker constituting sexual abuse or child abuse, or reportable conduct; in circumstances where the Church authority has an obligation by law or under this Ordinance to deal with or investigate such conduct;

(xi) **reportable conduct** as defined in section 20 of the *Children's Guardian Act* 2019 NSW

(xii) **safe ministry training failure** which means a failure without a reasonable excuse to satisfactorily complete mandatory training approved for the purposes of the *Safe Ministry to Children Canon 2017*;

(xiii) **serious breach of Section 5 of Faithfulness in Service** the Canon for Safe Ministry to *Children's Canon* 2017 mandates compliance with Section 5 of Faithfulness in service;

(xiv) **sexual abuse,** which has the same meaning set out in *Faithfulness in Service*;

(xv) **sexual misconduct** which has the same meaning as in the *National Register Canon 2007*;

(xvi) **spiritual abuse,** which has the same meaning set out in *Faithfulness in Service*;

(xvii) **victimisation** which means action causing, comprising or involving the following in respect of a person because they, acting in good faith, propose to make, have made or have been involved in, a complaint under this Ordinance –

A. injury, damage or loss,

B. intimidation or harassment,

C. discrimination, disadvantage or adverse treatment in relation to employment or appointment to a position,

D. dismissal from, or prejudice in, employment or appointment to a position,

E. prejudice in the provision of a service,

F. disciplinary proceedings;

G. attempts, by threat, intimidation or inducement to –

dissuade a person from making a complaint,

persuade a person to withdraw a complaint, or

persuade a person to consent to the withdrawal of a complaint;

H. failure without reasonable excuse by a respondent to –

cooperate with the investigation of a complaint under the Ordinance;

comply with a condition imposed by a Church authority under this Ordinance;

comply with an undertaking given to or a direction or order given by the Director, an Investigator, the MSC, Board or a Church authority; or

I. conduct that would constitute a breach of clause 316 of the Crimes Act 1900 (NSW) with respect to the reporting of serious indictable offences.

7. WHAT IS SERIOUS CHILD-RELATED CONDUCT?

(1) Serious child-related conduct means any one or more of –

(a) Child abuse or mistreatment; and

(b) An allegation of reportable conduct or convictions under the *Children's Guardian Act 2019*, including conduct of a person which gives rise to a finding that an offence has been committed pursuant to section 316A Crimes Act 1900 (NSW) or section 43B *Crimes Act 1900* (NSW)

PART 2B – Exempt Conduct

8. EXEMPT CONDUCT (DECLARATION OF EXEMPTION FOLLOWING DISCLOSURE OF PAST CONDUCT)

(1) If a person makes a full disclosure to the Bishop in writing that the person has engaged in conduct that may be the subject of a complaint under this Ordinance in the following circumstances:

(a) by a person prior or subsequent to ordination as a deacon; or

(b) by a person who is not ordained prior or subsequent to being issued with an authority for the purpose of undertaking paid work; or

(c) by a person who has been ordained prior to being first licensed by the Bishop where conduct was committed prior or subsequent to ordination as a deacon,

the Bishop, with the concurrence of the MSC, may declare that the conduct cannot be the subject of a complaint under this Ordinance.

(2) The Bishop must not make a declaration under this Part:

(a) in respect of a person who has been convicted of a disqualifying offence listed in Schedule 2 of the *Child Protection (Working with Children) Act* 2012; or

(b) if the person has been refused a declaration in relation to the same or similar conduct in the previous 5 years.

(3) The Bishop must not make a declaration under this Part in respect of the conduct of a person unless the Bishop and the MSC consider that the person:

(a) has made any appropriate reparation for the conduct; and

(b) is fit to be ordained, to be issued with an authority or to be licensed by the Bishop, as the case may be; and

(c) does not pose a risk to the safety of any person taking into account the following matters:

(i) the circumstances in which the conduct occurred;

(ii) the seriousness of the conduct;

(iii) the age of the person at the time of the conduct;

(iv) the age of the victim(s) at the time;

(v) the difference in ages between the person and the victim(s);

(vi) the person's criminal record, if any; and

(vii) such other matters as are considered relevant.

(4) If the Bishop makes a declaration under this Part in respect of the conduct of a person:

(a) the declaration has effect for the purposes of this Ordinance according to its terms; and

(b) no action is to be taken or continued under this Ordinance in respect of a complaint if the Director, with the concurrence of the MSC, determines that the whole of the conduct that is the subject of the complaint is exempt conduct.

CHAPTER 3 – MINISTRY STANDARDS PROCESS

PART 3A – Receiving Information

9. RECEIPT OF INFORMATION

(1) Any person, including the Director, may submit information in relation to alleged misconduct by a church worker.

(2) Information may be received by the Director in any form, oral or in writing, whether by electronic means or otherwise.

(3) Where the information is received orally a written record is to be made by the Director or their delegate as soon as practicable after receiving it.

(4) A person who proposes to provide information under this Ordinance should first consider whether, having regard to the nature of the information, it would be preferable to first attempt to resolve any matters in dispute with the church worker through the Diocesan Grievance Protocol.

(5) The Director must not commence the MSO complaint process based only on information provided anonymously, except in the case of allegations of Reportable Conduct or information which, if established, would constitute serious child related conduct.

(6) Non-compliance with this clause does not invalidate a complaint unless the Board determines otherwise.

10. OBLIGATION TO REPORT KNOWLEDGE OR REASONABLE BELIEF OF CERTAIN MATTERS

(1) A church worker who knows or has reason to believe that another church worker has engaged in conduct which constitutes child abuse, grooming, inappropriate pastoral conduct involving a child or possession, production or distribution of child exploitation material or domestic violence must report to the Director, as soon as practicable, the name or a description of the other church worker and the grounds for believing that the other church worker has engaged in such conduct, unless the church worker knows that the conduct has already been reported to the Director.

11. CLASSIFICATION OF INFORMATION

(1) Upon receiving information, the Director shall make such initial enquiries as required to appropriately clarify the information and context to make a classification of the type of information that has been received, that is, whether the information received fits the definitions in PART 2A.

(2) If the information is not classified as an allegation of church worker misconduct appropriate pastoral, legal and risk management actions may be taken as established in PARTS 3B and 3C

PART 3B – Initial pastoral, legal and risk management

12. RISK ASSESSMENT AND MANAGEMENT

(1) Upon receipt of information, the Director must promptly undertake a risk assessment to identify:

(a) the required legal responses to the receipt of the information,

(b) appropriate initial pastoral responses, and

(c) the risks that are raised in relation to the safety of people, and especially in relation to children.

(2) The Director must promptly make recommendations to relevant Diocesan and church officeholders, and where necessary take the relevant steps, in relation to the risk assessment undertaken under clause 12(1) above, including but not limited to:

(a) Police and child protection agency reporting (including mandatory reporting, reporting of crime).

(b) Pastoral care recommendations to Church authority, incl. counselling to impacted parties.

(c) Risk management plans at parish level (including implementation of interim safety plans in accordance with the Policy for Safe Ministry to Persons of Concern, or under clause 13, or both).

(3) The risk assessment must include, but is not limited to, consideration of the following –

(a) any immediate and ongoing risks associated with the complaint, including the safety of the complainant and any children,

(b) whether preliminary action could and should be taken concerning the respondent including supervision or removal of contact with children or suspension,

(c) the available expertise to assess the risk and whether expert advice should be obtained,

(d) any need for cultural and linguistic interpreters to be involved in the complaint process,

(e) whether it is necessary to report the complaint to an external authority,

(f) who should be informed about the complaint, and whether there are restrictions on the information they can be given (for example, due to confidentiality obligations), and

(g) how to implement the decisions made because of the risk assessment.

(4) If there is any change to the risk profile, the Director must review the risk assessment and make modifications where necessary.

13. ALTERNATIVE DUTIES, SUSPENSION OR INTERIM PROHIBITION ORDER

(1) At any time after information is received, subject to clause 13(2), the Director may recommend to the relevant Church authority that the respondent:

(a) be placed on leave for the duration of the process (with full entitlements); or

(b) be given alternative duties; or

(c) be suspended from exercising the functions of office or employment by one or more Church bodies; or

(d) be subject to an interim prohibition order.

(2) The Director must give the respondent the opportunity to be heard in relation to the proposed recommendation under clause 13(1) and in deciding whether to make the recommendation the Director must take the following matters into account:

(a) the seriousness of the conduct alleged in the complaint;

(b) the nature of the material to support or negate the complaint;

(c) whether any person is at risk of harm;

(d) the likely effect on the respondent and on the relevant Church body;

(e) the likely effect on the complainant or any other person; and

(f) the conduct of the respondent subsequent to the making of the complaint.

(3) The Director must recommend that the respondent is suspended if, after giving the respondent the opportunity to be heard under subclause 13(2), the Director is satisfied that –

(a) the respondent 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, or

(b) the information involves allegations of serious child-related conduct, and the Director considers the information is plausible, and there is a risk that the respondent may come into contact with children in the course of their functions as a church worker.

(4) If the Director recommends that an interim prohibition order be made:

(a) the Bishop must give prompt consideration to the Director's recommendation and may make an Interim Prohibition Order; and

(b) If the Bishop makes an Interim Prohibition Order:

(i) the respondent and any relevant Church authority must comply with the Interim Prohibition Order;

(ii) the respondent is ineligible for appointment to any position or function covered by the order;

(iii) the relevant Church authority may fill the vacancy caused by the order;

(iv) the respondent is entitled to continue to receive their ordinary stipend, salary, allowances and other benefits in connection with the position, except to the extent that these are provided on account of expenses incurred in undertaking their duties or functions; and

(v) in the case of a respondent who is licensed or authorised for ministry in a parish – the parish concerned is entitled to reimbursement from funds under the control of the Synod for the reasonable additional costs incurred by the parish for the engagement of any temporary personnel to undertake the duties of the person against whom the complaint is made during the period of the order.

(c) A suspension or an Interim Prohibition Order ceases to have effect:

(i) if the Director terminates the investigation without referring the matter to the MSC, or

(ii) upon any direction to that effect given by the MSC, or

(iii) upon the respondent complying with all recommendation(s) (if any) of the MSC, subject to the respondent continuing to comply with the recommendation(s) within any period set out in the notice; and the Church authority giving effect to the recommendation(s) (if any) of the Investigator, MSC or the Board.

(iv) if the Bishop suspends the respondent under clause 61 of the 1961 Constitution

(5) If the Director recommends that the respondent be placed on leave or suspended or prohibited under clause 13(1):

(a) the relevant Church authority is authorised to do all such things as may be necessary to give effect to the recommendation and must give effect to the recommendation if the recommendation was mandatory under clause 13(3); and

(b) during any such period:

(i) the respondent is ineligible for appointment to any position or function covered by the suspension;

(ii) the relevant Church authority may fill the vacancy during the term of any suspension; and

(iii) the respondent is entitled to continue to receive their ordinary stipend, salary, allowances and other benefits in connection with the position, except to the extent that these are provided on account of expenses incurred in undertaking their duties or functions; and

(iv) in the case of a respondent who is licensed or authorised for ministry in a parish – the parish concerned is entitled to reimbursement from funds under the control of the Synod for the reasonable additional costs incurred by the parish for the engagement of any temporary personnel to undertake the duties of the person against whom the complaint is made during the period of suspension;

(c) the respondent must comply with the terms of recommendation; and

(d) the suspension ceases to have any effect:

(i) if the Director terminates the investigation without referring the matter to the MSC, or

(ii) upon any direction to that effect given by the MSC, or

(iii) upon the Church authority or the respondent (as the case may be) giving effect to the recommendation(s) of the Investigator, MSC or the Board.

14. PAUSE MSO PROCESS AT REQUEST OF POLICE OR OTHER GOVERNMENT AUTHORITY

(1) If any relevant government agency requests that the MSO process be paused, the Director shall implement risk management and pastoral care plans in cooperation with that agency until the process can be recommenced.

PART 3C – Director's management of the Information

15. THE DIRECTOR'S MANAGEMENT OF THE INFORMATION

(1) The Director must use reasonable endeavours to explain the processes set out in this Ordinance to all parties involved.

(2) The Director must deal with the information as expeditiously as possible and must take at least one or more of the following courses of action:

(a) determine that the information is within the definition of a complaint of misconduct by a church worker ;

(b) recommend alternative duties, leave, or suspension or prohibition under clause 13;

(c) decline to deal with the information under clause 16;

(d) refer the matter directly to the MSC and seek the concurrence of the MSC that the information be declined or deferred under clause 17;

(e) refer the information to an equivalent body under clause 19,

(f) appoint a person to investigate the information under clause 22 or clause 26;

(g) invite an initial response from the respondent under clause 23;

(h) recommend that the parties engage in an early resolution process under clause 21;

(i) ask the informant to verify the information by statutory declaration;

(j) ask the informant to provide further details of the conduct that is the subject of the information;

(k) refer the information the relevant Diocesan officeholder with a recommendation to commence an alternative dispute resolution process or the Diocesan Grievance protocol;

(l) refer any information alleging breach of faith, ritual or ceremonial, to the relevant Church authority.

(3) The Director must consult the Bishop before taking the course of action in clause (2)(c), (e), (f), (h), (k), (l).

16. MATTER TO BE CLOSED

(1) The Director must decline to deal with the information as a complaint if the information does not allege any misconduct which may be the subject of a complaint under this Ordinance. If the information does contain grievances or allegations of breach of faith ritual or ceremonial the Director shall refer the matter to the relevant Diocesan officer holder for management under the relevant Diocese Ordinance or protocol.

17. DECLINING OR DEFERRING TO DEAL WITH INFORMATION

(1) The Director may at any time, with the concurrence of the MSC, decline or defer dealing with information if:

(a) the informant has not provided further details or a verifying statutory declaration after being asked to do so and it is reasonable in the circumstances to conclude that the complainant will not do so; or

(b) the information appears to be false, vexatious or misconceived or the subject-matter of the complaint is trivial; or

(c) there appears to be insufficient reliable evidence to warrant an investigation or further investigation; or

(d) the conduct that is the subject matter of the information can properly be dealt with by other means, unless the conduct is an allegation of Reportable Conduct or serious child-related conduct; or

(e) the conduct which is the subject of the information is under investigation by some other competent person or body or is the subject of legal proceedings, or

(f) there would be no utility in dealing with the information under this Ordinance having regard to:

(i) whether the respondent currently holds any position of leadership within the Diocese,

(ii) the length of time since the respondent has held any position of leadership within the Diocese,

(iii) the age of the respondent,

(iv) the health of the respondent, or

(v) any other relevant circumstance.

(2) Subject to clause 17(3), the Director, with the concurrence of the MSC, must decline to deal with information received if the misconduct the subject of the information is not materially different from conduct already dealt with under this Ordinance or equivalent process or ordinance in this or another Diocese.

(3) Clause 17(2) shall not apply if:

(a) in the opinion of the Director, the information is supported by apparently credible evidence of fresh facts likely to lead to a different result; or

(b) the complaint has only been dealt with under clause 21, or;

(c) the complaint alleges serious child-related conduct and the Director decides to deal with the complaint under this Ordinance in order to be able to make a finding that the respondent has or has not engaged in alleged serious child-related conduct in connection with:

(i) any requirement by law to notify a person or authority that a finding has been made that the respondent engaged in conduct the subject of any such requirement to notify; and

(ii) entering on the national register the details of information required by the provisions of the *National Register* Canon 2007.

18. NOTIFICATION OF A DECISION TO DECLINE TO DEAL WITH OR DEFER A COMPLAINT

(1) Subject to clause 18(2), if the Director declines or defers dealing with information under this Part, the Director must give the informant written notice of this decision, including reasons for the decision.

(2) The Director may, but is not required to, provide written notice to the respondent under this clause if the Director believes on reasonable grounds that the respondent is not aware of the existence of the information.

19. REFERRAL TO AN EQUIVALENT BODY

(1) The Director may, with the concurrence of the MSC, refer the information, or any investigation, to an equivalent body or bodies.

(2) Prior to making a referral under clause 19(1), the Director may, when the information is received, take into consideration the diocese, if any, in which the respondent resides or holds a licence or authority to officiate or other authority from a church authority.

(3) When the MSC and an equivalent body or bodies have the power and duty to investigate information concerning the alleged misconduct of the respondent and the respective bodies cannot agree on:

(a) which body shall carry out the investigation or any parts of such investigation; or

(b) whether a complaint should be referred to the Board or to an equivalent body which has jurisdiction;

the MSC must refer the disagreement for decision by an independent person agreed upon by the MSC and the equivalent body or bodies who is to reach a decision within a reasonable time.

(4) In deciding under clause (3) the independent person will not be bound by the views or instruction of the MSC but shall take into account the most convenient course for all concerned and the proper and expeditious conduct of the investigation or referral.

(5) In all matters affecting the operation of this Ordinance the MSC 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.

20. COMPLAINTS INVOLVING SERIOUS CRIMINAL CONVICTIONS

(1) This clause applies to complaints concerning respondents who have been convicted of a disqualifying offence and in respect of whom such conviction is not subject to a stay or an appeal against the conviction.

(2) If the Director is in possession of the reasons for judgment or other record from a court, a police history check, or a notification from a statutory authority, which indicates that the respondent has been convicted of a disqualifying offence, the Director may:

(a) notify the substance of the complaint to the respondent,

(b) provide the respondent with a copy of the judgment, record or notification evidencing the conviction,

(c) inform the respondent that it is the intention of the Director to refer the complaint to the MSC for a recommendation to the Bishop that a prohibition order be issued, and

(d) invite a response to the complaint within a period of not less than 21 days or such longer period specified by the Director.

(3) Following expiration of the period within which the respondent may provide a response under clause 20(2)(d), the Director must refer the complaint to the MSC, including a copy of all the material provided to the respondent and any response from the respondent.

(4) If the MSC is satisfied that the respondent has been convicted of a disqualifying offence, the MSC may recommend to the Bishop that a prohibition order be made against a respondent in terms recommended by the MSC. If the MSC is not satisfied that the respondent has been convicted of the relevant offence, this Part 3C ceases to apply to the complaint and the Director is to deal with the complaint in accordance with the other provisions of this Ordinance.

21. EARLY RESOLUTION PROCESS

(1) Prior to taking a course of action under clause 15 the Director may direct a prospective complainant and a prospective respondent, to take reasonable steps to resolve the issues that are, or may be, in dispute between them in such manner as is specified by the Director, which may include but is not limited to accessing any one or more of:

(a) an alternative dispute resolution process,

(b) the Diocesan Grievance protocol,

(c) a facilitated discussion,

(d) training or education,

(e) individual counselling.

(2) In deciding whether to give a direction under subclause (1), the Director is to have regard to the following factors –

(a) the subject-matter of the complaint,

(b) the likelihood that any matters in conflict could be resolved through that process,

(c) any imbalance of power between the parties,

(d) the attitude of the parties to the proposed direction, and

(e) whether having a support person would assist in the process.

(3) The Director must not give a direction under clause 21(1) if –

(a) the subject-matter of the complaint may include serious child related conduct or sexual abuse, or grooming; or

(b) if the direction could otherwise give rise to a material risk to the safety of one or more persons.

(4) The costs of any processes undertaken under this clause are to be met from funds under the control of the Synod if so determined by the Director and subject to the Director approving any such costs before they are incurred.

22. INITIAL INVESTIGATION OF THE INFORMATION

The Director or an appointee is to conduct an initial investigation where the information has been classified as a MSO complaint and has not been finalised under clauses 15-21. This investigation shall include: –

(a) formalising statements from informant(s) and witnesses,

(b) production of a written complaint in a form which sets out the particulars of the alleged misconduct,

(c) provision of the complaint to the respondent,

(d) furnishing the respondent with a copy of all material in the Director's possession relevant to the complaint,

(e) requesting the respondent to provide a response to the complaint within a period of not less than 21 days or such longer period specified by the Director,

(f) informing the respondent generally of the processes under this Ordinance (which may be done by providing a copy of this Ordinance), and other relevant legislation, ordinances, and protocols (including, without limitation the National Register Canon, and Reportable Conduct Scheme),

(g) in the case of a member of clergy, informing them that they may resign from any role, but may not relinquish holy orders prior to the resolution of the complaint,

(h) advising the respondent of the possible outcomes if the allegations in the complaint are upheld, and

(i) cautioning the respondent not to make any admissions without the benefit of legal advice.

23. RESPONSE OF RESPONDENT

(1) A respondent may respond by admitting or denying the complaint in whole or in part.

(2) A response must be in writing signed by the respondent or, in the case of a respondent under legal incapacity, by –

(a) a parent or guardian, or

(b) a person responsible for the welfare of the respondent under legal incapacity or acting on his or her behalf.

PART 3D – Consideration of the Matter by the Ministry Standards Committee ('MSC')

24. REFERRAL TO THE MSC FOR CONSIDERATION

(1) Provided that a matter has not been concluded in accordance with any of clauses 16, 17, 19, 20, or 21, then upon the completion of the initial investigation in relation to a complaint, the Director will: -

(a) notify the respondent that the complaint has been referred to the MSC for consideration, and

(b) refer the complaint to the MSC for consideration by furnishing the MSC with a copy of all material in the Director's possession relevant to the complaint.

25. WHAT CAN THE MSC DO WHEN CONSIDERING THE COMPLAINT?

(1) Upon referral under clause 24, the MSC is to review the material furnished to it by the Director and any further information or material provided to it by the respondent and must take one or more of the following courses of action:

(a) require the Director to appoint an investigator pursuant to clause 26 to further investigate the whole or any aspect of the complaint;

(b) in relation to lay church workers, make findings in respect of the complaint;

(c) dismiss the complaint;

(d) terminate suspension and prohibition orders under clause 13(4)(c)(ii);

(e) refer to the Board under clause 29 any complaint against a member of the clergy which the MSC is unable to resolve by consent;

(f) make one or more recommendations under clause 31.

(2) In deciding upon a course of action the MSC is to take the following matters into consideration:

(a) the nature of the complaint and the seriousness of the conduct the subject of the complaint whether that conduct comprises child abuse, grooming, inappropriate pastoral conduct involving a child or possession, production or distribution of child exploitation material;

(b) whether there is more than one complaint;

(c) whether the complaint alleges more than one incident, or only a single incident;

(d) when the conduct is alleged to have occurred;

(e) the circumstances in which the conduct is alleged to have occurred;

(f) the ages of the complainant and the respondent at the time the conduct is alleged to have occurred;

(g) if the respondent:

(i) is a member of the clergy – whether the person was a member of the clergy at the time the conduct is alleged to have occurred; or

(ii) is not a member of the clergy – the position held or function performed by the person at the time the conduct is alleged to have occurred;

(h) whether the evidence of the complaint is corroborated;

(i) any views expressed by the complainant as to the desired outcome of the complaint;

(j) whether the respondent has made any reparation for the conduct the subject of the complaint and, if so, the nature and extent of the reparation;

(k) any other misconduct committed by the respondent;

(l) whether any part of the conduct which is the subject of the complaint is exempt conduct;

(m) the practicability and likely effectiveness of the recommendation; and

(n) such other matters as the MSC considers relevant.

(3) If the MSC considers

(a) that the material furnished to it by the Director does not disclose any misconduct which may be the subject of a complaint under this Ordinance, or

(b) that the complaint is false, vexatious or misconceived, or

(c) that it is more likely than not that the subject-matter of the complaint did not occur, or

(d) that the subject-matter of the complaint is trivial,-

the MSC will dismiss the complaint and notify the parties accordingly.

26. CONDUCT FURTHER INVESTIGATION

(1) At the direction of the MSC under clause 25, the Director will appoint a person to further investigate a complaint, and such investigations are to be conducted as promptly as reasonably possible.

(2) The Director may, by notice in writing, revoke the appointment of an investigator if the investigator fails or refuses to comply with the requirements of this Ordinance or any other reasonable requirements of the Director.

27. POWERS OF THE INVESTIGATOR

(1) For the purposes of an investigation:

(a) the investigator may obtain such statutory declarations, written statements, recorded conversations, reports, documents and other material as the investigator considers necessary or advisable;

(b) the investigator may require the person making the complaint to verify the complaint by statutory declaration if this has not already been done;

(c) if the investigator interviews a person, the investigator must:

(i) record the interview, subject to the interviewee giving their consent, and

(ii) allow the person to have another person present with them, being a person who is not a witness to the matters which are the subject of the complaint;

(d) the investigator may, by notice in writing, request the respondent to respond to a question or series of questions within the time specified in the notice in relation to any matter relevant to the investigation, and to otherwise assist in, or cooperate with the investigation of the complaint in a specified manner.

(2) A person must, subject to any privilege against self-incrimination, answer truthfully any question put by or on behalf of the investigator in exercising the powers conferred by this Ordinance, and must not mislead or obstruct the investigator in the exercise of powers conferred by this Ordinance.

28. REPORT OF INVESTIGATION

(1) The investigator is to make and forward to the Director, without unnecessary delay, a report setting out the results of the investigation together with a copy of all records made in the course of the investigation.

(2) Upon receipt of the investigation report, the Director must, without unnecessary delay, provide a copy of the investigation report to the MSC for its consideration.

29. REFERENCE TO THE BOARD OF UNRESOLVED COMPLAINTS AGAINST A MEMBER OF THE CLERGY

(1) The MSC must refer a complaint against a member of the clergy to the Board if:

(a) the complaint alleges serious child-related conduct, and the MSC considers that it is unable to make a finding on the material before it that the respondent has or has not engaged in any or all such misconduct which is the subject of the complaint; or

(b) the MSC makes a recommendation under clause 32 and the respondent does not accept the recommendation of the MSC by writing to the Director within 14 days after the date of the notice of the recommendation or such longer period as the Director may determine: or

(c) the respondent fails to substantially comply with a recommendation made under clause 31 to the satisfaction of the MSC.

(2) The MSC must refer the complaint to the Board by delivering to the secretary of the Board a written report of its assessment and opinion on the complaint signed by the chair of the MSC and the MSC must, as promptly as is reasonably possible:

(a) cause to be delivered to the secretary of the Board all documents and material relevant to the reference; and

(b) if they have not already been delivered to the Respondent, cause to be delivered to the Respondent a copy of the material provided to the Board.

30. RECOMMENDATION THAT A COMPLAINT BE DEALT WITH BY THE DIOCESAN TRIBUNAL

(1) The MSC may also recommend that the Bishop appoint a person to promote a charge against the respondent before the Diocesan Tribunal, or that the complaint be referred to a body in another diocese with equivalent jurisdiction, if:

(a) the person is subject to the jurisdiction of the Diocesan Tribunal;

(b) the MSC is of the opinion that there is a reasonable likelihood that the complaint, if sustained, will result in the Tribunal making a recommendation for the respondent's deposition from orders, prohibition from functioning or removal from office; and

(c) the MSC is of the opinion that there is a reasonable likelihood that the complaint will be sustained before the relevant Tribunal;

(d) it is an allegation of a breach of faith, ritual or ceremony.

(2) If the MSC makes a recommendation to the Bishop under this clause, the Bishop must comply with the recommendation. The complaint is then to be dealt with in accordance with the *Diocesan Tribunal Ordinance 2025* and no further action under this Ordinance is to be taken in respect to the complaint.

31. FINDINGS AND RECOMMENDATIONS OF THE MSC

(1) If the MSC makes a finding under clause 25(1)(b), the MSC may make one or more of the following recommendations to the relevant Church authority in relation to the respondent:

(a) that the respondent make an apology of a kind specified by the MSC;

(b) that the respondent make reparation as specified by the MSC for the conduct the subject of the complaint;

(c) that the respondent undertake training, or retraining, of a nature specified by the MSC;

(d) that the respondent receive counselling of a nature specified by the MSC;

(e) that the Church authority issue a prohibition order in relation to the respondent;

(f) that the respondent enter into a safety plan with the relevant Church authority in accordance with the Policy for Safe Ministry Persons of Concern under the *Safe Ministry to Children Canon* 2017;

(g) that the respondent be excluded from entry or access to specified Church premises or activities;

(h) that the respondent undertake to the Church authority, in such terms as are specified by the MSC, any one or more of the following:

(i) that they will resign from any specified position or office in the Diocese or any specified employment by a Church body or Church authority; or

(ii) that they will not, either indefinitely or for a period of time, accept nomination for or appointment to any specified position or office in the Diocese or any specified employment by a Church body or Church authority; or

(iii) that they will not, either indefinitely or for a period of time, exercise any specified function or will meet any specified condition or restriction, in relation to any office or position in the Diocese, or in relation to employment by any Church body or Church Authority;

(i) that the respondent consent to the release of material or the making of an announcement in any form and manner specified by the MSC to explain the outcome of the complaint.

(2) If a respondent who is a member of clergy does not dispute a complaint, by consent the MSC may:

(a) make any of the recommendations in clause 31(1) above to the relevant Church authority in relation to the respondent;

(b) make recommendations to the relevant Church authority that the respondent resign from office or employment, resign clerical licenses and appointments, execute an instrument of relinquishment in accordance with the *Holy Orders (Removal from Exercise of Ministry) Canon 2017* or consent to deposition from holy orders, with such admissions and other conditions as the MSC considers appropriate in all the circumstances.

(3) If the MSC is satisfied that a member of clergy 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 an adult, the MSC must make a recommendation under clause 31(2)(b) that the church worker consent to deposition from Holy Orders.

(4) If a recommendation is made under clause 31(1) and the respondent consents to deposition from Holy Orders, the MSC's recommendation is a recommendation of deposition of a person by a bishop for the purposes of clause 6 of the *Holy Orders (Removal from Exercise of Ministry) Canon 2017* and the MSC has power to make that recommendation.

(5) Any decision of the MSC to make or not to make a recommendation under clause 31(1) does not in any way limit the discretion of the MSC, the Bishop or the relevant Church authority (as the case may be) to release material under clause 98.

32. NOTICE OF THE RECOMMENDATIONS

(1) The MSC must cause a copy of their decision and recommendations, together with reasons, to be provided to –

(a) the relevant Church authority;

(b) the complainant;

(c) the respondent;

(d) the Director; and

(e) other stakeholder, such as witnesses, where appropriate.

(2) The MSC must include with the notice of recommendations, except where the recommendation is that no further action be taken with respect to the complaint, a statement that:

(a) if the respondent does not accept the MSC's recommendation(s) within 14 days after the date of the notice and subsequently comply with the recommendation to the satisfaction of the Director, the complaint will be referred to the Board, and

(b) the respondent may request the Director to allow a longer period for the recommendation to be accepted by the respondent.

(3) If any information about the complaint has been included on the national register, the notice must indicate whether acceptance of and compliance with the MSC's recommendation(s) will result in the information being removed from or retained on the national register.

33. RESPONSE TO THE RECOMMENDATION

(1) If the respondent, by notice in writing to the Director:

(a) accepts the recommendation(s) of the MSC within 14 days after the date of the notice of the recommendation(s) or within such longer period as the Director determines, and

(b) complies with and continues to comply with any recommendation to the satisfaction of the Director, no further action is to be taken against the respondent under this Ordinance in relation to the complaint, except as provided by this clause.

(2) If the complaint alleges serious child-related conduct and the person against whom the complaint is made:

(a) admits the complaint or the substance of the complaint; or

(b) accepts the recommendation(s) of the MSC;

and the MSC is satisfied that the respondent has engaged in any or all of the conduct which is the subject of the complaint, the MSC must make a finding that the respondent engaged in the misconduct.

Part 3E– Consideration of the matter by the Ministry Standards Board (Board)

34. APPLICATION OF THIS PART

(1) This Part applies to complaints that are referred to the Board by the MSC under clause 29.

35. CONVENING OF THE BOARD

(1) Upon a complaint being referred to 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 must convene the Board for the purpose of giving directions.

36. POWERS OF THE BOARD

(1) Upon the referral of a complaint to the Board, the Board shall consider the referral, either in person (hearing) or on the papers (by consent of all parties).

(2) Having heard a referral the Board may take one or both of the following courses of action –

(a) dismiss a complaint, or

(b) make recommendations to the Bishop under clause 37.

37. DECISIONS AND RECOMMENDATIONS OF THE BOARD

(1) If the Board is not satisfied that the member of clergy committed any misconduct, or is satisfied that the complaint is false, vexatious or misconceived, the Board may decide accordingly and must dismiss the complaint.

(2) If the Board is satisfied that the member of clergy did commit misconduct but is nevertheless satisfied that the member of clergy remains fit to hold an office or role without being subject to any condition or restriction, the Board may decide accordingly and must take no further action in relation to the complaint. The Board may nonetheless make recommendations to the Bishop or relevant Church authority, including without limitation that the respondent be counselled or undertake training.

(3) If the complaint alleges that the respondent has committed serious child-related conduct, the Board must make a finding on whether the respondent engaged in any or all of the conduct so alleged, and these findings shall constitute findings for the purpose of –

(a) any requirement by law to notify a person or authority that a finding has been made that the respondent engaged in conduct which is the subject of any such requirement to notify; and

(b) entering on the national register the details of information required by the provisions of the *National Register Canon 2007*.

(4) If the Board is satisfied that a member of clergy who 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 an adult, the Board must make a recommendation under clause 37(5) that the church worker be deposed from Holy Orders.

(5) If the Board is satisfied that the member of clergy did commit misconduct as defined in clause 6, then the Board must decide in writing accordingly and make recommendations to the Bishop, including but not limited to any one or more of the following, that:

(a) they be counselled;

(b) they be suspended from office or employment or from performing the function as the case may be for such period determined by the Board;

(c) their licence or authority be revoked;

(d) their contract of employment (if any) be terminated;

(e) they cease to hold any office then held;

(f) their holding of office or employment or performance of the function, as the case may be, be made subject to such conditions or restrictions as the Board may specify;

(g) they be directed to do or to refrain from doing a specified act;

(h) a charge be promoted against the respondent before the Diocesan Tribunal;

(i) the operation of a determination shall be suspended for such period and upon such conditions as the Board shall specify;

(j) they should be deposed from Holy Orders; and

(k) a prohibition order be made in terms specified by the Board.

38. NOTICE OF RECOMMENDATION

(1) The Board must cause a copy of their decision and recommendations, together with reasons, to be provided to –

(a) the relevant Church authority;

(b) the complainant;

(c) the respondent;

(d) the MSC; and

(e) the Director

(2) The Director must cause to be entered in the national register all details of information required by the provisions of the *National Register Canon 2007*.

39. POWER TO DEFER FINAL RECOMMENDATION

(1) The Board may defer making any final recommendation on a complaint and may for that purpose adjourn any hearing from time to time for a period or periods not exceeding in aggregate, 12 months, on terms that the church worker undertake for a specified period and in a form approved by the Board to do or refrain from doing one or more of the following:

(a) stand down from the office or employment or from performing specified duties of office or employment;

(b) undertake counselling from a person approved by the Board;

(c) submit to periodic medical, including psychological or psychiatric, examination 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; and

(f) perform or refrain from performing some other specified act.

(2) If at the time of deferring a final recommendation in accordance with this clause the Board is satisfied that the member of the clergy is at that time either unfit to hold office or to exercise ministry or to perform any duty or function of the office or employment, any undertaking given by the member of the clergy must include an undertaking in the form of clause 31(1)(h) in such form as the circumstances may require and as the Board may approve.

(3) If within a period specified by the Board the member of the clergy declines to give an undertaking in accordance with clause 39(2), the Board must proceed to make a decision and recommendation.

(4) The Board may take into account the failure of the member of the clergy to comply with his or her undertaking under clause 39(2) in deciding on any final recommendation on a complaint.

40. EFFECT OF PROHIBITION ORDERS

(1) A person who is subject to a prohibition order is, despite the provisions of any other ordinance, ineligible for election or appointment to any position or office to which the order applies, and any such office or position that the person is or was elected or appointed to becomes vacant.

PART 3F – REVIEW OF DECISIONS

41. APPLICATION FOR REVIEW

(1) If the respondent is aggrieved by a recommendation of the MSC under clause 31, in the case of lay church workers or the decision of a Board, under clause 37, in the case of a member of the clergy, the respondent may apply to the Registrar for a review of the decision.

(2) If the MSC is aggrieved by a decision of the Board, the MSC may apply to the Registrar for a review of the decision.

(3) The application must be made within 21 days after the applicant is provided with a copy of the MSC recommendation or Board's decision or such longer period as the Registrar determines.

(4) The application must be in writing and set out the grounds for the review.

42. GROUNDS FOR REVIEW

(1) The grounds on which an application for a review of a decision may be made are any one or more of the following –

(a) that a breach of the rules of procedural fairness occurred in relation to making the decision which materially affected the decision,

(b) that procedures required to be observed by this Ordinance in relation to the making of the decision were not observed and the non-observance materially affected the decision,

(c) that the MSC in the case of lay church workers or the Board in the case of a member of the clergy did not have jurisdiction to make the decision,

(d) that the decision was so devoid of any plausible justification that no reasonable MSC or Board could have made it.

43. STAY OF PROCEEDINGS

(1) An application for a review of the findings and recommendation the MSC under clause 31 acts as a stay of the decision pending the determination of the review.

(2) An application for a review of a recommendation or decision of the Board under clause 37 acts as a stay of the decision pending the determination of the review.

44. APPOINTMENT OF REVIEWER

(1) As soon as practicable after receiving an application for review, the Registrar must notify the Chancellor.

(2) The Chancellor is to appoint an experienced lawyer to undertake the review and notify the Director of the appointment.

(3) Upon the appointment of an experienced lawyer, the Registrar is to obtain an estimate of the fee to be charged by the experienced lawyer in making a determination under this Part.

(4) On receipt of the estimate, the Registrar is to notify the applicant for the review of the amount of the estimate and is to request the applicant to pay half of the estimated fee to the Diocese.

(5) If the applicant does not pay half of the estimated fee within 21 days after receipt of the Registrar's request, the application for the review lapses.

45. CONDUCT OF REVIEW

(1) A review by an experienced lawyer of the recommendation or determination of the MSC or the Board is to be conducted in the manner determined by the experienced lawyer, subject to the process allowing the experienced lawyer to make a determination on the review within a reasonable period after the date that the Registrar receives payment from the applicant for half of the estimated fee.

(2) A review is not to be a re-hearing of the merits, or a new hearing.

(3) The experienced lawyer may make such order as to costs of the review as he or she thinks fit.

46. DETERMINATION ON REVIEW

(1) The experienced lawyer after conducting the review may do any one or more of the following:

(a) quash or set aside the decision and recommendation,

(b) refer the decision to relevant body (MSC or the Board) for further consideration in accordance with such terms and conditions as the experienced lawyer directs,

(c) declare the rights of the applicant for the review in relation to any matter to which the decision of the Board or the MSC relates,

(d) direct the applicant or the relevant body (MSC or the Board) to do, or to refrain from doing, anything that the experienced lawyer considers necessary to achieve justice between the parties.

PART 3G – Powers of the Church authority

47. CHURCH AUTHORITY MAY ACT UPON RECOMMENDATION OF THE BOARD

(1) A relevant Church authority to whom a recommendation under this Ordinance or a similar Ordinance is empowered to give effect to such a recommendation.

48. ROLE OF THE CHURCH AUTHORITY AS DECISION MAKER

(1) After making the decision, the Bishop or other relevant Church authority must inform the MSC and the Board, the Complainant and Respondent of the decision but the Church authority need not give reasons for the decision.

(2) The Bishop or other relevant Church authority may delay making any decision if a party to the proceedings has taken action to appeal or to take proceedings in another court or tribunal in respect of any of the matters included within the Complaint or the recommendation of the Board.

(3) Where the Bishop or other relevant Church authority considers it necessary or desirable for the rehabilitation and restoration of a respondent after a recommendation from the Board or during any time when the respondent has been suspended, the Church authority may:

(a) appoint a suitably qualified church worker ("the supervisor") to meet with the respondent and to supervise the rehabilitation and restoration of that person;

(b) require additional professional counselling to be undertaken by the Respondent;

(c) receive regular reports of the supervision;

(d) end the period of supervision when the supervisor and the Respondent agree the issues involved have been satisfactorily addressed; and

(e) take any appropriate steps to endeavour to restore the Respondent to ministry where that is appropriate, including consultation with the Complainant

(4) The Church authority may, before making a decision in accordance with this section, seek such advice of the Chancellor on the decision to be made or any other relevant matter.

CHAPTER 4 - PERSONS OR BODIES PERFORMING FUNCTIONS UNDER THIS ORDINANCE

PART 4A – The Director

49. APPOINTMENT OF THE DIRECTOR OF MINISTRY STANDARDS

(1) There shall be a Director of Ministry Standards ('Director')

(2) The Director shall be appointed by and shall hold office in accordance with a resolution of the Bishop-in-Council.

(3) Bishop-in-Council may appoint a Deputy Director of Ministry Standards, who shall assist the Ministry Standards Director in the discharge of the duties of that person under this Ordinance.

(4) The Deputy Director of Ministry Standards may exercise such of the functions of the Director as the Director may determine.

50. FUNCTIONS OF THE DIRECTOR

(1) The Director's functions include:

(a) to receive information;

(b) to triage information and undertake initial risk management assessments and implement risk management plans in relation to the information;

(c) refer matters that do not fit within the scope of information to the relevant office holder of the diocese or relevant Church authority

(d) to make a complaint against a church worker;

(e) to appoint investigators to investigate complaints in a timely and appropriate manner;

(f) to be the executive officer of the MSC;

(g) to attend meetings of the MSC;

(h) to facilitate early resolution of complaints;

(i) to promote a MSC referral before the Board;

(j) to provide advice about the Diocesan code of conduct, Policy for Safe Ministry to Persons of Concern and procedures under this Ordinance;

(k) to provide or arrange care for or treatment of the informant, complainant and respondent;

(l) to keep informants, complainants and respondents informed about the progress of the complaint under the Ordinance;

(m) to provide input into Safe Ministry education and vocational training programs for church workers;

(n) to keep proper records of complaints, decisions, meetings, police checks and people affected by any allegation of misconduct;

(o) to consult and cooperate with other persons and bodies in the Church with responsibility for ministry standards;

(p) to support informants in making a report to police or child protection authorities;

(q) to report to the MSC on any recommended changes to processes, structures and education programs that would reduce the risk of misconduct;

(r) to report to Bishop in Council in relation to the implementation of the Child Safe Standards and the Ministry Standards Ordinance; and

(s) such specific functions and duties, consistent with this Ordinance, as may be determined from time to time by the MSC.

51. RELATIONSHIP BETWEEN THE DIRECTOR AND THE BISHOP

(1) The Director may inform the Bishop of –

(a) any information known to the Director, or any reasonable belief held by the Director, that a church worker has engaged in conduct which may be the subject of a complaint, and

(b) any response made by a church worker to an allegation that is, or could be, the subject of a complaint.

(2) The Director may provide the Bishop with such further information as the Bishop may reasonably require for the proper discharge of the Bishop's duties and responsibilities or as the Director deems necessary for that purpose.

(3) The Bishop may provide the Director with such information as the Director may reasonably require, for the proper discharge of the Director's duties and responsibilities or as the Bishop deems necessary for that purpose.

52. THE DIRECTOR'S ENTITLEMENT TO INFORMATION HELD BY CERTAIN PERSONS

(1) A Church authority, Church body or any other person or body responsible for appointing a church worker to an office or position must provide the Director with such information as the Director may reasonably require.

53. THE DIRECTOR TO REPORT ANNUALLY TO SYNOD

(1) The Director is to report to Synod as to the actions taken under this Ordinance annually.

PART 4B – The Ministry Standards Committee

54. ESTABLISHMENT OF THE MSC

(1) There shall be a Ministry Standards Committee (MSC) for the Diocese constituted in accordance with the provisions of this Part, appointed by Bishop-in-Council.

(2) Bishop-in-Council, if it deems it necessary, may appoint the Ministry Standards Committee of another Anglican Diocese to act in relation to a MSO Complaint or more generally.

55. FUNCTIONS OF THE MSC

(1) The MSC has the following functions:

(a) to act on a complaint in accordance with this Ordinance and, where appropriate, to obtain independent legal advice for that purpose;

(b) to recommend to Bishop-in-Council any changes to Church processes, structures and education programs, where appropriate, that would reduce the risk of misconduct;

(c) to authorise such expenditure as may be necessary or appropriate to implement, in a particular case, the provisions of this Ordinance subject to any limit imposed by Bishop-in-Council;

(d) to advise relevant Church bodies as to the financial, pastoral or other needs of a person affected by misconduct which is the subject of a complaint and to advise relevant Church bodies in connection with any legal proceedings, anticipated or existing, against such Church bodies arising out of that alleged misconduct;

(e) 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;

(f) to maintain proper records of all information and complaints received and of action taken in relation to each of them; and

(g) to exercise such other powers and functions as are conferred on it by this or any other Ordinance.

56. MEMBERSHIP OF THE MSC

(1) The members of the MSC shall hold office on such terms and conditions as may be determined from time to time by the Bishop-in-Council.

(2) The MSC must have at least three members including the chair.

(3) The persons appointed as members of the MSC are to include:

(a) a lawyer, and

(b) a person who has been a member of the clergy for not less than 10 years, and

(c) a person who is certified by the Bishop-in-Council as having other qualifications or experience appropriate to the discharge of the office of a member of the MSC, such as child protection, social work or psychiatry.

(4) The MSC must so far as is reasonably practicable:

(a) include at least one person who is not a member of the Church;

(b) have at least one man and one woman.

(5) A member of the MSC must not act unless the member has agreed in writing to abide by this Ordinance.

57. TERM OF OFFICE

(1) Subject to clause 58, a member of the MSC holds office until the first meeting of the Bishop-in-Council which next follows the first day of the first ordinary session of the next Synod provided that the member continues to hold office until his or her successor is appointed.

58. CASUAL VACANCIES

(1) The office of a member of the MSC is vacated if –

(a) the member –

(i) dies, or

(ii) resigns by notice in writing to the Diocesan Registrar, or

(iii) becomes mentally incapacitated, or

(iv) becomes an insolvent under administration, or

(b) the Bishop-in-Council revokes the appointment.

(2) The Bishop-in-Council may fill a casual vacancy in the office of a member of the MSC.

59. CONDUCT OF BUSINESS

(1) The MSC 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.

(2) The chair must convene a meeting of the MSC at the request of the Director.

(3) The procedures of the MSC shall be determined by the MSC.

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

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

(6) The MSC must act in all things as expeditiously as possible.

60. VALIDITY OF PROCEEDINGS

(1) An act or proceeding of the MSC 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.

61. DELEGATION OF FUNCTIONS

(1) Subject to subclause (2), the MSC may delegate, upon such terms and conditions as the MSC may approve, any of its functions under this Ordinance to any person.

(2) The MSC cannot delegate:

(a) its functions under clause (1); or

(b) its functions under Part 4A.

(3) A delegation under this clause must be made by an instrument in writing signed by a member of the MSC pursuant to a resolution of the MSC.

PART 4C – The Ministry Standards Board

62. ESTABLISHMENT OF THE MINISTRY STANDARDS BOARD

(1) There shall be a Ministry Standards Board ("Board") constituted in accordance with the provisions of this Part, appointed by Bishop in Council.

(2) The Ministry Standards Board performs the functions of a tribunal under the Constitution.

(3) Bishop-in-Council may, if it deems it necessary, appoint the Ministry Standards Board of another Anglican Diocese to act in in relation to MSO Complaint or more generally.

63. FUNCTIONS OF THE BOARD

(1) The function of the Board is to enquire into and determine complaints referred to it by the MSC under this Ordinance.

64. PANEL

(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 experienced lawyers;

(b) two members of the clergy of at least ten years' standing; and

(c) two laypersons who may or may not be members of the Church and at least two of whom are persons who are considered by the Bishop-in-Council as having professional experience, training or skills in a field that is relevant to addressing the needs of persons who are subjected to misconduct.

(d) As far as reasonably practicable the members of the panel should comprise an equal number of men and women.

65. APPOINTMENT OF THE PANEL

(1) The members of the panel shall be appointed by the Bishop-in-Council and shall hold office on such terms and conditions as may be determined from time to time by the Bishop-in-Council.

(2) Any vacancy in the membership of the panel shall be filled by the Bishop-in-Council.

66. APPOINTMENT OF THE BOARD

(1) The members of the panel to be convened as the Board for hearing a complaint referred to the Board shall be determined by the President or, if there is a vacancy in the office of President or if the President is unable to act, by the Deputy President.

(2) For the purpose of any reference to the Board, the Board shall consist of at least the President or Deputy President, a board of one (1).

(3) The President, if he or she deems it necessary to consider the matter as a full Board, may also appoint up to 2 other persons, one clerical and one lay member from the panel.

(4) If a matter is to be considered by a full Board, then so far as reasonably practicable, the Board must have at least one man and at least one woman.

(5) A member of the Board must not act in a matter unless the member has agreed in writing to abide by this Ordinance.

67. VACANCIES ON THE BOARD

(1) 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 –

(a) the Board constituted of the presiding member and the other member may, if the presiding member so determines, continue and complete the reference; or

(b) if the presiding member so determines, a substitute member may be appointed from the Panel to fill the vacancy.

(2) If the presiding member dies or is for any reason unable to continue with any matter referred to the Board, the Deputy President becomes the presiding member for that matter.

68. SECRETARY

(1) There shall be a secretary to the Board who shall be appointed by or in accordance with a resolution of the Bishop-in-Council, and whose duties shall be defined by the President.

69. QUORUM

(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 clause 66 of this Ordinance.

70. VALIDITY OF PROCEEDINGS

(1) 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.

PART 4D – Procedural matters for the MSC and the Board

71. CONDUCT OF PROCEEDINGS

(1) Subject to the provisions of this Ordinance each of the MSC and the Board—

(a) must act with fairness and according to equity, good conscience, procedural fairness and the substantial merits of the case without regard to technicalities or legal forms; and

(b) is not bound by the rules of evidence but may inform itself on any matter in such manner as it thinks fit; and

(c) must deal with each matter as expeditiously as possible.

72. FAILURE TO APPEAR

(1) The MSC may make findings or recommendations in any proceedings in the absence of additional material from the respondent if satisfied that reasonable efforts were made to give the respondent an opportunity to provide that material.

(2) The Board may make a decision and recommendations 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.

73. POWERS AND DUTIES

(1) Subject to this Ordinance, each of the MSC and Board:

(a) may regulate the proceedings of its meetings as it sees fit;

(b) may inform itself from the record of or transcript of proceedings in any court or tribunal and may adopt any findings in, and accept as its own, the record of or transcript of proceedings of any court or tribunal;

(c) may conduct its business and any proceedings by video link, conference telephone or by any electronic means of communication; and

(d) must give written reasons for any decision and recommendation, other than by way of directions in the course of an application, unless the determination is made by consent of the respondent and the MSC or Board.

(2) In matters referred to a Board, The Board must give the MSC and the respondent a reasonable opportunity to adduce evidence, to examine and cross-examine witnesses and to make submissions to the Board.

74. APPOINTMENT OF A PERSON TO ASSIST

(1) The MSC or Board may appoint such person or persons to assist it in inquiring into (but not determining) a reference as it thinks fit.

75. BOARD TO GIVE DIRECTIONS TO DIRECTOR AND MSC

(1) The Board may at any time, and from time to time, give directions to the Director or the MSC as to any further inquiries or investigation it requires to be carried out for the purposes of the reference and the Director or the MSC, as the case may be, must each to the best of their ability cause such directions to be carried out.

76. WRITTEN EVIDENCE

(1) The MSC and the 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.

77. LEGAL REPRESENTATION IN BOARD HEARINGS

(1) In Board hearings each party may appoint a legal representative to assist in the process.

78. DIRECTIONS IN BOARD HEARINGS

(1) The Board may at any 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) as to the conduct of its inquiry into the reference or review;

and for that purpose the Board may be constituted by the presiding member or by a member appointed for the purpose by the presiding member.

79. DECISIONS OF OTHER BODIES

In any proceedings before it, where the MSC or the Board is satisfied that the respondent:

(a) has been convicted by a court within Australia of an offence involving misconduct;

(b) has been found guilty (without conviction) by a court within Australia of an offence involving misconduct;

(c) has admitted in proceedings before a court, tribunal or commission of inquiry within Australia having engaged in conduct involving misconduct;

(d) has been found by a court, tribunal or commission of inquiry within Australia to have engaged in conduct involving misconduct; or

(e) has been disqualified by a court, tribunal or commission of inquiry within Australia from professional practice on account of conduct involving misconduct;

then:

(f) a certificate, reasons for judgement or other record from the court, tribunal or commission (as the case may be) shall be conclusive evidence that the respondent engaged in the misconduct concerned; and

(g) neither the respondent 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 respondent or denying that the respondent engaged in the misconduct concerned.

80. STANDARD OF PROOF

(1) The standard of proof for the MSC or Board to establish any disputed allegation is that of reasonable satisfaction on the balance of probabilities (*Briginshaw v Briginshaw [1938] HCA 34*).

81. MEMBERS OF BOARD NOT TO MEET WITH PARTIES

(1) No member of the MSC or the Board shall individually meet with in relation to the complaint either the complainant or the respondent or anyone acting on their behalf while the matter is in progress.

82. DISQUALIFICATION WHERE CONFLICT OF INTEREST

(1) A member of the MSC or the Board must promptly disclose to the other members any actual conflict of interest they have as a member and any circumstances which might reasonably be or be perceived to be a conflict of interest.

(2) Where a member of the MSC or the Board has an actual or perceived conflict of interest in a matter, the member shall be disqualified from participating in the matter.

(3) The opinion of a majority of the other members of the MSC or Board, as the case may be, shall be conclusive as to whether the member has an actual or perceived conflict of interest in a matter.

83. MEDICAL EXAMINATION

(1) The MSC or the Board may require the respondent to submit within a specified time to a medical, psychiatric or psychological examination by a person approved by the MSC or the Board (as the case may be) the cost of which shall be met from funds under the control of the Synod.

(2) A copy of the report of an examination under subclause (1) shall be provided to the respondent, the Director, and either the MSC or the Board as the case may be.

84. DUTIES OF THE RESPONDENT

(1) The respondent must, subject to subclause (2), truthfully answer any question put by or on behalf of the MSC or the Board in the exercise of powers conferred by this Ordinance.

(2) If the respondent declines to answer a question on the ground that the answer might tend to incriminate the respondent, a written record shall be made of the question and of the ground of refusal.

(3) The respondent must not:

(a) mislead the MSC or Board or a member of the MSC or Board; or

(b) unreasonably delay or obstruct the MSC or Board in the exercise of powers conferred by this Ordinance.

85. LIMITATION ON PROMOTION OF A CHARGE IN THE DIOCESAN TRIBUNAL

(1) If the MSC or the Board is satisfied that there is no reasonable likelihood that the Diocesan Tribunal would find the respondent guilty of any offence, the MSC or the Board shall not recommend that a charge be promoted against the respondent in the Diocesan Tribunal.

86. COSTS

(1) Neither the MSC nor the Board has the power to award costs of any complaint or matter before it.

(2) A respondent who is not an unpaid lay church worker may apply to Bishop in Council for reimbursement of their reasonable costs of obtaining advice and assistance from a legal practitioner for the purposes of a process under this Ordinance.

(3) Bishop in Council may grant legal assistance to a church worker on such terms and subject to such conditions as it shall determine.

(4) For the purposes of subclause (3), Bishop in Council may approve a scale of costs on the recommendation of the Director.

87. RULES AS TO PRACTICE AND PROCEDURE

(1) The President of the Board may make or approve rules of the Board reasonably required in relation to practice and procedure.

(2) The rules of the Board made under this clause 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 may, at the direction of the presiding member, be constituted by a single member sitting alone.

88. DETERMINATION OF QUESTIONS

(1) In any proceedings of the 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.

(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.

89. PUBLIC HEARINGS

(1) Subject to subclauses (2) and (3), any hearing of the Board must be held in public.

(2) The Board may direct:

(a) that the whole or part of a proceeding be held in private; or

(b) that only persons or classes of persons specified by it may be present during the whole or any part of a proceeding.

(3) The Board may only make a direction under the preceding subclause if satisfied that the direction is necessary on or more of the following grounds:

(a) to comply with applicable legislation of the State or a Territory or the Commonwealth;

(b) to prevent a real and substantial risk to the proper administration of justice that cannot be prevented by other reasonably available means;

(c) to protect the safety of any person;

(d) to avoid causing undue distress or embarrassment to a complainant (other than the Director) or a witness (other than the respondent) in a proceeding that relates in whole or part to a complaint;

(e) to avoid the disclosure of confidential information; and

(f) for any other reason in the interests of justice.

90. SUPPRESSION OF NAMES

(1) The Board may order that the name of, or other information that could lead to the identification of the complainant, the respondent, or a person who appears, or is reasonably likely to appear, before the Board is not to be published or broadcast, except in such circumstances as the Board may authorise.

(2) An order of the Board under this clause does not apply to the publication of a report authorised or required under this Ordinance.

91. NON-PUBLICATION ORDERS

(1) The Board may, on the application of a party or the Director, order that a party by himself or herself or through his or her agents and associates not publish verbally, in writing or by electronic means:

(a) any matter relevant to a fact or circumstance likely to be considered when the Director or Board is dealing with the complaint; or

(b) any aspersion on the character of a person who may be a material witness to such fact or circumstance.

(2) Such an order may be made ex parte, but may be discharged on the application of the person against whom it is made on at least five days' notice to the person on whose application it was made.

PART 4E – Church authorities and compliance

92. CHURCH AUTHORITY TO GIVE EFFECT

(1) Subject to clause 92(2), the Church authority to whom a recommendation under this Ordinance is made must and is empowered to do any acts to give effect to a recommendation of the Director, an Investigator, MSC or the Board.

(2) The Church authority referred to in clause 92(1) may vary, modify or temporarily suspend the implementation of a recommendation consistent with any facts found by the body making the recommendation provided that the body making the recommendation agrees that the substance of the recommendation is preserved.

93. COMPLIANCE BY CHURCH WORKER

A church worker must comply with

(a) an undertaking given under this Ordinance to an Investigator, MSC or the Board or the relevant Church authority; and

(b) a direction made by the relevant Church authority to give effect to a recommendation of the Investigator, MSC or the Board, as the case may be, or any permitted variation or modification that recommendation.

CHAPTER 5 - MISCELLANEOUS

PART 5A Confidentiality and publication

94. DUTY OF CONFIDENTIALITY

(1) Subject to the provisions of this Ordinance, the Director, an Investigator, a member of the MSC, a member of the Board and a person employed or engaged on work related to the affairs of the MSC, 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 Ordinance;

(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) to the Bishop-in-Council (including any agent acting on its behalf) for the purpose of that body fulfilling its functions;

(f) as may be required by law; or

(g) 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.

(2) The MSC may release to any person, including a Church authority, such material as it may determine with respect to any information or complaint.

95. RELEASE OF INFORMATION BY MSC

(1) The MSC must co-operate with and must disclose to any equivalent body information in its possession concerning the alleged misconduct of a church worker:

(a) which is information relevant to, or arising during the course of, an investigation being undertaken by the MSC where the MSC knows that the church worker is residing in the diocese of the equivalent body; or

(b) which is information concerning misconduct alleged to have occurred in the diocese of the equivalent body.

96. CHURCH AUTHORITY MAY RELEASE INFORMATION

(1) The Bishop or the relevant Church authority may, following consultation with the Director, release to any person such material as the Church authority may determine with respect to any information, complaint or finding, including notifying the complainant of the outcome of the complaint and making a public announcement in the relevant church.

(2) In deciding whether to release material under clause 96(1), the Bishop or the relevant Church authority is to have regard to the following factors –

(a) the impact of the release of the information on any person,

(b) the benefit of the release of the information for any person, and

(c) whether there is a legitimate need for the release of the information, such as to ensure or increase public safety, quell rumour, ensure transparency and accountability or explain the processes and outcomes under the Ordinance.

97. DUTY OF RESPONDENTS IN THE RELEASE OF INFORMATION

(1) A respondent must cooperate with and facilitate any instructions from the MSC, the Bishop or the relevant Church authority concerning the release of any material under clauses 95 and 96 to the extent that it is within the respondent's power and authority to do so.

98. REPORTS

(1) Without disclosing the identity of any complainant or the details of any complaint, the Director must report annually to the Synod on the operation of this Ordinance and any activities pursuant to this Ordinance for that calendar year.

(2) Notwithstanding subclause (1), the report of the Director pursuant to that subclause may identify a church worker who has been exonerated from an allegation which is the subject of the complaint or who has been the subject of a determination or recommendation by the Board favourable to the church worker.

(3) The MSC may, in respect of every complaint with which it is dealing under this Ordinance, report either orally or in writing to the Bishop for the proper discharge of the MSC's duties and responsibilities or as the MSC deems necessary for that purpose.

PART 5B – Indemnity

99. OBLIGATION TO INDEMNIFY

(1) The Bishop-in-Council must and is hereby authorised out of funds under the control of the Synod to indemnify –

(a) the Director and any delegate of the Director;

(b) each member of the MSC;

(c) any delegate of the MSC;

(d) an Investigator;

(e) each member of the Board;

(f) the secretary of the Board;

(g) any person appointed by the Board pursuant to this Ordinance; and

(h) the Bishop;

in respect of 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 Ordinance in relation to a church worker.

PART 5C – Regulations

100. REGULATION MAKING POWER

(1) The Bishop-in-Council may from time to time make, amend or repeal regulations not inconsistent with the provisions of this Ordinance providing for records arising out of or incidental to the operation of this Ordinance and for all or any of the purposes, whether general or to meet particular cases, which may be convenient for the administration of this Ordinance or which may be necessary or expedient to carry out the overriding purposes of this Ordinance.

PART 5D – Other

101. RIGHTS OF EMPLOYERS

(1) Nothing in this Ordinance affects any right of an employer to terminate the employment of an employee.

102. FINDINGS OF CERTAIN OTHER BODIES MAY BE TREATED AS CONCLUSIVE

(1) Any findings made by an equivalent body or a court, tribunal or commission of inquiry, that have not been overturned on appeal, may be treated as conclusive by a person performing functions under this Ordinance.

103. SERVICE OF DOCUMENTS

(1) A document required to be served under this Ordinance on a person may be served

(a) personally,

(b) via email with a confirmation that the email has been received,

(c) by posting a copy of the document by pre-paid post to the person at the person's proper address.

(2) The proper address of a person is the address for service of the person but, if the person has no address for service, the person's last known residential address.

(3) Service of a document that is posted by pre-paid post is taken to be effected 7 days after posting.

(4) In this clause, service of a document includes the giving of a notice.

104. DELEGATION OF THE CHANCELLOR'S FUNCTIONS

(1) The Chancellor may delegate any of his or her functions under this Ordinance to an appropriately qualified appointee or a Deputy Chancellor.

105. COMMENCEMENT

(1) This Ordinance commences on the date determined by the Bishop on the advice of the Chancellor.

I certify that this Ordinance is in accordance with the Ordinance as reported.

.....

Chair of Committees

I certify that the above Ordinance was passed by the Synod of the Diocese of Bathurst

this _____ day of _____, 2025

....

Secretaries of Synod

I assent to this Ordinance

.....

Bishop of Bathurst

Date .....

Ministry Standards Process (MSO Part 3)

Timing (est.)

This document is created as a guide only to the MSO and is not binding.

Receiving information (Part 3A)

Report information about alleged church worker misconduct to the Safe Ministry Helpline 1800 070 511

1-3 days

Initial pastoral, legal & risk management responses (Part 3B)

a. Police and child protection agency reporting
b. Pastoral care recommendations to church authority
c. Risk management plans implemented at the Parish level

NOTE: If Police or other Government agency request PSO process to be paused, implement risk and pastoral care plans in cooperation with police/government agency.

Up to the first 20 business days

Director's management of the information (Part 3C)

Matter closed without further action
Information classified as trivial, misconceived, vexatious, or if non-Child related matter and complainant unable/unwilling to participate in MSO process, the Director may close matter.

Referral of matters
Not MSO information, or not under the jurisdiction of Diocesan MSO, the Director shall make appropriate referral to other body/ies or processes.

MSO Complaint
The Director may continue MSO procedure, including:
i. Formalise the complaint.
ii. Provide the Respondent with a written complaint, and request for a written response within 21 days.
iii. Take other actions (clause 15).
iv. Offer early resolution (clause 21).

Up to the first of business 30 days

*Unless paused for police / Govt action.

Consideration by the Ministry Standards Committee (MSC) (Part 3D)

Dismiss the complaint
Th MSC may dismiss the complaint (Clause 25.C).

Resolve the matter
(Clause 31)
Respondent does not dispute the matter the MSC may resolve it by consent.

Further investigation
(Clause 26)
If the complaint is disputed the MSC further investigate.

Referral (Clauses 29-31)
MSC to refer unresolved Clergy complaints to:
- Board, or
- Tribunal, or
- Equivalent body.

1 to 6 months

Recommendations of Ministry Standards Committee (MSC) (Clauses 31-32)
MSC shall make recommendations to the Church Authority in complaints against lay church workers. In complaints against clergy Respondent's the MSC may *with the consent* of the Respondent resolve the matter and make consent recommendations to the Church Authority.

Up to 2 months

Ministry Standards Board (Board) (Part 3E)
Board hears and makes decisions in unresolved clergy matters.

2 - 6 months

Review of Decision (Part 3F)

2-6 months

Determination of the Church Authority (Part 3G)

1 month

Tribunal Ordinance 2025

An Ordinance to provide for a Diocesan Tribunal to allow for the examination and determination of allegations of breaches of Faith, Ritual, Ceremony or Discipline.

THE SYNOD OF THE DIOCESE OF BATHURST HEREBY ORDAINS AS FOLLOWS:

1. This Ordinance may be cited as the *Diocesan Tribunal Ordinance 2025* of the Anglican Diocese of Bathurst.

2. Interpretation

(1) The definitions in the Anglican Church of Australia Constitution and Offences Canon 1962 as from time to time in force apply to terms used in this Ordinance unless the context otherwise requires.

(2) In addition, or as cited in the ACA Constitution for ease of reference herein, in this Ordinance, unless the context otherwise requires:

(a) "**ACA**" means Anglican Church of Australia.

(b) **"Appellate Tribunal"** means the ACA General Synod Tribunal as established by chapter 9 of the Constitution.

(c) **"Board of Enquiry"** means the Tribunal when it is hearing and determining matters of faith, ritual or ceremony, constituted as provided in Section 54 (1) of the Constitution and operating as provided in that constitution.

(d) **"The Bishop"** means the Bishop of the Diocese.

(e) **"Constitution"** means the ACA Constitution.

(f) "**Ceremonial**" includes ceremonial according to the use of the ACA, and also the obligation to abide by such use

(g) "**Church**" means the ACA.

(h) **"Diocese"** means the Anglican Diocese of Bathurst.

(i) "**Discipline**" has the meaning given to that term in the Constitution, that is:

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

- the faith, ritual and ceremonial of this Church; and
- 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. Chapter IX, as regards a person in Holy Orders licensed by the bishop of a diocese or resident in a diocese or both:

- the obligations in the ordinal undertaken by that person; and
- the ordinances in force in that diocese.

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

(k) "**Faith**" includes the obligation to hold the faith.

(l) "**Offences Canon 1962**" means the Offences Canon of the ACA General Synod which specifies offences under sections 54, 55 & 56 of the Constitution.

(m) "**Offences Ordinance of the Diocese 2007**" means the Ordinance of the Diocese which adopted the ACA General Synod Offences Canon 1962.

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

(o) "**Tribunal"** means the Diocesan Tribunal, which is the court of the bishop, constituted as provided in Section 54 of the ACA Constitution and operating as provided in that Constitution.

3. Powers and duties:

(1) There shall be a Tribunal as referred to in Section 54 of the Constitution, established by the Diocesan Synod, with 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.

(2) In accordance with Section 54 (2A) of the Constitution the 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, and the offences as cited in the Offences Canon 1962 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.

(3) The appointment of the Tribunal shall constitute the board of enquiry referred to in Section 54(3) of the Constitution, with the jurisdiction to hear and determine 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 in accordance with Section 54(3) of the Constitution.

(4) In accordance with Section 54 (1) of the Constitution the Tribunal shall consist of:

(a) A President, appointed by the Bishop, such president being a person qualified to be a lay member of the Appellate Tribunal in accordance with the provisions of section 57 (1) of the Constitution; and

(i) Two additional Members, one cleric and one lay person, who shall be appointed by Bishop-in-Council, on the basis that each Member's term shall be such as is specified in their appointment, or any renewal thereof, subject to a maximum of five years per appointment

(ii) Any Member's term of appointment may be terminated by a resolution agreed to by at least two-thirds of the members of Bishop-in-Council.

(iii) In the event of a temporary absence or unavailability of any appointed member of the Tribunal, Bishop-in-Council may appoint a person to act temporarily in that member's place.

(b) The Tribunal shall hear and determine charges and appeals brought pursuant to Clause 4 herein.

(c) The Registrar or his nominee shall attend the Tribunal as its Secretary. The Tribunal shall determine its own procedure for any hearing and inform the parties concerned accordingly. The Tribunal shall consider such evidence and submissions as it considers to be proper and then close the hearing.

(d) For the purposes of securing the attendance of witnesses, the production of documents or for the examination of witnesses on oath or otherwise, the Tribunal shall be deemed to be an arbitrator within the meaning of the *Commercial Arbitration Act* 2010 (NSW) and shall have power to administer oaths or take an affirmation from any witness and for the same purpose any party to a proceeding before the Tribunal to submit evidence to it shall be deemed to be a party to a reference or submission to arbitration within the meaning of such legislation.

4. Charges, Appeals, Determinations

(1) Charges

(a) The Bishop, a licensed cleric or any five adult communicant members of the Church resident within the Diocese may promote a charge against any person in Holy orders resident in the Diocese alleging any matter which it is thought should be determined by the Tribunal provided that if the charge be preferred against a cleric with reference to an offence alleged to have been committed within the parish in which he/she is licensed the communicants shall be members of that parish.

(b) The charge shall be in writing and state full particulars of the matters alleged. The original shall be sent to the Registrar and a duplicate copy to the person charged. The Registrar shall forthwith refer the charge to the Tribunal which shall upon making such enquiries as it deems fit either dismiss the charge without a hearing or declare that the charge be heard.

(2) If the Tribunal declares that the charge be heard the Registrar shall convene a Tribunal hearing as soon as possible. The time and place of the hearing shall be stipulated in a notice in writing to be sent to all interested parties at least 14 days before the hearing.

(3) Right of appeal

(a) Any cleric given notice of licence revocation, subject to first obtaining the consent in writing of 3 clergy and 2 lay members of Bishop-in-Council, may within 14 days after receiving such notice appeal to the Tribunal by notice in writing to the Registrar stating the grounds of appeal.

(b) In accordance with Constitution Section 54 (4), in matters involving any question of faith ritual ceremonial or discipline an appeal shall lie from the determination of a 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.

(c) 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 Tribunal to the provincial tribunal, if any, or to the Appellate Tribunal, and from a determination of the provincial tribunal to the Appellate Tribunal

(d) The Registrar shall thereupon convene a meeting of the relevant tribunal as soon as conveniently possible to hear and determine the appeal.

(4) As soon as possible after a hearing, the relevant tribunal shall determine the appeal or the validity of the charge under consideration and forthwith report to the Bishop its determination and recommendations with regard to:

(a) the appeal or charge.

(b) Monition

(c) Suspension or expulsion from office.

(d) Deprivation of rights and entitlements.

(e) Deposition from Holy Orders.

The relevant tribunal's report shall be in writing and signed by its members or the majority thereof making the decision and countersigned by the Registrar or his/her nominee.

(5) When a charge is preferred against any cleric licensed or with permission to officiate in the Diocese, the Bishop may with the consent of Bishop-in-Council suspend the cleric from the duties of his office until the determination of the charge by the Tribunal and the Bishop may make such arrangements for the performance of the duties of the office as he deems proper.

(6) The Bishop may consult with the Tribunal regarding any decision that is made or any sentence that is recommended and in the exercise of his prerogative of mercy may mitigate a sentence, suspend its operation or both mitigate and suspend it. The Bishop shall pronounce the sentence recommended by the Tribunal even though he mitigate or suspend it.

(7) The standard of proof for the Tribunal to establish any disputed allegation is that of reasonable satisfaction on the balance of probabilities (*Briginshaw v Briginshaw [1938] HCA 34*).

5. Decision of the Bishop

(1) The Bishop may take all such steps as he deems necessary and expedient to enforce any decision of the Tribunal.

6. Service of documents

(1) A document required to be served under this Ordinance on a person may be served

(a) personally,

(b) via email with a confirmation that the email has been received,

(c) by posting a copy of the document by pre-paid post to the person at the person's proper address.

(2) The proper address of a person is the address for service of the person but, if the person has no address for service, the person's last known residential address.

(3) Service of a document that is posted by pre-paid post is taken to be effected 7 days after posting.

(4) In this clause, service of a document includes the giving of a notice.

7. Obligation to indemnify

(1) The Bishop-in-Council must and is hereby authorised out of funds under the control of the Synod to indemnify any person appointed by the Bishop, or Bishop-in-Council pursuant to this Ordinance

in respect of 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 Ordinance in relation to a church worker.

8. Commencement

This Ordinance commences on the date determined by the Bishop on the advice of the Chancellor.

I certify that this Ordinance is in accordance with the Ordinance as reported.

.....

Chair of Committees

I certify that the above Ordinance was passed by the Synod of the Diocese of Bathurst

this _____ day of _____, 2025

....

Secretaries of Synod

I assent to this Ordinance

.....

Bishop of Bathurst

Date .....

Offences Ordinance 2007 Amendment Ordinance 2025

An Ordinance to amend the Offences Ordinance 2007.

1. This Ordinance may be cited as **Offences Ordinance 2007 Amendment Ordinance 2025**.

2. This Ordinance amends the Offences Ordinance 2007 by:
   a. repealing Clauses 2,4, 5 and 6,
   b. renaming clause 3 as clause 2, and
   c. inserting a new clause 3 as follows:

      For the avoidance of doubt, regarding specific offences, **the General Synod Offences Canon (amended 2022**) states:

      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:

      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. *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. *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.*

I certify that this Ordinance is in accordance with the Ordinance as reported.

.....
Chair of Committees

I certify that the above Ordinance was passed by the Synod of the Diocese of Bathurst

this _____ day of _____, 2025

....

Secretaries of Synod

I assent to this Ordinance

.....
Bishop of Bathurst

Date .....

Ministers Code of Conduct Ordinance 1993 Repeal Ordinance 2025

AN ORDINANCE to repeal the Ministers Code of Conduct Ordinance 1993

WHEREAS the Minister's Code of Conduct Ordinance 1993 has been superseded by Faithfulness in Service 2004 - *A national code for personal behaviour and the practice of pastoral ministry by clergy and church workers* as amended by General Synod from time to time; and

WHEREAS Faithfulness in Service Section 5 is the Standard as required by the Canon for Safe Ministry to Children 2017 which was adopted by this Diocese in 2019; and

WHEREAS The Professional Standards Ordinance 2025, as proposed to this session of Synod, contains the scope of 'misconduct' for Ministers and other church workers

NOW THE SYNOD OF THE DIOCESE OF BATHURST ORDAINS AS FOLLOWS:

That the Ministers' Code of Conduct Ordinance 1993 is hereby repealed and shall have no force from this date in the Diocese of Bathurst

This Ordinance may be cited as the MINISTERS CODE OF CONDUCT ORDINANCE 1993 REPEAL ORDINANCE 2025

I certify that this Ordinance is in accordance with the Ordinance as reported.

.....
Chair of Committees

I certify that the above Ordinance was passed by the Synod of the Diocese of Bathurst

this _____ day of _____, 2025

....

Secretaries of Synod

I assent to this Ordinance

.....
Bishop of Bathurst

Date .....

PARISH AND ADMINISTRATION ORDINANCE

Parishes Ordinance 2023 Amendment Ordinance 2025

An Ordinance to amend the Anglican Diocese of Bathurst Parishes Ordinance 2023.

THE SYNOD OF THE DIOCESE OF BATHURST HEREBY ORDAINS AS FOLLOWS:

1. Name

This Ordinance may be cited as the *Parishes Ordinance 2023 Amendment Ordinance 2025* of the Anglican Diocese of Bathurst.

2. Amendments

The *Parishes Ordinance 2023* is amended as follows:

a) In section 6.3, subsection (1)

(i) delete "2 weeks' notice" and insert "3 weeks' notice";

(ii) after the matter "must be given." insert the matter "If any elections are to be conducted at the meeting, the notice must specify the date by which nominations are to be received and the person or persons to whom they are to be given.

b) In section 6.12

(i) before the first instance of the matter "The Parish Priest" insert the matter "(a)"; and

(ii) after the matter "its own chair." insert the matter

"(b) In the election of office holders, the chair of the meeting has a casting vote only."

c) After section 6.12 insert the matter

6.13 Nominations and elections

(a) Nominations must be in writing and must be received seven days prior to the meeting. Nominations received by email or other form of electronic communication in accordance with the usual means of communication used in the parish are deemed to be in writing.

(b) A person may not be nominated unless he or she has consented verbally or in writing to the nominator or another person at the meeting. A person nominated need not be present at the meeting. A person making a nomination must be present at the meeting.

(c) If sufficient nominations to fill all available positions have not been received prior to the meeting, the chair may, at his or her discretion, call for nominations from the floor. If nominations are not called for or no nominations are received, then the remaining positions become vacancies to be filled by the Parish Council.

(d) If the number of nominated candidates for election to an office does not exceed the number of vacancies to be filled, the election is uncontested and the chair must move forthwith that the candidates be elected.

(e) If the number of candidates nominated for election to an office exceeds the number of vacancies to be filled, the election is contested and the following rules apply

(i) Voting is to be conducted by secret ballot.

(ii) Each person entitled to take part in the meeting must not vote for more than the number of candidates to be elected.

(iii) The candidate who obtains, or the candidates who obtain, the higher or highest number of votes is or are elected.

(iv) If, in respect of the last vacancy to be filled, 2 or more candidates each obtain an equal number of votes, the election is to be determined on the casting vote of the chair.

(f) In the conduct of any secret ballot –

(i) proxies and preferential voting are not permitted, and

(ii) where possible, there are to be at least 2 scrutineers, being persons not standing for election.

d) In section 7.1

(i) in subsection (b) delete "." and insert " and,"

and

(ii) after subsection (b) insert the matter

"(c) meets all screening requirements as set by the Synod of the Diocese or Bishop-in-Council."

e) After section 7.1 insert a new section 7.2

"If any person elected or appointed to office has not met the screening requirements as set by the Synod of the Diocese or Bishop-in-Council within three calendar months of their election or appointment, the Bishop shall declare their election or appointment to be invalid and their office to be vacant, and shall notify the person in writing of this declaration." and

renumber the subsequent sections accordingly.

f) In section 7.2

(i) before the first instance of the matter "No person" insert the matter "(a)"; and

(ii) after the matter "the Bishop." insert the matter

(b) A husband and wife cannot both be members of Parish Council, unless the Parish Priest has first obtained permission from the Bishop.

g) In section 7.12, subsection (2)(c)

(i) delete the matter "nil or three or six other members" and

(ii) insert the matter "nil, three, six or nine other members".

h) In section 7.20

after the matter “function.” insert the matter “At the beginning of each meeting of the Parish Council, members should be asked by the chair of the meeting to declare any conflict of interest, financial or otherwise, with regard to the business of the meeting.”

i) In section 10.37, subsection (1)

(i) delete the matter “is the 15th day of January which coincides with or next follows his or her 68th birthday” and

(ii) insert the matter “is the date on which the person in question reaches the age of eligibility for the aged pension under the Social Security Act 1947 or any legislation succeeding that Act”.

j) In section 10.37, after subsection (1), insert a new subsection (2)

“The Retirement Date for clergy who were licenced before 20th September 2025, whether stipendiary or non-stipendiary, is the 15th day of January which coincides with or next follows his or her 68th birthday (“Retirement Date”).” and

renumber the subsequent subsections accordingly.

k) In section 10.38, subsection (5)

delete all the words and insert the matter “On the request of an incumbent, and with the approval of the Parish Council in the Parish in which they serve, the Bishop may give permission for the member of clergy to serve for any period past the Retirement Date up to but not exceeding the person’s 70th birthday. Similarly, on the request of a Parish Council, and so long as the incumbent is willing, the Bishop may grant an extension for any period past the Retirement Date up to but not exceeding the person’s 70th birthday.”

l) In section 10.39

delete the matter “over the age of 68 years” and insert the matter “who has reached the Retirement Date”.

m) In section 11.20, subsection (c)

delete all the words and insert the matter “with the permission of the Bishop, as expressed in the terms of the Licence, conduct baptisms; except that, in emergency or conditions of extremity, he or she may do so with the approval of the Parish Priest or the Regional Archdeacon;”.

I certify that this Ordinance is in accordance with the Ordinance as reported.

.....

Chair of Committees

I certify that the above Ordinance was passed by the Synod of the Diocese of Bathurst

this _____ day of _____, 2025

....

Secretaries of Synod

I assent to this Ordinance

.....

Bishop of Bathurst

Date .....

Administration Ordinance 2023 Further Amendment Ordinance 2025

An Ordinance to amend the Anglican Diocese of Bathurst Administration Ordinance 2023.

THE SYNOD OF THE DIOCESE OF BATHURST HEREBY ORDAINS AS FOLLOWS:

1. Name

This Ordinance may be cited as the *Administration Ordinance 2023 Further Amendment Ordinance 2025* of the Anglican Diocese of Bathurst.

2. Amendments

The *Administration Ordinance 2023* is amended as follows:

a) In section 306, delete all the words and insert the matter

"The Parish Council is authorised to fill any vacancy in the position of lay Synod representative or alternate lay Synod representative."

b) In section 430

delete the words "until their successors are appointed" and insert the words "until the first meeting of Bishop-in-Council after the commencement of the next Synod following their appointment".

I certify that this Ordinance is in accordance with the Ordinance as reported.

.....
Chair of Committees

I certify that the above Ordinance was passed by the Synod of the Diocese of Bathurst

this _____ day of _____, 2025

....

Secretaries of Synod

I assent to this Ordinance

.....
Bishop of Bathurst

Date .....