Bathurst Diocese

SHARING JESUS FOR LIFE

THIRD SESSION

OF THE

51ST SYNOD

18 – 19 SEPTEMBER 2026

BOOK 3

ORDINANCES

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EXPLANATORY MEMORANDUM

INTRODUCTION

The purpose of this ordinance is to adopt the following Canons of General Synod which were passed in August 2026:

Canon 7, 2026: Offences Amendment Canon 2026,
Canon 8, 2026: Special Tribunal Canon 2026, and
Canon 15, 2026: Special Tribunal Canon 2007 (Amendment) Canon 2026.

These three canons, taken together, update the national disciplinary and professional standards regime, particularly as it applies to bishops in relation to child protection matters. They aim to ensure that our national legislation is fit for purpose and covers everything necessary as a result of the Royal Commission into Institutional Responses to Child Sexual Abuse.

Each of these canons affects the order, good government and discipline of the church in this diocese, and therefore they only come into effect when adopted by the diocese. A summary of the effect of each amending canon is set out below.

CANON 7, 2026: OFFENCES AMENDMENT CANON 2026

This canon updates the Offences Canon 1962, and has three objectives:

- to import into the canon all the definitions and proscribed conduct previously covered by the Episcopal Standards (Child Protection) Canon 2017;
- to simplify the wording of the offence relating to disgraceful conduct (more below); and
- generally to correct the drafting of various recent provisions.

With regard to disgraceful conduct, it recognises that the standard required of bishops may be higher than that required of other clergy, and that if a bishop engages in disgraceful conduct, it is appropriate to bring a charge whether or not it has produced, or would produce, scandal or evil report.

It also updates other offences capable of attracting church discipline, including failure to comply with a Board's direction or recommendation, and failures in disciplinary or professional standards processes involving child abuse; and it substantially updates and broadens the definition of 'child abuse', including emotional, spiritual and image-based abuse and exposure to domestic and family violence.

CANON 8, 2026: SPECIAL TRIBUNAL CANON 2026

This canon creates a new Special Tribunal Canon which, once adopted by a diocese, replaces the Special Tribunal Canon 2007 and several related canons which govern episcopal conduct in the Anglican Church of Australia. The objectives of the canon are:

- to simplify and make more certain the law concerning what episcopal conduct is proscribed;
- to increase the likelihood of a single approach to episcopal standards across all the dioceses in the Anglican Church of Australia;
- to remove the uncertainty and consequential costs associated with fitness based on 'examinable conduct';
- to make procedural changes to reduce the time needed to investigate complaints and hear charges;
- to reduce the reputational risk to the Church arising from protracted investigations and decision-making in relation to complaints; and
- to restate how the procedures should involve or affect bishops who are the subject of a complaint, complainants and alleged victims.

It updates the legislation governing the Episcopal Standards Commission and the Director of Episcopal Standards. It covers the receipt and investigation of complaints, child-protection matters, bringing charges before the Special Tribunal, hearings, appeals and possible deposition from Holy Orders. On adoption by a diocese, while replacing the existing 2007-2017 episcopal standards arrangements, it preserves any proceedings which have already been commenced but not yet completed.

CANON 15, 2026: SPECIAL TRIBUNAL CANON 2007 (AMENDMENT) CANON 2026

This canon closes a potential jurisdictional gap by making clear that a declaration by a diocese which limits the operation of the national episcopal standards arrangements in that diocese cannot prevent the Episcopal Standards Commission investigating or bringing a charge concerning conduct which constitutes examinable conduct under the Episcopal Standards (Child Protection) Canon 2017. This amendment is necessary, because the new Special Tribunal Canon 2026 may not be adopted by all dioceses, and therefore the existing Special Tribunal Canon 2007 may remain in force in a number of dioceses indefinitely.

As these are canons of the General Synod, diocesan Synods do not have power to amend the text of the canons. The adopting ordinance is brought to Synod at the recommendation of Bishop-in-Council.

General Synod – Offences Amendment Canon 2026, Special Tribunal Canon 2026 and Special Tribunal Canon 2007 (Amendment) Canon 2026 Adopting Ordinance 2026

Title:

AN ORDINANCE TO ADOPT

- Canon 7, 2026: Offences Amendment Canon 2026,
- Canon 8, 2026: Special Tribunal Canon 2026, and
- Canon 15, 2026: Special Tribunal Canon 2007 (Amendment) Canon 2026,

of the General Synod of the Anglican Church of Australia.

The Synod ordains as follows:

1. Name:
   This Ordinance is the General Synod – Offences Amendment Canon 2026, Special Tribunal Canon 2026 and Special Tribunal Canon 2007 (Amendment) Canon 2026 Adopting Ordinance 2026.

2. Adoption of the Canons:
   The Synod adopts Canon 7, 2026, Canon 8, 2026, and Canon 15, 2026 of the General Synod of the Anglican Church of Australia, a copy of each of which is included in the schedule to this Ordinance.

I certify that this Ordinance was passed by the Synod of the Diocese of Bathurst on this day of September 2026.

.....
Registrar

I give my assent to this Ordinance.

.....
Bishop of Bathurst

Schedule

See attached.

OFFENCES AMENDMENT CANON 2026

Canon 07, 2026

The General Synod prescribes as follows:

Definition

1. In this canon ***principal canon*** means the Offences Canon 1962.

Amendments to section 1 of the principal canon

2. In section 1 of the principal canon—

   (a) in the introductory words of the section, for "bishop of the diocese" substitute "Diocesan bishop";

   (b) in item 3 for "bishop of the diocese" substitute "Diocesan bishop";

   (c) for item 5, substitute "Conduct, whenever occurring, which would be disgraceful if committed by any member of the clergy."; and

   (d) omit item 8.

Amendments to section 2 of the principal canon

3. In section 2 of the principal canon—

   (a) in the introductory words of the section, for "any person referred to in paragraphs (a) and (b) of section 56(6) of the constitution" substitute "a current Bishop";

   (b) for item 4, substitute "Conduct, whenever occurring, which would be disgraceful if committed by any person in episcopal orders.";

   (c) in item 6, for "his" substitute "their";

   (d) following item 7, insert:

      "7A. In relation to a disciplinary or professional standards process where there is a charge or an allegation of child abuse—

         (i) impeding or undermining that process;

         (ii) failing without reasonable excuse to perform a duty or a function under that process; or

         (iii) failing without reasonable excuse to exercise a power to initiate, or to investigate whether to initiate, that process.";

   (e) omit item 8;

   (f) for item 9, substitute "Failure to comply with the direction of a Board.";

   (g) in item 10, for all the words after "given to the person under" substitute "or for the purposes of section 60(1) of the Constitution."; and

   (h) after item 10, insert:

      "10A. Failure without reasonable excuse to give effect to a recommendation given to the person by a Board.".

Amendments to section 2A of the principal canon

4. In section 2A of the principal canon—

(a) in the introductory words of the section, for "member of the House of Bishops or assistant to the Primate" substitute "current Bishop";

(b) omit item 3;

(c) omit item 4;

(d) in item 5, for all the words after "given to the person under" substitute "or for the purposes of section 60(1) of the Constitution"; and

(e) after item 5, insert:

"5A. Failure without reasonable excuse to give effect to a recommendation given to the person by a Board.".

Amendments to section 2B of the principal canon

5. In section 2B of the principal canon—

(a) omit the definition of child abuse;

(b) omit the definition of child;

(c) after the definition of "authorization to function" insert:

"Bishop means a bishop referred to in section 56(6) of the Constitution;

"Board means a body established by or under a Canon or by or under an ordinance of a provincial synod or diocesan synod for dealing with the fitness of a Bishop or other member of the clergy or a church worker to be or to remain in office, in Holy Orders or in some other ministry.

"child abuse means:

(a) conduct constituting:

(i) bullying a child; or

(ii) emotional abuse of a child; or

(iii) neglect of a child; or

(iv) physical abuse of a child; or

(v) sexual assault, sexual exploitation, sexual harassment or grooming of a child, or sexually inappropriate behaviour towards a child;

(vi) spiritual abuse of a child; or

(vii) image-based abuse;

(viii) causing a child to witness, hear or otherwise be exposed to domestic and family violence;

(ix) a failure without reasonable excuse to comply with the laws of the Commonwealth, a State or Territory or against the law of another country which is equivalent to a criminal offence

against the law of the Commonwealth, a State or a Territory, requiring the reporting of child abuse to the police or other authority; or

(x) a failure without reasonable excuse to report conduct referred to in this definition as required by a Canon of the General Synod or of an ordinance of a provincial synod or a diocesan synod;

(b) possessing, producing or distributing material (including any film, printed matter, electronic data, computer image or other depiction) that describes or depicts a person who is or who appears to be a child—

(i) engaged in sexual activity; or

(ii) in a sexual context; or

(iii) 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—

in circumstances that have been found to constitute, or may constitute, a criminal offence.";

(d) in the definition of "church worker" for "Bishop of a diocese" substitute "Diocesan bishop"; and

(e) after the definition of church worker, insert:

"**current Bishop** includes—

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

(b) a bishop assistant to the Primate in their capacity as Primate;".

Consequential amendment

6. In the National Register Canon 2007 in The Third Schedule, for the definition of "Child abuse" substitute:

"**child abuse** means:

(a) conduct constituting:

(i) bullying a child; or

(ii) emotional abuse of a child; or

(iii) neglect of a child; or

(iv) physical abuse of a child; or

(v) sexual assault, sexual exploitation, sexual harassment or grooming of a child, or sexually inappropriate behaviour towards a child;

(vi) spiritual abuse of a child; or

(vii) image-based abuse;

(viii) causing a child to witness, hear or otherwise be exposed to domestic and family violence;

(ix) a failure without reasonable excuse to comply with the laws of the Commonwealth, a State or Territory or against the law of another country which is equivalent to a criminal offence

against the law of the Commonwealth, a State or a Territory, requiring the reporting of child abuse to the police or other authority; or

(x) a failure without reasonable excuse to report conduct referred to in this definition as required by a Canon of the General Synod or of an ordinance of a provincial synod or a diocesan synod;

(b) possessing, producing or distributing material (including any film, printed matter, electronic data, computer image or other depiction) that describes or depicts a person who is or who appears to be a child—

(i) engaged in sexual activity; or

(ii) in a sexual context; or

(iii) 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—

in circumstances that have been found to constitute, or may constitute, a criminal offence."

Canon affects the discipline of this Church

7. This Canon affects the discipline of this Church.

Primate's appointment when the canon shall come into force [SO63(19)]

I appoint the 11th August 2026 as the date on which this canon shall come into force.

Secretaries' Certification of copy of Canon as passed [SO63(20)]

We certify that the Canon above is a copy of the Canon as passed on the 11th day of August 2026.

Dated: 13 August 2026

The Ven Stephen Carnaby
Clerical Secretary

Ms Sarah Crutch
Lay Secretary

SPECIAL TRIBUNAL CANON 2026

Canon 08, 2026

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

The General Synod prescribes as follows:

PART 1 - PRELIMINARY

Title

1. This Canon may be cited as the "Special Tribunal Canon 2026".

Interpretation

2. (1) In this Canon, unless the context otherwise requires:

Bishop means a person in respect of whom the Special Tribunal has jurisdiction under section 56(6) of the Constitution;

bishop means a person in bishop's orders;

child abuse has the same meaning as in the Offences Canon 1962;

Church means the Anglican Church of Australia;

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

Commonwealth means the Commonwealth of Australia;

complaint means a complaint against a Bishop alleging a breach of faith, ritual, ceremonial or discipline or alleging an offence under a Canon;

current Bishop means a person who is—

(a) a member of the House of Bishops; or

(b) a bishop assistant to the Primate in their capacity as Primate;

Director means the Director of Episcopal Standards appointed under Part 3;

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

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

investigator means a person appointed under section 15;

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

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

protocol means the protocol approved under Part 4;

relevant Metropolitan, means—

(a) in relation to a Diocesan bishop—

(i) unless paragraph (iii) or (iv) applies, the Metropolitan of the Province in which the diocese is situated; or

(ii) if the diocese is an extra-provincial diocese, the Primate; or

(iii) if the Diocesan bishop is the Metropolitan but not the Primate, the Primate; or

(iv) if the Diocesan bishop is the Primate, the person who, at the relevant time, is the next most senior Metropolitan who is available, seniority being determined by the date of consecration; and

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

respondent means a Bishop whose alleged conduct or omission is the subject of a complaint;

rules mean rules made under section 61;

senior presidential member means the person who becomes the senior presidential member under section 34 or, if that person is unwilling or unable to act, or if there is a vacancy in the office of senior presidential member, the other or next most senior presidential member;

Subsection 39(2) Exclusion means an ordinance made by the synod of a diocese under subsection 39(2) that has not been revoked by that synod;

Tribunal means the Special Tribunal.

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

(a) their personal financial interest, or those of their family or friends;

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

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

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

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

Effect of Subsection 39(2) Exclusion

3. (1) The Director and the ESC have no powers or duties under this canon, other than a duty under subsections (2) and (3), in relation to a diocese or its Diocesan bishop while there is a Subsection 39(2) Exclusion in effect in relation to that diocese.

(2) Subject to subsection (3), if the Director receives a complaint in relation to a Diocesan bishop while there is a Subsection 39(2) Exclusion in effect in relation to that diocese, the Director must refer the complainant and the complaint:

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

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

(c) where the diocese is not part of a province, to a Metropolitan.

(3) This section does not apply to, and a Subsection 39(2) Exclusion does not operate to alter or affect, the powers and duties of the Director or the ESC in relation to a complaint, investigation or charge concerning a matter listed in the Third Schedule.

PART 2 – EPISCOPAL STANDARDS COMMISSION

Episcopal Standards Commission

4. There is an Episcopal Standards Commission.

Composition of Episcopal Standards Commission

5. (1) The ESC has at least three members.

(2) The membership of the ESC must collectively provide—

(a) experience in law;

(b) a person in bishop's orders who is not a Bishop; and

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

(3) So far as is reasonably practicable the ESC must have an equal number of men and women.

Membership of Episcopal Standards Commission

6. (1) The members of the ESC are appointed by the Standing Committee.

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

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

When ESC members cease to hold office

7. A member of the ESC ceases to hold office upon—

(a) their death;

(b) their resignation;

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

(d) ceasing to reside permanently in Australia;

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

(f) becoming a current Bishop;

(g) reaching the age of 75 years; or

(h) the passing of a resolution by–

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

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

to remove the member from office.

ESC Convenor

8. (1) The convenor of the ESC is appointed by the Standing Committee.

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

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

(4) A majority of the members constitutes a quorum.

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

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

ESC vacancy does not invalidate acts or proceedings

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

Information not to be divulged

10. Subject to the provisions of this Canon, the Director, a member of the ESC and a person employed or engaged in work related to the affairs of the ESC must not divulge information that comes to their knowledge by virtue of that office or position except—

    (a) in the course of carrying out the duties of that office or position;

    (b) as authorised by or under this or another Canon;

    (c) in any proceedings before the Special Tribunal;

    (d) as may be required by law; or

    (e) to any insurer or insurance broker of a Church body where the information may give rise to or be relevant to a claim for indemnity by the Church body against the insurer or is relevant to obtaining or continuing insurance cover.

Annual report by the Director

11. (1) The Director must report annually to the Standing Committee on the Director's activities for that calendar year.

    (2) Subject to subsection (3), the Director's report must not disclose the identity of a complainant or the respondent.

    (3) The Director may disclose the identity of a respondent where the respondent has been exonerated from an allegation the subject of a complaint or has been the subject of a determination or recommendation by the Tribunal.

    (4) Subject to subsection (5) the Director must, in respect of every matter with which the Director is dealing, report either orally or in writing to the Primate with such frequency and as fully as the Primate may reasonably require.

    (5) If a matter relates to the conduct of the Primate, a report under subsection (3) must be made to and at the direction of the senior Metropolitan at the time in Australia who is not the Primate.

Powers and duties of the ESC

12. (1) Subject to the provisions of this Canon, the ESC has these powers and duties:

        (a) to implement the protocol to the extent that the protocol is not inconsistent with this Canon;

        (b) where appropriate, to recommend to the Standing Committee any changes to the protocol and to any Canon conferring powers or duties on the ESC;

        (c) to oversee the Director's performance of their functions;

        (d) to determine the additional functions of the Director;

        (e) to conduct or to arrange for a suitably qualified person to audit the Director's performance of their functions at any time and to obtain from the Director such records and explanations as are necessary to complete that audit;

(f) following an audit under paragraph (d)—

(i) to take such remedial actions recommended by the audit report that are within its power; and

(ii) to report to the Standing Committee on the remedial actions recommended by the audit report that are not within its power;

(g) subject to any limit imposed by the Standing Committee, either generally or in a particular case, to authorise such expenditure on behalf of the General Synod as may be necessary to give, in a particular case, the provisions of this Canon, the protocol or the rules; and

(h) to exercise such other powers and functions as are conferred on it by this or any other Canon; and

(i) to report annually to the Standing Committee on its activities and decisions under this Canon.

(2) The power of the ESC to oversee the Director's performance of their functions does not include a power to alter or override an action or decision of the Director, including the exercise of any discretion by the Director, under this Canon.

PART 3 – DIRECTOR OF EPISCOPAL STANDARDS

Director of Episcopal Standards

13. (1) There is a Director of Episcopal Standards.

(2) The Director is appointed by and holds office in accordance with a resolution of the Standing Committee.

Director's functions

14. The Director has these functions:

(a) to be the executive officer of the ESC;

(b) to attend meetings of the ESC unless the ESC in respect of a particular meeting or part of a meeting otherwise determines;

(c) to appoint suitable persons to fulfil the several roles required to implement the protocol in each particular case;

(d) to receive complaints;

(e) to investigate the subject matter of complaints in a timely and appropriate manner;

(f) where the complaint relates to an alleged offence against the law of a State or Territory of the Commonwealth or against a law of the Commonwealth, to refer any information in their possession to a member of the appropriate law enforcement, prosecution or child protection authority and to co-operate as far as possible with any such authority;

(g) to refer any information in their possession to a member of a law enforcement, prosecution or child protection authority of a State or Territory or of the Commonwealth of Australia to which the information is or may be relevant;

(h) to advise any relevant Church body as to the financial, pastoral or other needs of a person affected or allegedly affected by conduct the subject of complaint and as to any possible or actual legal proceedings against such Church body arising out of the alleged conduct of a Bishop;

(i) to bring charges under this canon;

(j) to maintain proper records of all complaints and information received and of action taken in relation to such complaints and information;

(k) to report either orally or in writing to the ESC in respect of every matter with which they are dealing, with such frequency and as fully as the ESC requires; and

(l) to exercise the powers conferred on, and to perform the duties imposed on, the Director by or under this Canon and the Protocol and rules made under this Canon or that are determined by the Standing Committee or the ESC.

Director may appoint an investigator

15. The Director may appoint a person to investigate, or to assist the Director in investigating, a complaint.

General Secretary may engage temporary support

16. During a period when the Director is unavailable, or when there is no Director, the General Secretary, after consultation with the Director (or, when there is no Director, with the chair of the ESC) may engage a person temporarily to discharge the administrative functions of the office.

Director acting in a corresponding capacity

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

PART 4 – THE PROTOCOL

Approving a protocol

18. (1) The Standing Committee must from time to time approve a protocol in relation to complaints.

(2) The protocol must include provisions and procedures in relation to:

(a) making and receiving complaints;

(b) explaining the processes for investigating and dealing with complaints;

(c) informing complainants, victims of alleged conduct the subject of complaints, and respondents of relevant procedures applicable to them;

(d) as and when appropriate, providing non-pecuniary support to complainants, victims of alleged conduct the subject of complaints, and respondents;

(e) providing victim impact statements to the Special Tribunal before a sentence is decided;

(f) dealing fairly with respondents;

(g) the cost of legal assistance under section 59(2);

(h) mediation and conciliation in appropriate circumstances, including how such mediation or conciliation is arranged and funded;

(i) providing information, reports, advice and recommendations to the Primate, the relevant Metropolitan and to the relevant Administrator at each stage of the process of dealing with information; and

(j) working, where appropriate, with law enforcement, prosecution or child protection authorities of the States and Territories and of the Commonwealth of Australia.

(3) The Standing Committee, through the ESC and by such other means as it may consider appropriate, must take such steps as may be necessary or desirable to promote throughout the Church a knowledge and understanding of the protocol.

PART 5 – COMPLAINTS

DIVISION 1 – RECEIVING AND DEALING WITH COMPLAINTS

Making a complaint

19. A person may make a complaint against a Bishop as required and provided for in the protocol.

Duty to investigate complaint

20. (1) Subject to this Canon, the Director on receiving a complaint must investigate the allegations contained in it.

(2) The Director must not take action in respect of a complaint alleging an offence in the First Schedule where the complaint relates to conduct or an omission alleged to have occurred more than twelve calendar months prior to the date on which the complaint is received by the Director.

(3) For the purposes of subsection (2) a complaint is considered to have been received by the Director when it is received at the office of the General Secretary of the General Synod or, if posted by certified or registered mail to the Director or to the General Secretary of the General Synod, forty-eight hours after the posting of the complaint.

Director may commence or continue investigation of own motion

21. Where—

(a) no complaint has been made; or

(b) the person making the complaint fails, when requested by the Director, to provide further particulars or to verify the allegations by statutory declaration —

and the Director considers that there are compelling reasons in all the circumstances on the basis of information already available to them to commence or continue an investigation, the Director may commence or continue that investigation.

Assessment of risks to children

22. After commencing an investigation under this Part, the Director must conduct an initial assessment to identify any risks to children and must take whatever steps are reasonably available and practicable to minimise risks so identified.

Reporting to government authorities

23. Where the law of the Commonwealth or any State or Territory requires that an allegation relating to the safety or well-being of a child be reported to an agency of the Commonwealth or that State or Territory, the Director must report any such allegation in a complaint to that agency in the time and manner required by that law, whether or not some other person or entity within the church may also do so or have done so.

Refraining from further investigation

24. The Director with the concurrence of the ESC may refrain at any time from further investigation of the allegations if—

(a) in the Director's opinion, the allegations are vexatious or misconceived, or their subject matter is trivial;

(b) the alleged conduct, if proven, could not constitute an offence under the Offences Canon 1962;

(c) the allegations, either expressly or by implication, are that the conduct is disgraceful and, in the Director's opinion—

(i) the allegations if proven could not constitute an offence under any item in section 2 of the Offences Canon 1962 other than Item 4; and

(ii) the available evidence could not support the conclusion that the Bishop in relation to those allegations was not acting in the honest and lawful discharge of the Bishop's duties;

(d) the subject matter is under investigation by some other competent person or body or is the subject of legal proceedings;

(e) the person making the complaint has failed, when requested by the Director, to provide further particulars or to verify the allegations by statutory declaration; or

(f) in the Director's opinion there is insufficient reliable evidence—

(i) to warrant an investigation or further investigation; or

(ii) to prove an offence.

Information to be obtained

25. For the purpose of an investigation the Director or an investigator must endeavour to obtain such statutory declarations, written statements, recorded conversations, reports, documents and other material as they consider necessary or desirable.

Respondent to receive summary of complaint

26. The Director must by notice in writing—

(a) provide to a respondent a summary of the complaint including the substance of the allegations and the name of the complainant; and

(b) allow the respondent to provide a detailed report within the time specified in the notice in relation to any matter relevant to the investigation.

What the Director may do

27. (1) At any time after the commencement of an investigation into a complaint against a Bishop under this Part the Director may with the concurrence of the ESC--

(a) if the Bishop is a current Bishop and they consider on reasonable grounds that that Bishop may be incapable, report the matter in writing to the relevant Metropolitan;

(b) subject to section 39, institute proceedings by way of charge against the Bishop before the Tribunal; or

(c) if the person whose conduct is under investigation ceases to be a current Bishop and the complaint is not in respect of an offence under section 2A of the Offences Canon 1962, refer the matter, together with such information as it has received, to the Diocesan bishop of the diocese in which the person now resides.

(2) A report under subsection (1)(a) is a report for the purposes of section 4 of the Bishops (Incapacity) Canon 1995 as if it were made by three members of the synod of a diocese for the purposes of that section.

Director may proceed despite resolution of dispute

28. (1) The settlement or resolution of the subject matter of a complaint, in whole or in part, between the parties affected does not prevent the Director from taking any of the steps in section 27 in respect of the subject matter of the complaint.

(2) A term of a settlement or resolution referred to in subsection (1) which purports to prevent or to limit the institution of proceedings by way of charge against a Bishop is of no effect.

(3) Proceedings must not be instituted or maintained in the Tribunal against a person who is no longer in Holy Orders.

Informing complainant where complaint does not proceed

29. If—

(a) following the receipt of a complaint, the Director under section 24 refrains from further investigation of the allegations contained in the complaint;

(b) the Director does not recommend mediation or conciliation in relation to the complaint; or

(c) following an investigation under this Part of the allegations contained in a complaint, the Director does not bring a charge under section 39 against the Bishop in respect of the complaint--

the Director must, without delay, provide the person who made the complaint with full and complete reasons, in writing, for that decision.

DIVISION 2 – SUSPENSION OF BISHOPS

Definition of when section 30 applies

30. This section applies if, at any time after having commenced or caused to be commenced under this or any other Canon an investigation of a complaint, the Episcopal Standards Director forms the opinion that—

(a) the complaint involves a sexual offence relating to a child by a person who is a Bishop; and

(b) the complaint is plausible.

Mandatory suspension where section 30 applies

31. (1) If section 30 applies, the Episcopal Standards Director must recommend to the senior presidential member that the person be suspended from the duties of office.

(2) Where the Director makes a recommendation under sub-section (1), the senior presidential member must suspend the person from the duties of office.

(3) A person suspended under sub-section (2) from the duties of a paid office, or a person to whom section 30 applies who voluntarily stands aside from performing the duties of office, is deemed to be on paid leave and to be absent from the State or Territory in which the duties of office would otherwise be performed.

Duration of suspension under this Canon

32. (1) A person suspended from the duties of office under this Canon remains suspended until—

(a) the Episcopal Standards Director decides to refrain from further investigation under section 24 and there are no other investigations in relation to that person to which section 30 applies;

(b) a charge is brought under Part 6 when there are no other investigations to which section 30 applies; or

Note: once a charge is brought section 61A of the Constitution applies.

(c) the person has been deposed from Holy Orders, prohibited from functioning in an order of ministry, or relinquished the exercise of some

or all Holy Orders under the Constitution or a canon of the General Synod—

whichever occurs first.

Effect of suspension

33. (1) A suspension under this Canon or a voluntary standing down from office by the Bishop as a result of an investigation by the Director has effect as an absence of the Bishop from the see or from office as the case may require.

(2) During a period of suspension or voluntary standing down referred to in subsection (1), the Bishop is entitled to receive from the body normally responsible for their payment the stipend, allowances and other benefits that would otherwise have accrued.

PART 6 – THE SPECIAL TRIBUNAL PANEL

Special Tribunal panel

34. (1) For the purposes of this Canon there is a panel comprising—

(a) a senior presidential member and two other presidential members each of whom is qualified to be a lay member of the Appellate Tribunal;

(b) three Diocesan bishops; and

(c) three priests of at least seven years' standing.

(2) The members of the panel are elected by each General Synod in accordance with any Rule of General Synod for the conduct of elections.

(3) Where there are two or more candidates to become members of the panel, but regardless of the number of candidates, there must be one election for all the presidential members held at the same time and the person with the highest number of votes becomes the senior presidential member and any other person elected becomes a presidential member.

Ceasing to be a member of the Special Tribunal panel

35. (1) Subject to subsection (2), a member of the panel ceases to hold office upon:

(a) death;

(b) resignation;

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

(d) ceasing to reside permanently in Australia;

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

(f) in the case of a Diocesan bishop, ceasing to be a Diocesan bishop or on becoming the Primate;

(g) in the case of a priest, becoming a current Bishop;

(h) subject to subsection (2), the conclusion of the second ordinary session of the General Synod following the General Synod at which they were elected; and

(i) at the commencement of the ordinary session of General Synod which must take place next after the member attains the age of 75 years.

(2) A person who has ceased or will cease to hold office under subsection (1)(h) may be re-elected, and if they are re-elected the date of their re-election becomes the date of their election for the purposes of that paragraph.

(3) A member of the panel who is

(a) the case-managing presidential member; or

(b) a member of the Tribunal—

for particular proceedings of the Tribunal must continue to hold office until the completion of those proceedings even if they cease to be a Diocesan bishop or cease to be a member of the panel by virtue of subsections (1)(h) or (i).

Current Bishops on panel to continue despite translation

36. (1) A Diocesan bishop who having accepted appointment to a different office of Diocesan bishop ceases to be a Diocesan bishop so as to take up that appointment is, upon being installed as Diocesan bishop in that different office, re-appointed to the panel or the Tribunal as the case may be.

(2) For the purposes of section 35(1)(h) the date of election of a Diocesan bishop re-appointed under subsection (1) is the date of their most recent election by the General Synod.

Vacancies on panel

37. (1) If a vacancy in the membership of the panel occurs while the General Synod is not in session and it becomes necessary or desirable for the vacancy to be filled before the next ordinary session of the General Synod, the Primate must cause the General Secretary to notify the members of the General Synod that such vacancy is to be filled.

(2) At the time when the General Secretary notifies the members of General Synod under subsection (1), the Primate must invite the members of General Synod to nominate candidates by a date not sooner than six weeks from the date of the notification.

(3) A nomination under subsection (2) must be by at least five members of General Synod.

(4) If no more names are received than the number of vacant positions to be filled, the General Secretary must declare the persons named to be elected to the panel. Otherwise, the General Secretary must conduct a postal ballot

Director may commence or continue investigation of own motion

21. Where—

(a) no complaint has been made; or

(b) the person making the complaint fails, when requested by the Director, to provide further particulars or to verify the allegations by statutory declaration —

and the Director considers that there are compelling reasons in all the circumstances on the basis of information already available to them to commence or continue an investigation, the Director may commence or continue that investigation.

Assessment of risks to children

22. After commencing an investigation under this Part, the Director must conduct an initial assessment to identify any risks to children and must take whatever steps are reasonably available and practicable to minimise risks so identified.

Reporting to government authorities

23. Where the law of the Commonwealth or any State or Territory requires that an allegation relating to the safety or well-being of a child be reported to an agency of the Commonwealth or that State or Territory, the Director must report any such allegation in a complaint to that agency in the time and manner required by that law, whether or not some other person or entity within the church may also do so or have done so.

Refraining from further investigation

24. The Director with the concurrence of the ESC may refrain at any time from further investigation of the allegations if—

(a) in the Director's opinion, the allegations are vexatious or misconceived, or their subject matter is trivial;

(b) the alleged conduct, if proven, could not constitute an offence under the Offences Canon 1962;

(c) the allegations, either expressly or by implication, are that the conduct is disgraceful and, in the Director's opinion—

(i) the allegations if proven could not constitute an offence under any item in section 2 of the Offences Canon 1962 other than Item 4; and

(ii) the available evidence could not support the conclusion that the Bishop in relation to those allegations was not acting in the honest and lawful discharge of the Bishop's duties;

(d) the subject matter is under investigation by some other competent person or body or is the subject of legal proceedings;

(e) the person making the complaint has failed, when requested by the Director, to provide further particulars or to verify the allegations by statutory declaration; or

of the members of General Synod to determine the person or persons to be elected.

(5) A ballot for the purposes of subsection (4) must be conducted in accordance with the rules for the time being in force for the conduct of ballots with such modifications as are necessary, and the General Secretary must declare the person or persons who are successful in such ballot to be the person or persons elected by the General Synod to the panel.

(6) Upon the General Secretary declaring a person to be elected to the panel, the person becomes a member of the panel.

(7) For the purposes of subsection 35(1)(h), a person elected under this section is deemed to have been elected at the ordinary session General Synod next following their election.

Filling vacancies by General Synod

38. A vacancy not filled under section 37 must be filled at the next ordinary session of the General Synod.

PART 7 – BRINGING A CHARGE IN THE SPECIAL TRIBUNAL

Who may bring a charge

39. (1) Subject to this section, a charge against a Bishop in the Tribunal may be brought—

(a) by the Director with the concurrence of the ESC;

(b) by a Diocesan bishop; or

(c) in respect of—

(i) the Diocesan bishop of a diocese; or

(ii) a Bishop holding a licence in a diocese—

in accordance with the provisions of an ordinance of the synod of that diocese.

(2) If the synod of a diocese by ordinance declares that paragraph (a) of subsection (1) has no effect in respect of the Diocesan bishop of that diocese, that paragraph does not apply to a charge against that Diocesan bishop other than in relation to a charge relating to or alleging a matter listed in the Third Schedule.

(3) A declaration under subsection (2) –

(a) does not affect any proceedings in respect of a charge brought before the diocesan ordinance takes effect; and

(b) does not limit in any other respect the powers of the ESC contained in this or any other Canon in force in a diocese.

(4) Only the Director can bring a charge relating to or alleging a matter listed in the Third Schedule.

Where Diocesan bishop bringing a charge ceases to be a Diocesan bishop

40. (1) This section applies when a Diocesan bishop who is bringing a charge under section 39 is the only Diocesan bishop bringing that charge and—

(a) is suspended from the duties of office; or

(b) ceases to be a Diocesan bishop and does not become the Diocesan bishop of another diocese within the next 30 days.

(2) Subject to subsection (3), when this section applies the charge lapses.

(3) When this section applies a Diocesan bishop other than the Diocesan bishop who was bringing the charge may notify the Registrar within 14 days that they will become the Diocesan bishop bringing the charge, and that Diocesan bishop thereupon becomes the Diocesan bishop bringing the charge for the purposes of this Canon.

Cost of bringing a charge

41. (1) Where there is a Section 39(2) Exclusion in force, the General Synod is not responsible for the costs where a charge is brought under section 39(1)(c).

(2) In respect of a charge brought pursuant to –

(a) section 39(1)(b); or

(b) section 39(1)(c) where there is no declaration under section 39(2) in force in respect of that Bishop—

the Special Tribunal or the Appellate Tribunal (as the case may be) may direct the General Synod to indemnify the person or body who or which brought the charge in respect of the costs of bringing the charge, and the General Synod must indemnify that person or body accordingly.

Form of charge

42. (1) A charge against a Bishop must—

(a) be in writing;

(b) specify the alleged offence and provide particulars of the alleged offence;

(c) be signed by a member of the body or the person bringing the charge; and

(d) be lodged with the Registrar.

(2) A signed copy of the charge must be served on the Bishop personally or by leaving it at or posting it to the office of the Bishop's Registry in an envelope addressed to the Bishop and marked "**Private and Confidential**".

(3) A charge, once instituted, may be amended or withdrawn by the person or body instituting it.

(4) The amendment or withdrawal of a charge does not prevent another person or body from bringing or proceeding with a charge in terms the same as or similar to a charge before it was amended or withdrawn.

PART 8 – PROCEEDINGS BEFORE THE SPECIAL TRIBUNAL

DIVISION 1 – CASE MANAGEMENT

Appointment of case-management presidential member

43. When a charge is brought in the Tribunal the senior presidential member must appoint a presidential member to be the case-management presidential member in relation to that charge.

Duties and powers of case-management presidential member

44. (1) The case-management presidential member, to the fullest extent possible, has all the duties and powers of a judicial officer in the case management of proceedings in a superior court of an Australian State.

(2) The case-management presidential member determines the place and time of the sitting of the Tribunal in relation to the charge.

Appointment of case-management presidential member

45. The person or body bringing the charge and the Bishop must comply with the rules of the Tribunal and with any directions given by a case-management presidential member or by a member of the Tribunal at a directions hearing.

DIVISION 2 – CONFLICTS OF INTEREST

Members to disclose a conflict of interest

46. A member of the panel must without delay disclose to the senior presidential member any conflict of interest that the member has in relation to a matter before the Tribunal.

Disqualification where conflict of interest

47. Where a member of the panel—

(a) has disclosed a conflict of interest under section 46; or

(b) in the opinion of the senior presidential member has a conflict of interest in relation to a matter before the Tribunal—

that member is disqualified from participating in the matter.

DIVISION 3 – HEARING

Members of the panel for a sitting of the Tribunal

48. (1) Once a charge is lodged with the Registrar, the senior president member must as soon as possible appoint the members of the Tribunal for the purpose of hearing the charge.

(2) One member of the Tribunal must be a presidential member who becomes the President.

Requirements regarding hearing a charge

49. (1) The Tribunal must deal with any charge as expeditiously as possible.

(2) The Tribunal may, if it sees fit, proceed with the hearing of a charge even

though—

(a) there may be mediation or conciliation proceedings under this canon relating to the subject matter of the charge; and

(b) there may be criminal or other proceedings being taken against the Bishop.

(3) The Tribunal may make a recommendation in relation to a person the subject of the charge who has ceased to be a current Bishop after the charge was lodged with the Registrar.

Notice of a sitting

50. (1) Subject to subsection (2), the Tribunal must give the following persons reasonable notice of the time and place of a sitting of the Tribunal:

(a) the person or body bringing the charge; and

(b) the respondent; and

(c) such other persons as the Tribunal believes have a proper interest in the matter.

(2) The Tribunal is not obliged to give notice of a sitting to a person whose whereabouts cannot, after reasonable enquiries, be ascertained.

(3) The Tribunal may conduct a hearing and make a determination in any proceedings in the absence of the respondent if satisfied that reasonable efforts were made to give that person an opportunity to appear.

Presence at a sitting

51. (1) Subject to subsection (2), a sitting of the Tribunal on a reference before the Tribunal is an open sitting.

(2) On any such sitting before the Tribunal, the Tribunal has an absolute discretion to direct that persons other than—

(a) the respondent and any person representing the respondent in the proceedings; and

(b) witnesses or persons making submissions (while giving evidence or making those submissions); and

(c) officers of the Tribunal or persons assisting the Tribunal; or

(d) the person bringing the charge or their representatives—

not be present in the room while the Tribunal is sitting.

Representation

52. At any hearing before the Tribunal or before a member of it the ESC and the Bishop may be represented by a legal practitioner or, with leave of the Tribunal, by any other person.

Board of Assessors may be used

53. At any time during the course of a hearing the Tribunal may obtain the opinion of the Board of Assessors of the Appellate Tribunal.

Conduct of the hearing and evidence

54. (1) In any proceedings of the Tribunal where the Tribunal is constituted by two or more members–

(a) any question of law or procedure will be determined by the President; and

(b) any other question will be determined by majority decision of the members, and in the case of an equality of votes the opinion of the President must prevail.

(2) The Tribunal must act with fairness and according to equity, good conscience and the substantial merits of the case without regard to technicalities or legal forms and is not bound by the rules of evidence but may inform itself on any matter in such manner as it thinks fit.

(3) Without limiting the meaning and effect of subsection (4), the Tribunal may receive evidence of a witness in the form of an affidavit, statutory declaration or a signed statement without the need for the personal attendance of the witness, and may also use electronic means such as video link or conference telephone to receive evidence and submissions, but must permit the respondent and his representative (if any) opportunity to adequately cross-examine each witness.

(4) The Tribunal may inform itself from the record of any court or tribunal and may adopt any findings, and accept as its own, the record of any court or tribunal.

Decision by majority of Tribunal

55. A decision of the Tribunal is the decision of a majority of the Tribunal.

What the Tribunal must take into account

56. In making any determination the Tribunal must take into account—

(a) the conduct of the Bishop as it finds it to have been; and

(b) in the material before the Tribunal, any other fact or circumstance relevant to the determination of the question before it.

Tribunal to give reasons

57. The Tribunal must give written reasons for any determination, other than by way of directions in the course of a proceeding, unless the determination is made by consent of the respondent.

Tribunal may make an order by consent

58. The Tribunal may make an order by consent of the parties before it.

Costs and funding

59. (1) The Tribunal has no power to award costs of any proceedings before it.

(2) A Bishop who is the subject of a charge before the Tribunal may apply to the Standing Committee for the provision of legal assistance from the time of first being notified of the investigation or charge.

(3) The Standing Committee may grant such legal assistance as may be reasonably necessary to enable the Bishop to be properly represented and may do so on the terms and subject to the conditions it determines are reasonably necessary.

Entries on the National Register

60. In a case where entry is required under the National Register Canon 2007, a recommendation of the Tribunal, or the date and particulars of the recommendation, must be entered on the National Register together with a record of any action taken consequent upon the recommendation.

DIVISION 4 - RULES, PROCEDURES AND ADMINISTRATION

Rules

61. (1) The presidential members of the panel may make rules of the Tribunal in relation to the practice and procedure of the Tribunal.

(2) Subject to this Canon and the rules, the practice and procedure of the Tribunal are as directed by the President of the Tribunal.

Tribunal constituted by a single member

62. (1) The rules may provide that, in relation to the exercise of specified functions, or in relation to matters of a specified class, the Tribunal may, at the direction of the President, be constituted by a single member sitting alone.

(2) The Tribunal constituted by a single member sitting alone cannot determine a charge or make a recommendation as to sentence.

(3) Where the Tribunal is constituted by a member sitting alone who is not the President, any question of law that arises must be referred to the President for decision and any decision made on such a reference is a decision of the Tribunal.

Concurrent sittings

63. The Tribunal, separately constituted in accordance with this Part, may sit simultaneously for the purpose of matters referred to it or for conducting separate business of the Tribunal.

Registrar

64. The Registrar of the Tribunal is the General Secretary of the General Synod.

Public statements

65. (1) The Director may release to the public such material as they may determine with respect to any complaint.

(2) At any time after the first directions hearing the Tribunal or, if so authorised by the Tribunal, the person or body bringing the charge, may make public a statement concerning the nature of the charge and the Bishop against whom the charge is brought.

(3) Upon the determination of any charge by the Tribunal and the recommendation of any sentence by the Tribunal, the Tribunal, or if so authorised by the Tribunal, the person or body bringing the charge, may make public a statement of the decision and, where appropriate, concerning the nature of the charge proved and the sentence imposed by the Tribunal, together with such reasons or a summary thereof as the Tribunal must direct or approve.

DIVISION 5 - APPEAL

Appeals

66. An appeal to the Appellate Tribunal from the Tribunal, other than in respect of a breach of faith, ritual or ceremonial, must be by leave of the Appellate Tribunal.

PART 9 – DEPOSITION FROM ORDERS

Deposition

67. (1) The deposition of a Bishop from Holy Orders by the Primate pursuant to the recommendation of the Tribunal must be effected by the execution by the Primate of an Instrument of Deposition in or to the effect of the form in the Second Schedule.

(2) The Primate must forthwith—

(a) register the Instrument in the Registry of the Primate;

(b) deliver a copy of the Instrument to the Diocesan bishop of the diocese or dioceses in which the person who is the subject of the Instrument was ordained priest and bishop;

(c) if the person was a Diocesan bishop, deliver a copy of the Instrument to the registrar of the diocese concerned; and

(d) cause relevant details to be forwarded for entry into the National Register.

PART 10 – STATUS, COMING INTO EFFECT AND TRANSITION

DIVISION 1 – AMENDMENTS TO OTHER CANONS

Amendments to the Offence Canon 1962 relating to child protection

68. In the Offences Canon 1962—

(a) following Item 4 of section 2 insert:

"4A. Conduct occurring at any time since the commencement of this canon that is within the meaning of "examinable conduct" as defined in, and as the words and expressions used in that definition were defined in, the Episcopal Standards (Child Protection) Canon 2017 as enacted by the 17th General Synod and amended by Canon 11, 2022.";

(b) following Item 2 of section 2A insert:

"2A. Conduct occurring at any time since the commencement of this canon that is within the meaning of "examinable conduct" as defined in, and as the words and expressions used in that definition were defined in, the Episcopal Standards (Child Protection) Canon 2017 as enacted by the 17th General Synod and amended by Canon 11, 2022."; and

(c) after section 5 insert:

"6. Since this canon first commenced a sexual offence relating to a child has always been disgraceful for the purposes of Item 5 in section 1 and Item 4 in section 2".

Amendments to definitions in Safe Ministry to Children Canon 2017

69. In section 3 of the Safe Ministry to Children Canon 2017—

(a) the definition of "professional standards process" is repealed; and

(b) in the definition of "professional standards role" for "professional standards process" substitute:

"a process for determining the fitness for office of clergy or lay persons under any canon of the General Synod or diocesan ordinance or a process under Chapter IX of the Constitution, where the conduct that is the subject of the process relates to child abuse".

DIVISION 2 – ADOPTION AND TRANSITION

Canon affects the discipline of the Church

70. This canon affects the discipline of the Church.

Effect of a Diocesan synod adopting this Canon

71. Subject to this Division, on the date on which a diocese adopts this Canon—

(a) the Special Tribunal Canon 2007 ceases to operate in that diocese;

(b) the Episcopal Standards Canon 2007 is excluded by that diocese if that diocese has previously adopted it; and

(c) the Episcopal Standards (Child Protection) Canon 2017 is excluded by that diocese if that diocese has previously adopted it.

Savings

72. (1) Despite this Canon being adopted by a Diocese, the Special Tribunal Canon 2007, the Episcopal Standards Canon 2007 and the Episcopal Standards (Child Protection) Canon 2017 continue to operate in that Diocese to the extent necessary to enable any allegation or complaint already made to be considered or investigated, and any charge or other proceeding heard or decided or otherwise disposed of.

(2) A protocol made under or operating for the purposes of the Special Tribunal Canon 2007 continues in effect until the Standing Committee approves a protocol under section 18 of this Canon.

(3) When this Canon is adopted in a diocese that has excluded the operation of section 47(2) of that Canon in that diocese, that exclusion operates as an exclusion under section 39(2) of this Canon.

Office holders under the Special Tribunal Canon 2017 to continue

73. (1) Subject to this section, a person who holds any office, role or position under the Special Tribunal Canon 2007 also holds the equivalent office, role or position under this Canon and in accordance with Part 6.

(2) Subsection (1) continues to have effect if the Special Tribunal Canon 2007 has ceased to operate in all Dioceses.

(3) At the time of conducting elections for presidential members of the Special Tribunal, the General Synod may elect a third presidential member for the purposes of section 34(1)(a), but a presidential member so elected does not become a member of the Special Tribunal panel established by the Special Tribunal Canon 2007.

FIRST SCHEDULE

(Section 20(2))

1 A breach of faith, ritual or ceremonial;

2 Drunkenness;

3 Wilful failure to pay just debts.

SECOND SCHEDULE

TO

I, PRIMATE/ARCHBISHOP of

by this instrument depose you from Holy Orders (particulars of which are set out below) in accordance with the recommendation of the Special Tribunal of the Anglican Church of Australia dated the day of

PARTICULARS OF HOLY ORDERS

FULL NAME AND ADDRESS

	ORDAINING BISHOP(S)	PLACE	DATE
ORDINATION AS DEACON	.....	.....	.....
ORDINATION AS PRIEST	.....	.....	.....
CONSECRATION AS BISHOP	.....	.....	.....

DATED:

SEALED

THIRD SCHEDULE

(Sections 3(3), 39(2) and 39(4))

1. Child abuse

2. 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.

3. Failure to comply with a direction of the Episcopal Standards Board established under the Episcopal Standards Canon 2007 or the Episcopal Standards (Child Protection) Canon 2017 or any other Board established under an ordinance of a provincial synod or diocesan synod for dealing with the fitness of a bishop to hold office or to be or remain in Holy Orders.

4. Failure without reasonable excuse to give effect to a recommendation given to the person under or for the purposes of section 60(1) of the Constitution.

5. Ordaining or authorising to function a member of the clergy or permitting to function a church worker contrary to, or in the absence of, a recommendation of a screening authority, or with actual knowledge or reasonable grounds for suspecting that the screening authority may not have properly discharged its statutory functions in making its relevant recommendation.

6. Ordaining or authorising to function a member of the clergy, or permitting to function a church worker, who poses a serious risk to the safety of children with actual knowledge or reasonable grounds for suspecting that the person poses that risk.

7. Conduct occurring at any time since the commencement of this canon that is within the meaning of "examinable conduct" as defined in, and as the words and expressions used in that definition were defined in, the Episcopal Standards (Child Protection) Canon 2017 as enacted by the 17th General Synod and amended by Canon 11, 2022.

Primate's appointment when the canon shall come into force [SO63(19)]

I appoint the 11th August 2026 as the date on which this canon shall come into force.

Secretaries' Certification of copy of Canon as passed [SO63(20)]

We certify that the Canon above is a copy of the Canon as passed on the 11th day of August 2026.

Dated: 13/8/26

The Ven Stephen Carnaby
Clerical Secretary

Ms Sarah Crutch
Lay Secretary

SPECIAL TRIBUNAL CANON 2007 (AMENDMENT) CANON 2026

Canon 15, 2026

The General Synod prescribes as follows:

Amendment to the Special Tribunal Canon 2007

1. In section 43 of the Special Tribunal Canon 2007—

   (a) in subsection (1), for "Subject to subsection (1A)" substitute "Subject to this section";

   (b) subsection (1A) is repealed;

   (c) in subsection (2), for "The Synod" substitute "Subject to subsection (3), the synod"; and

   (d) in subsection (3)—

      (i) for "A declaration" substitute "Despite subsection (2), a declaration" and

      (ii) after paragraph (a) insert:

         "(aa) does not limit the powers of the ESC to investigate an allegation or complaint or to bring a charge in relation to a matter that would constitute examinable conduct under the Episcopal Standards (Child Protection) Canon 2017.

Canon affects the discipline of the church

2. This canon affects the discipline of the church.

Primate's appointment when the canon shall come into force [SO63(19)]

I appoint the 13th August 2026 as the date on which this canon shall come into force.

Secretaries' Certification of copy of Canon as passed [SO63(20)]

We certify that the Canon above is a copy of the Canon as passed on the 13th day of August 2026.

Dated: 13/8/26

The Ven Stephen Carnaby
Clerical Secretary

Ms Sarah Crutch
Lay Secretary

CONSTITUTION AMENDMENT (PROVINCIAL COMPOSITION) CANON 2026, CONSTITUTION AMENDMENT (PROVINCIAL CONSTITUTIONS) CANON 2026, CONSTITUTION AMENDMENT (FIRST NATIONS BISHOPS) CANON 2026, CONSTITUTION AMENDMENT (DEFENCE FORCE REPRESENTATION IN GENERAL SYNOD) CANON 2026 ASSENTING ORDINANCE 2026

General Synod – Constitution Amendment (Provincial Composition) Canon 2026

Constitution Amendment (Provincial Constitutions) Canon 2026

Constitution Amendment (First Nations Bishops) Canon 2026

Constitution Amendment (Defence Force Representation in General Synod) Canon 2026 Assenting Ordinance 2026

EXPLANATORY MEMORANDUM

INTRODUCTION

The purpose of this ordinance is to give assent to the following Canons of General Synod which were passed in August 2026:

Canon 3, 2026: the Constitution Amendment (Provincial Composition) Canon 2026,
Canon 4, 2026: the Constitution Amendment (Provincial Constitutions) Canon 2026,
Canon 5, 2026: the Constitution Amendment (First Nations Bishops) Canon 2026, and
Canon 9, 2026: the Constitution Amendment (Defence Force Representation in General Synod) Canon 2026.

Each of these canons alters the Constitution of the Anglican Church of Australia in the ways set out below. These canons will not take effect until 75% of the dioceses of the Anglican Church of Australia have given their assent to them.

CANON 3, 2026

Constitution Amendment (Provincial Composition) Canon 2026

At present the Constitution (in sections 37-38) only allows for the formation of a new province, or change which dioceses make up a province, if approved by the General Synod, which only meets every four years. This means that it can take many years for such a change to be made. This amending canon will give the General Synod Standing Committee power to make such changes, without removing the power from General Synod, so that either body can do so. This creates greater capacity for timely change should it be needed.

CANON 4, 2026

Constitution Amendment (Provincial Constitutions) Canon 2026

Similarly, the Constitution (sections 40-41) only allows for the General Synod to establish a constitution for a new province or alter the constitution of an existing province. This amending canon will give the General Synod Standing Committee power to so, without removing the power from General Synod.

CANON 5, 2026

Constitution Amendment (First Nations Bishops) Canon 2026

This canon amends section 17(8)(a) of the Constitution, primarily to make the First Nations Bishops *ex officio* members of General Synod and removing the terminology of "non-diocesan representatives" in relation to First Nations Bishops. It includes some other consequential drafting changes to the same section.

CANON 9, 2026:

Constitution Amendment (Defence Force Representation in General Synod) Canon 2026

This canon amends section 17(1) of the Constitution to enable members of the Defence Force to be represented at General Synod in the House of Clergy by the Bishop to the Defence Force and by a full-time chaplain in the Australian Defence Force.

As these are canons of the General Synod, diocesan Synods do not have power to amend the text of the canons. The assenting ordinance is brought to Synod at the recommendation of Bishop-in-Council.

General Synod - Constitution Amendment (Provincial Composition) Canon 2026, Constitution Amendment (Provincial Constitutions) Canon 2026, Constitution Amendment (First Nations Bishops) Canon 2026, and Constitution Amendment (Defence Force Representation in General Synod) Canon 2026 Assenting Ordinance 2026

Title:

AN ORDINANCE TO ASSENT TO

- Canon 3, 2026: the Constitution Amendment (Provincial Composition) Canon 2026,
- Canon 4, 2026: the Constitution Amendment (Provincial Constitutions) Canon 2026,
- Canon 5, 2026: the Constitution Amendment (First Nations Bishops) Canon 2026, and
- Canon 9, 2026: the Constitution Amendment (Defence Force Representation in General Synod) Canon 2026,

of the General Synod of the Anglican Church of Australia.

The Synod ordains as follows:

1. Name:
   This Ordinance is the General Synod - Constitution Amendment (Provincial Composition) Canon 2026, Constitution Amendment (Provincial Constitutions) Canon 2026, Constitution Amendment (First Nations Bishops) Canon 2026, and Constitution Amendment (Defence Force Representation in General Synod) Canon 2026 Assenting Ordinance 2026.

2. Assent to the Canons:
   The Synod assents to Canon 3, 2026, Canon 4, 2026, Canon 5, 2026 and Canon 9, 2026 of the General Synod of the Anglican Church of Australia, a copy of each of which is included in the schedule to this Ordinance.

I certify that this Ordinance was passed by the Synod of the Diocese of Bathurst on this day of September 2026.

.....
Registrar
I give my assent to this Ordinance.

.....
Bishop of Bathurst

Schedule

See attached.

OFFENCES AMENDMENT CANON 2026

CONSTITUTION AMENDMENT (PROVINCIAL COMPOSITION) CANON 2026

Canon 03, 2026

The General Synod prescribes as follows:

Title

1. This canon is the Constitution Amendment (Provincial Composition) Canon 2026.

Creating a new province

2. In section 37 of the Constitution, for "ratified by canon of General Synod" substitute

"ratified by—

(a) canon of General Synod; or

(b) the Standing Committee of General Synod where two-thirds of all the members of the Standing Committee, including all the metropolitans and the Primate (if not a metropolitan), vote in favour of the ratification."

Typographical correction

3. In section 37 of the Constitution, for "preferred" substitute "referred".

Alteration of the composition of a province

4. For section 38 of the Constitution substitute:

"(1) A province may be altered either by an increase or by a decrease in the number of dioceses forming the province, if—

(a) where there is a constitution of the province, the alteration is in accordance with that constitution; and

(b) where there is no constitution of the province, each diocese in the province signifies its consent to the alteration.

"(2) An alteration under subsection (1) takes effect only when it is ratified by—

(a) canon of General Synod; or

(b) the Standing Committee of General Synod where two-thirds of all the members of the Standing Committee, including all the metropolitans and the Primate (if not a metropolitan), vote in favour of the ratification."

Primate's appointment when the canon shall come into force [SO63(19)]

I appoint the 10th August 2026 as the date on which this canon shall come into force.

Secretaries' Certification of copy of Canon as passed [SO63(20)]

We certify that the Canon above is a copy of the Canon as passed on the 10th day of August 2026.

Dated: 13 August 2026

The Ven Stephen Carnaby
Clerical Secretary

Ms Sarah Crutch
Lay Secretary

Introduction Print

CONSTITUTIONAL AMENDMENT (FIRST NATIONS BISHOPS) CANON 2026

Canon 05, 2026

The General Synod prescribes as follows:

For section 17(8)(a) of the Constitution, substitute:

"(a) For every session of Synod the members of Synod include—

(i) each person holding office as a First Nations Bishop under a Canon; and

(ii) non-diocesan representatives being—

A. an Aboriginal person in Holy Orders and a Torres Strait Islander in Holy Orders who shall be members of the House of Clergy; and

B. an Aboriginal lay person and a Torres Strait Islander lay person who shall be members of the House of Laity."

Primate's appointment when the canon shall come into force [SO63(19)]

I appoint the 11th August 2026 as the date on which this canon shall come into force.

Secretaries' Certification of copy of Canon as passed [SO63(20)]

We certify that the Canon above is a copy of the Canon as passed on the 11th day of August 2026.

Dated: 13 August 2026

The Ven Stephen Carnaby
Clerical Secretary

Ms Sarah Crutch
Lay Secretary

CONSTITUTION AMENDMENT (DEFENCE FORCE REPRESENTATION IN GENERAL SYNOD) CANON 2026

Canon 9, 2026

The General Synod prescribes as follows.

Title

1. This Canon may be referred to as the "Constitution Amendment (Defence Force Representation in General Synod) Canon 2026".

Enabling amendment

2. In the Constitution in section 17(1)—

   (a) for "each diocese" substitute "each diocese, the Bishop to the Defence Force appointed under a Canon,"; and

   (b) "for "Section 17(8)(a)(ii)" substitute "section 17(8)(a)(ii) or section 17(8)(a)(iia)".

Defence Force members of the House of Clergy

3. In section 17(8)(a)—

   (a) in paragraph (ii), omit "and"; and;

   (b) following section 17(8)(a)(ii) insert—

   "(iia) a bishop, priest or deacon who is a full-time chaplain in the Australia Defence Force, who shall be a member of the House of Clergy;".

Primate's appointment when the canon shall come into force [SO63(19)]

I appoint the 12th August 2026 as the date on which this canon shall come into force.

Secretaries' Certification of copy of Canon as passed [SO63(20)]

We certify that the Canon above is a copy of the Canon as passed on the 12th day of August 2026.

Dated: 13/8/26

The Ven Stephen Carnaby
Clerical Secretary

Ms Sarah Crutch
Lay Secretary

RECORDS AND ARCHIVES ORDINANCE 2026

AN ORDINANCE to regulate the keeping and preservation of the Records of the Church, and for related purposes.

WHEREAS it has become expedient to repeal the Records and Archives Ordinance 2004-2005 (the Repealed Ordinance),

AND WHEREAS any appointment, regulation, policy, approval, authority, transfer of records or other act made or done under the Repealed Ordinance and in force immediately before the commencement of this Ordinance continues in force, so far as it is not inconsistent with this Ordinance, as if made or done under this Ordinance,

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

PRELIMINARY AND DEFINITION

1. This Ordinance may be cited as the "Records and Archives Ordinance 2026". It replaces the Records and Archives Ordinance 2004-2005.

DEFINITIONS

2. In this Ordinance or in any regulation made pursuant to the provisions of this Ordinance unless the context or subject matter otherwise requires:

“Appraisal” means evaluating business activities or functions to determine what records need to be retained and how long they need to be retained in order to meet business needs, and organisational accountability and community needs.

"Archives" means the Records that have been selected in accordance with this Ordinance for permanent retention on the basis of their continuing value for legal, administrative, financial or historical research purposes.

"Committee" means the Records and Archives Committee as constituted by this Ordinance.

"Diocesan Archivist" means the person appointed by the Bishop to provide advice, guidelines and regular management of Diocesan and Parish records and related activities.

"Disposal" (in relation to Records) means the processes associated with implementing records retention, and destruction or archival transfer decisions as documented in a Retention and Disposal Authority.

“Office Holder” means stipendiary and non-stipendiary clergy, employed staff of parishes and diocesan organisations, churchwardens, parish councillors, ministry leaders of organisations within the Parish and the Diocese.

“Parish” means a parish of the Diocese.

"Records" means information in any format created, received, or maintained as evidence by a parish, Office Holder or the Diocese , pursuant to any legal obligation or in the conduct of parish or Diocesan business or activities.

"Records and Archives Unit" means the place or places provided or approved by Bishop-in Council where archives are housed.

"Regulation" means a regulation made pursuant to the provisions of this Ordinance.

"Retention and Disposal Authority" means a formal instrument defining the retention periods and consequent disposal actions authorised for classes of records by the Registrar.

APPLICATION OF ORDINANCE

3. The provisions of this Ordinance apply to all parishes, special ministries and organisations listed in Schedule A or as determined by the Bishop.
4. This Ordinance does not apply to records of schools in the diocese.

OWNERSHIP OF RECORDS

5. All Records are the property of the Anglican Property Trust Diocese of Bathurst.

RECORDS MANAGEMENT

6. All Records must be dealt with in accordance with the provisions of this Ordinance and any Regulations.

RESPONSIBILITY

7. All Office Holders have a responsibility to ensure that Records are created, retained and kept to accurately reflect the life of the Diocese and its parishes.
8. The Committee has a responsibility to issue guidelines that assist parishes, diocesan organisations and the Registrar in the management of the Records. This includes the creation, storage (both physical and digital), disposal and retention of records as Archives.

DELIVERY OF RECORDS

9. All Records must, within 12 months of ceasing to be in current use (including for entry or for frequent reference by those in authority who use them), be forwarded to the Registrar.
10. The Diocesan Archivist is to determine whether or not such records are to be deposited in the Records and Archives Unit for storage and preservation.
11. Upon the transfer of Records under clause 9, the responsibility for their care and management transfers to the Registrar.

THE RECORDS AND ARCHIVES COMMITTEE

12. The Committee shall consist of:

    (a) A chairperson appointed by the Bishop;

    (b) The Registrar or the Registrar's nominee;

    (c) The Diocesan Archivist;

    (d) The Dean of the Bathurst Cathedral or the Dean's nominee; and

    (e) One other person appointed by the Bishop and up to two other persons appointed by Bishop-in-Council, all in so far as is possible with relevant experience in information management and an understanding of church history and its place in society.

13. The Committee may invite such other experienced persons to attend meetings of the Committee as it considers necessary to assist in the discharge of its responsibilities, but such persons shall not have powers of proposition or vote.

14. The responsibilities of the Committee are to:

    (a) create, amend and recommend for approval by Bishop-in-Council, the policies, the Retention and Disposal Authority, and the associated resources required for best practice in records and archives management;

    (b) oversee the adequate preservation and conservation of Records acquired for the Records and Archives Unit; and

    (c) report annually on the functioning of the Records and Archives Unit to Bishop-in Council and the Anglican Property Trust.

THE DIOCESAN ARCHIVIST

15. The Bishop may appoint a qualified person to be Diocesan Archivist on such terms and conditions as the Bishop deems appropriate.

16. The responsibilities of the Diocesan Archivist are to:

    (a) administer the Records and Archives Unit in accordance with this Ordinance;

    (b) ensure that the recording of all acquisitions of materials from all sources and the preservation, conservation and disposal of Diocesan and Parish records held in the Records and Archives Unit are in accordance with such professional standards usually required of archives and archivists;

    (c) encourage and facilitate access for the purposes of academic and scholarly research into the Diocesan and Parish records held in the Records and Archives Unit; and

    (d) provide advice for the acquisition, preservation, conservation and disposal of records from private sources relevant to the activities of the Church.

17. With the agreement of the Committee, and the prior approval of the Registrar, the Diocesan Archivist may appoint other duly trained person/s to assist in the day to day management of the Records and Archives Unit.

18. The Diocesan Archivist and any person/s appointed by the Archivist shall be responsible to the Registrar for the day to day duties and management of the Records and Archives Unit.

RETENTION AND DISPOSAL OF RECORDS

19. The disposal of any Records may be done only in accordance with the current approved Retention and Disposal Authority and such Regulations and procedures as may from time to time be in force pursuant to this Ordinance.

20. A summary of the Retention and Disposal Authority for all parishes, as at the date of this Ordinance, is found in Schedule B.

REGULATIONS

21. Bishop-in-Council may from time to time adopt policies and make, amend or repeal regulations not inconsistent with this Ordinance, providing for all or any of the purposes set out in this Ordinance.

22. Regulations providing for access to Diocesan and Parish records shall not be contrary to any law in force from time to time in the State of New South Wales, and in the case of records other than Diocesan and Parish records may not be contrary to any expressed direction given by or on behalf of any person who shall deposit such records.

APPROVED POLICIES AND FORMS

23. Approved policies, procedures and guidelines are to be published on the Diocesan website. The following documents are essential for maintaining best practice management of the records and archives of the Diocese and parishes and must be applied by Office Holders:

    (a) Archives and Records Management for Diocese and Parishes - Policies and Principles;

    (b) Records and Archives Management Manual;

    (c) Retention and Disposal Authority (available from the Diocesan Office upon request); and

    (d) Parish Records Guidelines.

I certify that this Ordinance was passed by the Synod of the Diocese of Bathurst on this day of September 2026.

.....
Registrar
I give my assent to this Ordinance.

.....
Bishop of Bathurst

SCHEDULES

SCHEDULE A – PARISHES AND ORGANISATIONS TO WHICH THIS ORDINANCE APPLIES

1. Registry Office of the Diocese of Bathurst.
2. All parishes and special ministries of the Diocese, as defined by the Parishes Ordinance, including all closed and amalgamated parishes and churches.
3. The following diocesan agencies:
    - Brotherhood of the Good Shepherd
    - Company of the Good Shepherd
    - St Michaels Home, Kelso
    - St Johns Hostel, Forbes

SCHEDULE B – WHAT RECORDS MUST BE KEPT

The Diocese has a Retention and Disposal Authority which outlines all records which need to be created and how long they need to be kept. A summary of what Parish records need to be retained is listed below.

For records with a **Permanent/Temporary** retention, consultation with the Registrar is required before disposal.

Record Types	Titles	Retention period
Registers	Baptismal, confirmation, burial, marriage, service and Banns	Permanent
Official Records	Parish Council, Building Committee, Churchwardens, Trustees, Sub-committees, Churchwardens - minute books, contracts, plans, lists of office bearers, etc.	Permanent
Accounting records	Audited Financial Statements.	Permanent
Accounting records	Financial transaction records.	7 years after Audit, then securely destroyed
General correspondence	Inward and outward including backed up emails.	Permanent/Temporary
Official Correspondence	Episcopal and from the Registrar: inward and outward including backed up emails.	Permanent
Annual Reports	At least one hard copy.	Permanent
Parish organisations	Sunday school/club, Youth, Men's, Women's - minute books, correspondence, lists of office bearers.	Permanent/Temporary
Parish organisations	Attendance registers and church worker rosters for all Parish activities for minors (under 18-year-olds)	Permanent
Inventory: buildings and contents	Inventory of all furniture, service books, muniments, records and vessels belonging to the church, including photographs of items, and update/correct the inventory from time to time.	Permanent
Orders of Services, pew sheets, Newsletters, etc	Printed and bound, if possible, but electronic copies saved.	Permanent/Temporary
Personal	Clergy records, memorabilia, reminiscences, etc.	Permanent/Temporary
Photographs	Clergy, office bearers, buildings, functions, etc. - named and dated if possible.	Permanent/Temporary
Artifacts and donations	Record their provenance – where and from whom. Deed of gift documentation if possible.	Permanent