

CLERGY DISCIPLINE STATUTE 2021

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A STATUTE RELATING TO CLERGY DISCIPLINE WITHIN THE CHURCH

PREAMBLE

The Statute is shaped by the call of the church to be an agent of reconciliation, grace, mercy and mutual accountability. The gospels, pastoral epistles and the ordinal make it plain that those called to ordained leadership hold a sacred trust and their conduct must meet the highest standards.

PART 1 - PRELIMINARY

- 1 Short Title**
- 1.1 This Statute may be cited as the Clergy Discipline Statute 2021.
- 2 Repeal**
- 2.1 The Clergy Discipline Statute 1996 is hereby repealed.
- 3 Application**
- 3.1 This Statute applies to two different and distinct processes for dealing with:
 - (a) in Part 3, Misconduct by a member of clergy as defined in section 4.1; and
 - (b) in Part 4, a Clergy Offence by a member of clergy as defined in section 4.1.
 Part 3 processes involve an investigation and assessment as to whether a member of clergy is fit to hold a particular office by reason of the alleged Misconduct and the appropriate consequences, whereas Part 4 processes involve an investigation and may lead to determination as to whether a Clergy Offence has been committed and appropriate disciplinary penalties.
- 3.2 A charge of a Clergy Offence may be brought under Part 4 in relation to events, facts or questions which have been the subject of a complaint under Part 3 or the subject of a complaint of a breach of professional standards.
- 3.3 A complaint of Misconduct under Part 3 or a complaint of a breach of professional standards may not be made or continued in relation to events, facts or questions which are or have been the subject of a charge of a Clergy Offence under Part 4 except where permitted under section 23.2 of this Statute or by the Professional Standards Statute.
- 3.4 Diagrams outlining in summary the key processes under this Statute are set out in Schedules 1 and 2, but if there is any conflict between the wording of this Statute and the diagrams, the wording of this Statute must prevail.

3.5 Misconduct in Part 3 does not include any matters that may amount to a breach of professional standards. Matters which give rise to the removal of a clergy licence under the terms of that licence may also be dealt with under the Clergy Appointment and Licensing Statute.

3.6 This Statute is to come into effect at the same time as the Professional Standards Statute.
This Statute does not cover misconduct or offences by the Archbishop, but it does cover Misconduct or a Clergy Offence by any member of clergy acting in the role of the Administrator.

4 Definitions

4.1 In this Statute, unless the context otherwise requires:

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

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

Appellate Tribunal means the tribunal constituted in accordance with the Appellate Tribunal Canon 1981;

Archbishop means the Archbishop of Perth appointed pursuant to the Archbishop's Statute 2016 and, except where otherwise indicated, shall include the Administrator acting in the absence of the Archbishop;

alternative resolution processes include processes, such as mediation, conciliation and restorative engagement. Further details of how these processes may be applied may be outlined in a policy;

Board means the Conduct Board established under Part 3 of this Statute;

Board of Enquiry means the board of enquiry constituted in accordance with section 76;

breach of discipline means:

- (a) a breach of faith, ritual or ceremonial;
- (b) a breach of other rules of the Church which impose on members of the clergy obligations regarding the religious or moral life of the Church;
- (c) a breach of any other obligations in the Ordinal undertaken by the member of clergy; and
- (d) breach of the obligations in statutes and canons in force in the Diocese;

breach of professional standards means a breach of professional standards as defined in the Professional Standards Statute;

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

chaplains mean members of clergy appointed to serve in an allied ministry;

Church means the Anglican Church of Australia within the Diocese;

Church Advocate means the person appointed under section 77 of this Statute;

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

Church authority means the Archbishop or a person or entity having administrative authority of or in a Church entity to licence, appoint, authorise, dismiss or suspend a member of Clergy;

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

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

clergy or member of the clergy means an assistant bishop, priest or deacon of the Church or of any other church in communion with the Church. In this Statute, the terms include any member of clergy acting as an Administrator but does not include the Archbishop;

Clergy Appointment and Licensing Statute means the Clergy Appointment and Licensing Statute 2021 and any replacement statute;

Clergy Offence means –

- (a) a breach of discipline;
- (b) unchastity;
- (c) alcohol, drug or substance abuse;
- (d) habitual and wilful neglect of ministerial duty after written admonition in respect thereof by the Archbishop;
- (e) wilful failure to pay just debts;
- (f) conduct, wherever occurring:
 - (i) which would be disgraceful if committed by a member of clergy, and
 - (ii) which at the time the charge is laid is productive (or if known publicly would be productive) of scandal or evil report;
- (g) child abuse;
- (h) failure without reasonable excuse to comply with the laws of the Commonwealth or a State or Territory requiring the reporting of child abuse to the police or other authority;
- (i) conviction for a criminal offence that is punishable by imprisonment for 12 months or more in respect of a member of the clergy if –

- (i) the act of the member of the clergy which gave rise to the charge occurred in the Diocese, or
- (ii) the member of the clergy was licensed by the Archbishop or was resident in the Diocese within two (2) years before the charge was laid, or
- (iii) the member of the clergy is in prison as a convicted person at the time the charge was laid, but within two (2) years before imprisonment was licensed by the Archbishop or was ordinarily resident in the Diocese; or
- (j) any other offence prescribed by a canon of General Synod which has been adopted or assented to by this Diocese or any statute of this Diocese.

Committee means the Conduct Committee established under Part 3 of this Statute.

Committee Secretary means the person appointed by the Diocesan Secretary, or in accordance with any relevant policies of the Diocesan Council, to act as a secretary to the Committee.

complainant means a person who makes a complaint;

complaint means a complaint alleging Misconduct.

conciliation means a process in which parties to a dispute, with the assistance of a neutral third-party conciliator, identify the disputed issues, develop options, consider alternatives and endeavour to reach an agreement. The conciliator may have an advisory role in regard to the content of the dispute or the outcome of its resolution, but not a determinative role. The conciliator may advise on or determine the process of conciliation whereby resolution is attempted and may make suggestions or give advice on terms of settlement.

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

Constitution means the Constitution of the Anglican Church of Australia;

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

delegate means a person sent or authorised to represent others;

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

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

Diocesan Tribunal or Tribunal means the tribunal constituted in accordance with section 74 with the jurisdiction to hear and determine charges of Clergy Offences under this Statute;

Diocese means the Diocese of Perth;

diocese means a diocese of the Anglican Church of Australia;

Director means the Director of Professional Standards appointed under the Professional Standards Statute and includes an acting Director of Professional Standards;

electronic communication means

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

faith includes the obligation to hold the faith. Unless the context or subject matter otherwise indicates, any reference to faith shall extend to doctrine;

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

mediation means a process in which parties to a dispute with the assistance of a neutral third party ('the mediator') identify the disputed issues, develop options, consider alternatives and endeavour to reach an agreement. The mediator has no advisory or other determinative role in regard to the content of the dispute or the outcome of its resolution but may advise on or determine the process of mediation whereby resolution is attempted;

ministry means ordained ministry;

Misconduct means conduct by a member of clergy, occurring before or after the commencement of this Statute, which, if established, would call into question:

- (a) the fitness of that person, whether temporarily or permanently, now or in the future to be or remain in Holy Orders or to exercise any ministry or hold or perform the duties of a particular role or any role, office, licence or position in the Church, Church entity or Church agency; or
- (b) whether, in the exercise of that person's role, office, licence or position, or in the performance of any function, that person should be subject to certain conditions or restrictions:
 - and may include:
 - (i) a failure to comply with the lawful direction of the Archbishop or the Archbishop's nominee;
 - (ii) a failure to remedy a breach of licence as outlined in the Clergy Appointment and Licensing Statute; or

(iii) wilful or repeated failure to comply with the statutes, canons, policies or Code of Conduct in force in the Diocese,

but excludes for the purposes of this Statute any breach of faith, ritual or ceremonial and any breach of professional standards. For the avoidance of doubt, incapacity to carry out ministry and mere mistakes will not constitute Misconduct under this Statute.

Ordinal means the form or manner for the making, ordaining and consecrating of bishops, priests and deacons as outlined in the Prayer Book;

Prayer Book means *The Book of Common Prayer* used together with *An Australian Prayer Book* and *A Prayer Book for Australia*;

prescribed information means for each complaint or matter arising under this Statute or any policy approved under it:

- (a) the names of the complainant and the respondent;
- (b) the contents of the complaint if in writing;
- (c) any notes, correspondence, reports, statements or other documents created, sent or received;
- (d) any determination of the Committee or the Board, as the case may be;
- (e) any decision of the Church authority and correspondence in connection with that decision; and
- (f) any other information of a kind prescribed by resolution of the Diocesan Council;

prescribed person means:

- (a) a complainant; or
- (b) any witness other than either the respondent or a witness as to character;

Professional Standards Committee or **PSC** means the Professional Standards Committee established under the Professional Standards Statute;

Professional Standards Statute means the Professional Standards Statute 2021 and any statute that replaces that statute;

prohibition order means an order prohibiting a member of clergy from holding a licence, specified position or office in the Diocese or Church entity, or from carrying out any specified functions in relation to any office or position in the Diocese or Church entity;

respondent means the member of clergy against whom a complaint or a charge of a Clergy Offence has been made and who is not deceased;

restorative engagement means facilitated processes in which persons affected by an act of harm, and/or events which have led to conflict meet together voluntarily in a facilitated group conference to explore what has happened; how people have been affected; and collaboratively decide what is necessary to repair harm, prevent recurrence and reset (renew or release) relationships;

reviewable decision means a determination or recommendation of the Board which, if acted upon by the relevant Church authority, may have the effect of:

- (a) deposing the respondent from Holy Orders; or
- (b) terminating the respondent's licence or removing the respondent from an office or position in the Diocese or Church entity;

Reviewer means the person appointed pursuant to section 64 who must be a legal practitioner of at least ten (10) years' standing.

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

schedule means a schedule to this Statute;

Statute means this statute;

Tribunal Panel means the panel referred to in section 75 from which Diocesan Tribunal members may be drawn; and

Tribunal Secretary means the person appointed by Diocesan Council to be the Secretary to the Diocesan Tribunal.

4.2 Unless defined differently in this Statute, words in this Statute will have the same meanings as in the Interpretation Statute 2016.

5 Overriding purposes of this Statute

5.1 The overriding purpose of this Statute and of any policies made under this Statute pertaining to a complaint or a charge of a Clergy Offence, is:

- (a) to operate, as far as practicable, in accordance with the alternative resolution processes and the principles supporting such processes;
- (b) to facilitate the just, expedient and efficient resolution of the real issues in the complaint, resolve conflicts and optimise relationships, in the best interests of all parties;
- (c) to uphold standards in the Church; and
- (d) to protect the community.

6 Overriding purposes to be given effect to

6.1 The persons and bodies exercising powers under this Statute must each seek to give effect to the overriding purposes of this Statute when exercising any power under this Statute or any policy made pursuant to this Statute and when interpreting any provision of this Statute or of any such policy.

PART 2 – POLICIES

7 Diocesan Council may approve policies

- 7.1 Diocesan Council may from time to time consider and approve one or more policies for implementation in relation to the matters which are the subject of this Statute and may promote the knowledge and observance of such policies.
- 7.2 The policies may include provisions or procedures for:
- (a) receiving complaints or charges of Clergy Offences;
 - (b) the appointment, role and function of professional support persons and carers for the complainant or the respondent;
 - (c) informing a complainant and a respondent of rights, remedies and relevant procedures available to them under the Statute or policies;
 - (d) assisting or supporting, as appropriate, complainants, respondents, and any person affected by conduct alleged in a complaint;
 - (e) an explanation of the processes for investigating and dealing with a complaint;
 - (f) dealing fairly with each party to a complaint including providing funding to assist respondents and/or complainants legal advice;
 - (g) processes and principles applicable to alternative resolution processes; and
 - (h) regular information, reports, advice and recommendations to the Archbishop and any other relevant Church authority.

PART 3 – MISCONDUCT COMPLAINTS AND GOVERNANCE

8 Committee and Board

- 8.1 There is to be a:
- (a) Committee constituted and appointed in accordance with Part 3.1; and
 - (b) Board constituted and appointed in accordance with Part 3.2.

PART 3.1 – CONDUCT COMMITTEE

9 Appointment of members of the Committee

- 9.1 The members of the Committee are to be appointed by Diocesan Council for a term of three (3) years and are to hold office on such terms and conditions as set out in relevant policies or as determined from time to time by the Archbishop

10 Membership of the Committee

- 10.1 The Committee must have at least three (3) members including the chair. So far as is reasonably practicable, the membership of the Committee shall be comprised equally of men and women.
- 10.2 The membership of the Committee is to include, as far as it is reasonably practicable, people with experience and appropriate professional qualifications in:
- (a) law;
 - (b) ordained ministry; and
 - (c) human resources, alternative resolution processes, pastoral ministry, psychology or psychiatry, social work or ethics.
- 10.3 The membership of the Committee may include people who are also members of the PSC, but the number of such members:
- (a) must not be greater than two (2); and
 - (b) must be less than half the membership of the Committee.

11 Chair

- 11.1 The chair of the Committee is to be appointed on such terms and conditions as set out in any relevant policy or as determined from time to time by the Archbishop.

12 Procedures of the Committee

- 12.1 The Committee will meet from time to time as determined by the chair or a majority of its members and may conduct its business by electronic communication.
- 12.2 Subject to any policy and to this Statute, the procedures of the Committee are to be as determined by the Committee.
- 12.3 A majority of the members constitutes a quorum.
- 12.4 The Committee must act in all things as expeditiously as possible.

13 Acts and proceedings of the Committee validated

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

14 Functions of the Committee

- 14.1 Subject to the provisions of this Statute, the Committee has the following powers and duties:
- (a) to implement this Statute and any policy to the extent that the policy is not inconsistent with this Statute;

- (b) to receive a complaint and, where appropriate, to deal with the complaint in a timely and appropriate manner;
- (c) to explore and, where appropriate, arrange for or carry out alternative resolution processes;
- (d) to review and monitor the work of the Committee Secretary under this Statute;
- (e) to appoint suitable persons to fulfil the several roles required to implement any policy in each particular case;
- (f) where appropriate, to recommend to the Archbishop any changes to any policy, Church processes, structures or education programs that would reduce the risk of Misconduct in the Diocese;
- (g) subject to any limit imposed by the Archbishop to authorise such expenditure on behalf of the Diocese or the Church entity as may be necessary to implement, in a particular case, the policy and the provisions of this Statute;
- (h) to inform any relevant Church authority or Church entity of the financial or other needs of a person affected by conduct alleged in a complaint and of any possible or actual legal proceedings against such Church entity or Church authority arising out of the alleged conduct and how a parish or congregation may best be supported;
- (i) where appropriate or required under any policy, to refer any allegation of Misconduct it has received to a member of a law enforcement authority of a State or Territory or of the Commonwealth of Australia to which the allegation is or may be relevant; and
- (j) to exercise such other powers and functions as are conferred on it by this or any other Statute or by a policy.

PART 3.2 – CONDUCT BOARD

15 Appointment of members of the Board

- 15.1 The members of the Board are to be appointed by Diocesan Council for a term of three (3) years and are to hold office on the terms and conditions as set out in relevant policies or as determined from time to time by the Archbishop.
- 15.2 A member constituting part of the Board which has entered upon the consideration of a complaint must continue to be a member of the Board until the matter is concluded notwithstanding that their term of appointment as a member of the Board has expired.

16 Membership of the Board

- 16.1 The Board must be constituted by at least three (3) members including the President or a Deputy President.
- 16.2 The membership of the Board is to include, as far as it is reasonably practicable, people with experience and appropriate professional qualifications in:
 - (a) law;
 - (b) ordained ministry; and
 - (c) social work, psychology, psychiatry, or ethics.
- 16.3 So far as reasonably practicable, the Board must be constituted by:
 - (a) at least one (1) member of the clergy and one (1) member of the laity;
 - (b) at least one (1) man and at least one (1) woman.
- 16.4 The members who constitute the Board to hear a complaint may be selected by the Secretary to the Board in consultation with the Presiding Member. If there is a policy for selecting such members, then the Secretary to the Board must apply that policy.

17 President

- 17.1 The President and Deputy President of the Board are to be appointed by Diocesan Council on such terms and conditions as may be determined from time to time by the Diocesan Council or in accordance with any relevant policy.
- 17.2 Either the President or Deputy President, as may be applicable, will act as the Presiding Member for a meeting of the Board.

18 Procedures of the Board

- 18.1 The Board will meet from time to time as determined by the President or a majority of its members and may conduct its business by electronic communication.
- 18.2 The Board, separately constituted in accordance with this Part, may sit simultaneously for the purpose of matters referred to it or for conducting separate business of the Board.
- 18.3 Subject to this Statute and the relevant rules, the practice and procedure of the Board will be as directed by the President.
- 18.4 A majority of members of the Board present constitutes a quorum.
- 18.5 The Board must act in all things as expeditiously as possible.

19 Filling vacancies in the Board

- 19.1 Any vacancy in the membership of the Board is to be filled by Diocesan Council or in accordance with any policy made by the Diocesan Council.

20 Secretary to the Board

20.1 There is to be a Secretary to the Board who is to be appointed by the Board on such terms and conditions as may be determined from time to time by the Board or in accordance with any policy.

21 How questions are decided by the Board

21.1 A question before the Board may be decided by a majority of the votes of those present and voting and in the case of an equality of votes, the opinion of the President will prevail.

22 Acts and proceedings of the Board validated

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

23 Function of the Board in respect of referrals

23.1 Subject to the provisions of this Statute, the function of the Board is to:

- (a) enquire into and determine a question or questions referred to it by the Committee pursuant to Part 3.6; and
- (b) to make a determination referred to in Part 3.7 and where appropriate to make a recommendation in accordance with the provisions of this Statute.

23.2

- (a) The Board must not, in the course of inquiring into any question, inquire into any matter concerning clergy discipline which is currently, or has previously been the subject of any investigation or enquiry conducted:
 - (i) under or pursuant to any provision of the Constitution;
 - (ii) under or pursuant to a Canon of the General Synod, or a statute or an ordinance of another diocese relating to clergy discipline; or
 - (iii) with the authority of the bishop of a diocese resulting, or which may result, in a formal report to the bishop,
 except to the extent of any fresh evidence not reasonably available during any previous formal investigation or inquiry.
- (b) An investigation and enquiry referred to in sub-section (a) above does not include a situation where a charge of a Clergy Offence under Part 4 has been withdrawn or dismissed under section 91 without being referred to the Diocesan Tribunal.

23.3 The Board must not, in the course of inquiring into any question, inquire into, make any findings in relation to or take into account any breaches of faith, ritual or ceremonial or matters involving a breach of professional standards.

PART 3.3 – RECEIVING AND INITIAL PROCESSES RELATING TO COMPLAINTS**24 Complaints and Form of complaint**

24.1 Any person may make a complaint to the Director or any other person specified by policy.

24.2 A complaint must be in writing but may be on paper or by electronic communication.

24.3 A complaint must include details of the conduct complained about.

24.4 The PSC, the Committee and the Archbishop may choose not to act on an anonymous complaint.

25 Assessment and referral by the PSC

25.1 A complaint must be referred to the PSC for assessment as to whether the complaint may include a breach of professional standards. The PSC must assess the complaint in an expeditious manner.

25.2 Where the PSC determines that the complaint does not relate to any breach of professional standards, then the PSC will immediately forward the complaint to the Archbishop and to the Committee with a report as to its assessment.

25.3 Where the PSC determines that the complaint relates potentially to a breach of professional standards, either solely or in conjunction with conduct covered by this Statute, the PSC may deal with the complaint in accordance with the processes under the Professional Standards Statute. The PSC may, in consultation with complainants, respondents and any other relevant party, where it deems it appropriate, also refer aspects of a complaint involving Misconduct for alternative resolution processes. The PSC may also refer a complaint or part of a complaint relating to Misconduct or a Clergy Offence to be dealt with by the processes set out in this Statute if it decides that this conduct can be distinguished from matters dealt with under the Professional Standards Statute or if the aspects of the complaint that relate to a breach of professional standards have already been dismissed, dealt with or otherwise resolved.

25.4 The PSC and Committee must act in relation to the complaint in accordance with any relevant policy.

26 Dealing with Complaints – Initial Stages involving the Archbishop or Archbishop's delegate

26.1 On receipt of a complaint from the PSC, the Committee Secretary must explain the processes under this Statute to the complainant and ascertain the consent of the complainant for the matter to be dealt with pursuant to those processes.

26.2 Upon the receipt such of consent by the complainant, the Committee Secretary must inform the Archbishop. The Archbishop or Archbishop's delegate must then provide to the relevant member of clergy and the Church entity or Church agency either:

- (a) a written statement outlining the complaint with sufficient information for the respondent to understand the nature of the complaint and to be able to respond to it; or
 - (b) where considered appropriate, a copy of the complaint.
- 26.3 The member of clergy, Church entity or Church agency must be given reasonable opportunity and time to respond to the Archbishop or Archbishop's delegate.
- 26.4 The Archbishop or Archbishop's delegate must, following consultation with complainants, respondents and any other relevant party, where they deem appropriate, organise for alternative resolution processes to be undertaken in an effort to resolve the complaint and bring about restoration and healing. If the complaint is resolved and withdrawn, the Archbishop must inform the respondent, the Church entity or Church agency, the relevant Committee and the PSC of this.
- 26.5 Subject to section 26.6 below, if the complaint cannot be resolved in the manner set out in section 26.4, the Archbishop or Archbishop's delegate must refer the complaint to the Committee with a report as to the steps taken. The Archbishop or Archbishop's delegate must also inform complainants and respondents and any relevant parties if it was deemed inappropriate for alternative resolution processes to be undertaken and why.
- 26.6 Where the conduct complained of involves or may involve a criminal offence, the Archbishop or Archbishop's delegate or the Committee may advise and assist the complainant to refer the matter to the police or other law enforcement agency or may refer the matter themselves. In that event, the Archbishop or the Archbishop's delegate and the Committee may defer dealing with the complaint any further pending an investigation or other action by the police or other law enforcement agency.

27 Further particulars of a complaint

- 27.1 The Committee may require a complainant to:
- (a) give further details of the complaint; and
 - (b) verify any details of the complaint by statutory declaration or in another manner specified by the Committee,
- before commencing or further dealing with a complaint.
- 27.2 A requirement under section 27.1 must be in writing and allow the complainant a reasonable time to comply.

28 Committee may dismiss certain complaints

- 28.1 The Committee may at any time, including after an investigation as set out below, decline to investigate a claim or refrain from further investigation and dismiss a complaint if it is of the opinion that:
- (a) the complaint does not fall within the provisions of this Statute;
 - (b) the conduct which is the subject matter of the complaint can properly be dealt with by other means;
 - (c) the subject matter of a complaint is under investigation by some other competent person or body or is the subject of legal proceedings;
 - (d) the complainant has failed to provide further details to the Committee or to verify the allegations by statutory declaration or otherwise when requested by the Committee to do so or has failed to respond to any requests by the Committee as to whether the complainant wishes to proceed further with the complaint;
 - (e) the complaint is false, vexatious, misconceived, frivolous or lacking in substance;
 - (f) there is insufficient reliable evidence to warrant an investigation or further investigation; or
 - (g) the complaint has been or can be dealt with adequately by means other than a referral to the Board, such as through the use of alternative resolution processes.
- 28.2 When acting in accordance with section 28.1, the Committee may:
- (a) recommend to the Church authority steps that might reduce or eliminate the risk of Misconduct, either by the members of clergy generally or in relation to the respondent, including by way of an educational or mentoring program; or
 - (b) make such other recommendation as the Committee considers necessary or desirable.
- For the avoidance of doubt, a recommendation under this section is advisory only and not binding on a Church authority.

29 Complainant to be given notice of outcome of complaint and reasons

- 29.1 The Committee must give a written notice of the outcome, including the reasons for the outcome to the complainant, the respondent, the Church authority, the relevant Church entity or Church agency.

PART 3.4 – COMMITTEE – DEALING WITH COMPLAINTS

30 Alternative Resolution Processes

- 30.1 Upon receipt of the complaint and report following the steps in section 26.5 and at any subsequent time prior to referral of the complaint to the Board, the Committee must, in consultation with complainants, respondents and any other relevant party, ascertain, where it deems appropriate, whether there are opportunities to resolve the complaint and bring about restoration and healing through the use of alternative resolution processes and, if so, must engage in or arrange for such processes to be employed.
- 30.2 If the complaint is able to be resolved employing the processes outlined in section 30.1 and the complainant withdraws the complaint, the Committee must inform the respondent, the relevant Church entity or Church agency, the Archbishop or Archbishop's delegate and the PSC of this. The Committee must also inform

complainants and respondents and any relevant parties if it was deemed inappropriate for alternative resolution processes to be undertaken and why.

31 When the Committee must investigate

- 31.1 Subject to the preceding sections of Part 3, the Committee must investigate each complaint to the extent it deems appropriate.
- 31.2 The Committee may by instrument in writing delegate, upon such terms and conditions as the Committee may approve, the powers to investigate any person to whom the Statute applies under this section.

32 Committee to obtain material

- 32.1 For the purpose of an investigation, the Committee or its delegate may obtain such statutory declarations, written statements, recorded conversations, reports, documents and other material as the Committee or its delegate considers necessary or advisable for presentation to and consideration by the Committee.

33 Respondent to respond to Committee and comply with undertakings and directions

- 33.1 The Committee may by notice in writing to the respondent require the respondent to:
- (a) meet on reasonable notice with an investigator to answer questions in relation to a complaint;
 - (b) provide a detailed report to the Committee within 21 days or such further period as the Committee may allow in relation to any matter relevant to the investigation; and
 - (c) verify the report by statutory declaration or in another manner specified by the Committee.

34 Referral of complaints involving breach of professional standards to the PSC

- 34.1 Where a complaint concerns only Misconduct, the PSC must refer such complaint to the Committee.
- 34.2 The Committee must if, at any time, it discovers that the complaint concerns a breach of professional standards, refer such complaint back to the PSC to be dealt with pursuant to the Professional Standards Statute.
- 34.3 Subject to section 34.4, where a complaint is found, at any time, to concern a breach of professional standards, or a combination of a breach of professional standards and Misconduct, the Committee must refer such complaint back to the PSC to be dealt with by the PSC pursuant to the Professional Standards Statute.
- 34.4 If, at any time, the PSC forms the opinion that Misconduct which is the subject of this Statute may reasonably be separated from a breach of professional standards, it may refer that conduct to the Committee.

PART 3.5 – SUSPENSION OR PROHIBITION ORDERS

35 Suspension or other action pending determination

- 35.1 If after receipt of a complaint or at any time during the progress of investigation of a complaint, the Committee is satisfied that there is an unacceptable risk of harm to any person or Church entity or Church agency if the respondent remains in their present office or position of responsibility pending the outcome of further investigation of the complaint, the Committee may, as the urgency of the matter requires, make a recommendation direct to the Archbishop or other relevant Church authority that pending the outcome of further investigation or determination by the Board:
- (a) the respondent be suspended from the duties of any office or position of responsibility held by the respondent or from certain duties;
 - (b) a prohibition order be made against the respondent; or
 - (c) such other action be taken as may be thought fit.

36 Matters to be considered and consultations by the Committee before recommending suspension or other action pending determination

- 36.1 Before making a recommendation under this Part, the Committee must take into account:
- (a) the nature and seriousness of the alleged conduct;
 - (b) the nature of the material to support or negate the allegations;
 - (c) the extent to which any person, Church entity or Church agency is at risk of harm;
 - (d) the effect on the respondent, a relevant Church entity or Church agency and on the Church of acting and of not acting under this Part; and
 - (e) any other allegation of similar conduct previously made to the Committee within the previous ten (10) years;
- and may take into account any other relevant matter.
- 36.2 Before making a recommendation under this Part, the Committee must advise and consult with the respondent and the relevant Church entity or Church agency or their representative on potential recommendations being considered under this Part and provide them with sufficient information about the basis of the potential recommendation and with a reasonable opportunity to respond.
- 36.3 The provisions of section 36.2 do not apply if the Committee is satisfied that there is an immediate unacceptable risk of harm to any person or Church entity or Church agency if the respondent remains in their present office or duties so that action under section 35 is required prior to any consultations.

37 Powers of the Church authority

- 37.1 The Church authority to which a recommendation is made under this Part is hereby empowered to give effect to that recommendation of the Committee.

38 Powers under section 37 may be exercised while matter under consideration

38.1 The Archbishop or other relevant Church authority may exercise the powers conferred on it by section 37 of this Statute, notwithstanding that a recommendation under this Part is under consideration by the Board pursuant to section 40.1.

39 Suspension in event of criminal charges

39.1 Without limiting any powers and obligations under the Professional Standards Statute or the generality of the previous sections in this Part, the Archbishop or other relevant Church authority may, pending the determination of the charge, also suspend a member of clergy who is charged by a law enforcement body in any jurisdiction with a criminal offence that is punishable by imprisonment for 12 months or more.

39.2 If a member of clergy is suspended pursuant to section 39.1, the Church authority must serve on that member of clergy a notice of suspension and upon service of the notice, that member of clergy is deemed to have been suspended pending the outcome of the hearing of the charge.

40 Revoking suspensions or prohibition orders

40.1 The respondent has the right to seek a referral to the Board to have the recommendation or any action taken under this Part revoked or withdrawn and the Board may recommend to the Archbishop or Church authority that the suspension or other action imposed or undertaken under this Part be revoked or withdrawn as appropriate.

40.2 The Archbishop or Church authority may revoke a suspension or other action under this Part at any time during its currency and the Committee may also make further recommendations to the Archbishop or Church authority that the suspension or other action be revoked.

41 Termination of suspension

41.1 A suspension or prohibition order made by a Church authority following a recommendation under this Part must be set aside by the Church authority:

- (a) if the Committee terminates the investigation or dismisses the complaint without referring the matter to the Board;
- (b) upon any direction to that effect given by the Archbishop or other Church authority; or
- (c) upon the Church authority giving effect to a recommendation of the Board or such a recommendation as varied or modified by a Church authority under section 40.

42 Consequences of suspension or prohibition

42.1 During a suspension or prohibition pursuant to the provisions of this Part or while conduct the subject of a complaint is dealt with under this Statute:

- (a) the respondent must comply with the terms of any prohibition order;
- (b) the respondent will be ineligible for appointment to any position or function covered by any suspension or prohibition order; and
- (c) the relevant Church authority may fill the vacancy caused by any suspension or prohibition order.

42.2 Respondents suspended under this Part will be entitled to whatever stipend, salary, allowances and other benefits they would ordinarily have received and, subject to any other decision or policy of Diocesan Council, such entitlements are to be met or reimbursed from funds of the Diocese, the Parish or other Church entity or Church agency as the case may be ordinarily.

PART 3.6 – REFERENCE OF A COMPLAINT OR MATTER TO THE BOARD**43 Committee may refer certain matters to the Board**

43.1 Subject to section 43.2, if a complaint is not dismissed or resolved and, after the investigation of a complaint in accordance with this Statute, the Committee forms the opinion that the conduct the subject of the complaint, if established, would amount to Misconduct, it must refer the complaint to the Board for determination as to whether the conduct the subject of the complaint would amount to Misconduct and for further action under Part 3.7

43.2 In circumstances where the respondent admits some or all of the conduct set out in the complaint, the Committee need not refer to the Board those matters which have been admitted but may make a recommendation to the Church authority directly.

44 Written report by Committee

44.1 The Committee must refer the complaint to the Board by delivering to the Secretary to the Board a written report setting out:

- (a) its investigation and opinion; and
- (b) a statement of any allegations made against the member of clergy.

44.2 The report must be signed by the Chair of the Committee or anyone else designated by the Committee to do so.

45 Complainant may refer dismissal of complaint to the Board

45.1 If the Committee refrains from further investigation and dismisses a complaint under section 28, the complainant may refer the complaint to the Board.

46 Board to invite submissions from parties

46.1 In the case of a reference pursuant to section 43.1, as soon as practicable after delivering the report referred to in section 44 to the President of the Board, the Committee must cause to be delivered to the respondent and, in the

case of a complaint, the complainant a copy of the report and opinion and a notice to the effect that each party may advance written submissions to the Board if they wish to do so.

46.2 In the case of a referral pursuant to section 43.1, the Committee must advise the respondent and the complainant of the rights each has under this Statute and any relevant policies.

46.3 In the case of a referral pursuant to section 45, the Board must advise the respondent and the complainant of the rights each has under this Statute and any relevant policies.

47 Documents and materials to be delivered to the Board

47.1 Within 14 days of the reference of a matter to the Board or within 14 days of any additional document or material coming to existence after a matter is referred to the Board, whichever is the later:

- (a) in the case of a reference pursuant to section 43.1, the Committee must cause to be delivered to the President of the Board any documents and material relevant to the reference; and
- (b) in the case of a reference pursuant to section 45, the complainant must cause to be delivered to the President of the Board the written notice of the outcome including the reasons for the outcome given by the Committee to dismiss the original complaint.

48 Board may give directions as to documents and conduct of inquiry

48.1 The Board may at any time and from time to time give directions:

- (a) as to the inspection by and supply of copies to the respondent or any other person of the documents or material relevant to the reference; and
 - (b) the service of any witness statements, summary of proposed evidence, submissions or other documents on which a party may wish to rely; and
 - (c) as to the conduct of its inquiry into the matter,
- and, for that purpose, the Board may be constituted by the President or Deputy President alone.

49 Resignation to have no effect

49.1 If after a complaint is referred to the Board, the respondent resigns from their role, office or position, the Board may continue to enquire into and determine the complaint, notwithstanding that resignation.

50 The role of the Committee on the reference

50.1 Subject to section 50.2, the Committee has the carriage of the matter before the Board and has the following particular functions:

- (a) to present to the Board:
 - (i) the evidence on which it relies relevant to the reference;
 - (ii) any findings and recommendations that it proposes the Board should make;
 - (iii) any submissions in support; and
- (b) to appear by an authorised representative at any hearing of the Board to assist the Board in its enquiry into the reference.

50.2 In the case of a referral under section 45 or otherwise, the complainant may choose to have the carriage of the matter before the Board and appear by a representative.

PART 3.7 – DETERMINATION OF COMPLAINT OR MATTER BY THE BOARD

51 How the Board is to respond to a reference

51.1 Where a matter is referred to the Board, the Board must consider and determine the matter and may make any finding on any relevant question of fact, taking into account:

- (a) the final report if any of the investigator including attachments;
- (b) any further material received from the complainant and the respondent;
- (c) any other relevant evidentiary material;
- (d) reports from the Committee;
- (e) any applicable professional standards; and
- (f) the record of any court or tribunal.

51.2 The Board may take into account or adopt the findings or decision of any court or tribunal by way of its determination without the need for any further inquiry or investigation.

52 Power to order further enquiry

52.1 Where the Board is satisfied that a complaint which was previously dismissed under section 28 requires further investigation, the Board may direct the Committee to undertake further inquiries or a fresh investigation and the Committee must to the best of its ability cause such directions to be carried out.

53 Notification of determination and recommendation

53.1 The Board must cause a copy of its determination and recommendation to be provided to:

- (a) the relevant Church authority;
- (b) the respondent;
- (c) the complainant;
- (d) the relevant Church entity or Church agency.

54 Powers of the Board satisfied of unfitness

54.1 If the Board is satisfied that the Misconduct is proven, then subject to section 55, the Board may recommend to the Archbishop any one or more of the following:

- (a) that there be a reference for the matters raised or aspects of them to alternative resolution processes;
 - (b) that the respondent be suspended from any role office or position or from performing any function for a given period;
 - (c) that the licence or authority of the respondent be revoked;
 - (d) that the respondent cease to hold any role, office or position;
 - (e) that a prohibition order be made in terms specified by the Board;
 - (f) that the respondent's holding of any role, office or position or the performance of any function be subject to specific conditions or restrictions;
 - (g) that the implementation of a determination be suspended for a given period and subject to a specific set of conditions;
 - (h) that the respondent be counselled;
 - (i) that a person be appointed to promote a charge against the respondent before the Diocesan Tribunal;
 - (j) that the respondent be deposed from Holy Orders; or
 - (k) otherwise as the Board sees fit.
- 54.2 The Board may further recommend to the Church authority, without binding it, that:
- (a) an apology or other acknowledgement be given to the complainant, survivor or other person affected by the conduct of the respondent; or
 - (b) such other steps of a systemic or process or administrative nature be implemented by the Church authority as may be judged worthwhile to prevent or diminish the future incidence of Misconduct and harm to any person.
- 55 When the Board may dismiss a complaint**
- 55.1 If the Board is not satisfied that the respondent committed the alleged Misconduct or is satisfied that the complaint is false, vexatious or misconceived, the Board may determine accordingly and dismiss the complaint.
- 55.2 If the Board is satisfied that any of the allegations set out in the complaint are proven but is not satisfied that any of the recommendations in section 54 are appropriate under the circumstances, the Board may determine accordingly and may take no further action in relation to the complaint.
- 56 Board may appoint persons to assist inquiry**
- 56.1 The Board may, for the purpose of any particular reference, appoint such person or persons, including the Secretary to the Board, to assist it in inquiring into (but not determining) a reference as the Board thinks fit.
- 57 Board may seek further information**
- 57.1 The Board may seek further information from the Committee and may at any time and from time to time give directions to it as to any further inquiries or investigation it requires to be carried out for the purposes of the reference and the Committee must to the best of its ability cause such directions to be carried out.
- 58 Proceedings of the Board**
- 58.1 The Board must deal with a complaint or other reference as expeditiously as possible.
- 58.2 The Board may at any time, in consultation with the complainant and respondent and any other relevant party, refer a complaint or aspects of the complaint to alternative resolution processes.
- 58.3 The place and time of sitting of the Board may be as determined by the President.
- 58.4 Subject to section 58.5, the Board must give the following persons reasonable notice of the time and place of the sitting of the Board: the Committee Secretary, the respondent, the complainant and such authorised persons as the Board believes have a proper interest in the matter.
- 58.5 The Board is not obliged to give notice of a sitting to a person whose whereabouts cannot, after reasonable enquiries, be ascertained.
- 59 Standard of proof**
- 59.1 The standard of proof to establish an allegation under this Part 3 is the civil standard, being a reasonable satisfaction on the balance of probabilities.
- 59.2 The Board or Reviewer must scrutinise evidence with greater care if the conduct referred to in the complaint is serious in nature, or there is an inherent unlikelihood of an occurrence as described in the complaint or if there are grave consequences that would flow from a particular finding in relation to the complaint.

PART 3.8 – APPLICATION FOR REVIEW OF A BOARD DECISION

- 60 Application for review**
- 60.1 A respondent who is aggrieved by a reviewable decision of the Board may apply to the Secretary to the Board for a review of the decision.
- 61 Grounds for review of reviewable decisions**
- 61.1 Application for review of reviewable decisions may only be made on any one or more of the following grounds:
- (a) that a breach of the rules of natural justice happened in relation to the making of the reviewable decision which materially affected the Board's decision;
 - (b) that procedures that were required by this Statute to be observed in relation to the making of the reviewable decision were not observed, and the non-observance materially affected the Board's decision;
 - (c) that the Board did not have jurisdiction to make the reviewable decision;

- (d) that the reviewable decision was so devoid of any plausible justification that no reasonable Board could have made it; or
- (e) the availability of fresh and compelling evidence which, if available at the time, would be likely to have materially affected the Board's decision.

62 Stay of reviewable decisions

- 62.1 A Church authority must not give effect to a reviewable decision of the Board until the time for lodging an application for review has passed, and no application has been lodged.
- 62.2 The making of an application for review acts as a stay of the reviewable decision pending the determination by the Reviewer.
- 62.3 Nothing in this Part affects the power of a Church authority to take any action against a respondent which would be open to the Church authority apart from its powers under this Statute.

63 Time limit and form of application for review

- 63.1 An application to the Secretary to the Board for review of a reviewable decision must be made within 14 days of the respondent being provided with a copy of the Board's determination and recommendation.
- 63.2 The application for review must:
 - (a) be in writing addressed to the Secretary to the Board; and
 - (b) set out the grounds for review.

64 Appointment of a Reviewer and costs for review of reviewable decisions

- 64.1 On receipt of an application for review, the Secretary to the Board must immediately seek the appointment of a Reviewer.
- 64.2 Upon appointment of a Reviewer, the Secretary to the Board must ask the Reviewer for the Reviewer's estimate of the fee to be charged by the Reviewer in making a determination under this Part.
- 64.3 Upon receipt of advice as to the estimated fee, the Secretary to the Board must immediately notify the respondent.
- 64.4 Within seven (7) days of receipt of the advice of the Secretary to the Board, the respondent must pay one-half of the estimated fee to the Reviewer, or to a person nominated by the Reviewer.
- 64.5 If the respondent fails to make the payment referred to in section 64.4, then the application for review will lapse.

PART 3.9 – PROCESS OF REVIEW OF A BOARD DECISION

65 Process of review

- 65.1 Any review is to be by way of the review of the recommendation or determination that is the subject of the review and not by way of a re-hearing of the merits, or a re-hearing of the facts.
- 65.2 Subject to section 65.1, the manner in which the review is to be conducted will be determined by the Reviewer.

66 Determinations of Reviewer

- 66.1 On an application for review of a reviewable decision, the Reviewer may make all or any of the following determinations:
 - (a) a determination endorsing the decision or recommendation of the Board, with or without amendment;
 - (b) a determination quashing or setting aside the reviewable decision;
 - (c) a determination declaring the rights of the respondent in relation to any matter to which the reviewable decision relates;
 - (d) a determination directing either the respondent or the Board to do, or to refrain from doing, anything that the Reviewer considers necessary to do justice between the parties;
 and must cause a copy of the determination or finding to be provided to the Secretary to the Board.
- 66.2 The Reviewer may make such order as to the costs of the review as the Reviewer thinks fit.

PART 3.10 – IMPLEMENTATION OF RECOMMENDATIONS

67 Church authority may give effect to recommendation

- 67.1 Upon receiving a recommendation under section 43.2 or under section 54 (including following a review of a Board decision), the Church authority must consider the recommendation and:
 - (a) may give effect to that recommendation; or
 - (b) may give effect to any variation or modification of that recommendation, consistent with any facts found by the body making the recommendation, as the Archbishop sees fit insofar as the Archbishop has the power to implement that recommendation, or
 - (c) in any case where the Archbishop does not exercise direct authority over the person subject to the recommendation, refer the recommendation to the appropriate Church agency.

68 Effect of deposition from Holy Orders

- 68.1 A person who has been deposed from Holy Orders in accordance with this Statute or in accordance with the provisions of any ordinance, act, canon, constitution, statute, legislative measure or provision of the general synod or the diocesan synod of another diocese of the Anglican Church of Australia:
 - (a) is incapable of officiating or acting in any manner as or carrying out the functions of a bishop, priest or deacon of this Church;
 - (b) is incapable of accepting or holding an office in this Church open to a person in Holy Orders;
 - (c) ceases to have any right, privilege or advantage attached to the office of bishop, priest or deacon;

- (d) must not hold themselves out to be a member of the clergy; and
- (e) cannot, without the prior consent of the Archbishop, hold an office in this Church which may be held by a lay person.

69 How deposition from Holy Orders effected

- 69.1 The deposition of a person from all or any Holy Orders by the Archbishop following the recommendation of the Board is to be effected by the execution by the Archbishop of an Instrument of Deposition to that effect.
- 69.2 The Archbishop must not depose a person from Holy Orders:
- (a) until the time for lodging an application for review under section 63 has passed and no application has been lodged; or
 - (b) where an application for review has been lodged, the Reviewer has not set aside the Board's recommendation.
- 69.3 The Archbishop must forthwith:
- (a) register the Instrument in the Registry of the Diocese;
 - (b) deliver a copy of the Instrument to the Bishop of the Diocese in which the person who is the subject of the Instrument was ordained; and
 - (c) deliver a copy of the Instrument to the Registrar of the Primate.

PART 3.11 – CONFIDENTIALITY AND PUBLICATION

70 Duty of confidentiality

- 70.1 Subject to the provisions of this Statute, the Church authority, Committee, Board, Reviewer or a person employed or engaged on work related to the affairs of the Committee or Board must not divulge information that comes to their knowledge by virtue of that office or position except:
- (a) in the course of carrying out the duties of that office or position;
 - (b) as may be authorised by or under this Statute or any policy;
 - (c) in any proceedings before a diocesan tribunal, a provincial tribunal or the Special Tribunal;
 - (d) as may be required by law; or
 - (e) to any insurer or insurance broker of a Church entity or Church agency or Church authority where the information may give rise to or be relevant to a claim for indemnity by the Church entity or Church agency or Church authority against the insurer or is relevant to obtaining or continuing insurance cover.

71 Board may publish reasons publicly

- 71.1 The Board may release to the public its reasons for any determination without identifying any relevant parties.

72 Church authority may publicise action taken

- 72.1 Subject to section 72.2, the Church authority may release to the public:
- (a) a written statement disclosing its decision on any recommendation received in respect of a complaint and the steps, if any, to be taken or that have been taken against a member of clergy subject to this Statute, including the identity of that person; and
 - (b) such further material as it may determine with respect to the exoneration of the respondent or any action taken against the respondent.
- 72.2 The Church authority must ensure that any statement so released is anonymised and redacted so as not to contain any particulars that identify or are likely to lead to the identification of a prescribed person.

73 Committee to report annually to Archbishop and Diocesan Council

- 73.1 Without disclosing the identity of any informant, complainant or the respondent, the Committee must report annually to the Archbishop and Diocesan Council on its activities for that calendar year.
- 73.2 The Committee must, in respect of every matter with which it is dealing, report either orally or in writing to the Archbishop with such frequency and as fully as the Archbishop may reasonably require.

PART 4 - CLERGY OFFENCES AND THE DIOCESAN TRIBUNAL PROCESS

PART 4.1 –THE RELEVANT BODIES AND STRUCTURE

74 Diocesan Tribunal

- 74.1 There is to be a Diocesan Tribunal which may hear and determine charges of Clergy Offences.
- 74.2 The Tribunal to hear and determine any charge must be constituted by:
- (a) the Presiding Member who shall be the President, or if the President is unable to preside, by the Deputy President, and
 - (b) two (2) members of clergy and two (2) members of the laity selected by the Tribunal Secretary from the members of the Tribunal Panel, at least two (2) of whom must be women and two (2) of whom must be men. If there is a policy for selecting such members, then the Tribunal Secretary must apply that policy. The Archbishop is ineligible to be a member of the Tribunal and a person who is a member of the Tribunal must cease to hold that office on becoming the Archbishop.
- 74.3 Members of the Tribunal Panel are disqualified from being appointed to the Tribunal to hear any charge:
- (a) if they were members of the Board of Enquiry for the same or related charges;
 - (b) which concerns themselves or a relative or close personal friend;
 - (c) if they were parties to the prosecution of the charge; or

- (d) in respect of any matter in relation to which they have a conflict of interest.
- 74.4 A member of a Tribunal which has commenced the consideration of any charge continues to be a member of the Tribunal until the matter is concluded notwithstanding that their term of appointment as a member of the Tribunal Panel has expired and their successor as a member of the Tribunal Panel may have been appointed. This section does not apply to a member who becomes the Archbishop who must cease to be a member of the Tribunal in accordance with section 74.2(b).
- 74.5 An act or proceeding of the Tribunal is not invalid by reason only of a vacancy in its membership or the membership of the Tribunal Panel and, notwithstanding the subsequent discovery of a defect in the nomination or appointment of a member of the Tribunal Panel or the Tribunal, any such act or proceeding is as valid and effectual as if the member had been duly nominated or appointed.
- 74.6 The President and Deputy President:
- (a) must be lay members of the Church and must either be or have been a Justice of the High Court of Australia, a Justice of the Supreme Court of a State or Territory of Australia or a Justice or Judge of a Court prescribed by canon of the General Synod or have been a practising barrister or solicitor, of at least ten (10) years' standing of the Supreme Court of a State or Territory.
 - (b) are to be appointed by Diocesan Council and notified to the Diocesan Registrar and the Tribunal Secretary. The appointments are to be on such terms as decided by Diocesan Council and may be specified by policy.
- 74.7 The Tribunal is to be assisted by a person appointed by Diocesan Council as the Tribunal Secretary.
- 75 Tribunal Panel**
- 75.1 At the first session of every Synod, the following members of the Church, are to be elected as members of the Tribunal Panel by Synod voting collectively:
- (a) three (3) female members of the clergy;
 - (b) three (3) male members of the clergy;
 - (c) three (3) female members of the laity;
 - (d) three (3) male members of the laity.
- 75.2 The members of the Tribunal Panel are to hold office until the election of their respective successors by a subsequent Synod.
- 75.3 A vacancy on the Tribunal Panel occurs:
- (a) when a member thereof dies or resigns; or
 - (b) when Diocesan Council by resolution declares the seat of a member to be vacated by reason of their refusal, neglect or inability to perform their duties as a member or for such other reason determined by Diocesan Council.
- 75.4 In the event of a vacancy occurring in the Tribunal Panel the vacancy is to be filled by Diocesan Council by the appointment of a member of clergy or of the laity as required to hold office until the next meeting of Synod.
- 76 Board of Enquiry**
- 76.1 There is to be a Board of Enquiry constituted in accordance with this section.
- 76.2 The chair and members of the Board of Enquiry are to be appointed and hold office on such terms and conditions set out in any relevant policy or as may be determined from time to time by the Archbishop. A Board of Enquiry may include members of the Tribunal Panel but they must not then sit as members of the Tribunal in relation to any charge for which they have been on the Board of Enquiry.
- 76.3 The Board of Enquiry must have at least three (3) members including the chair, at least two (2) of whom shall be communicant members of the Church, and must, as far as reasonably practicable, include members with experience and appropriate professional qualifications in theology and doctrine, ordained ministry in the Church, in law, and psychology or psychiatry. The Board of Enquiry must include at least one (1) female and one (1) male member.
- 77 Church Advocate**
- 77.1 The Church Advocate conducts on behalf of the Church all proceedings instituted under Part 4 of this Statute.
- 77.2 Synod must, every three (3) years at the first session following the general election of members of Synod, select by ballot a fit person, being a legal practitioner of at least seven (7) years' standing, to be nominated by the Archbishop for appointment as Church Advocate of the Diocese.
- 77.3 If the Archbishop does not see fit to appoint the person nominated by Synod, Synod must again proceed to select and nominate another fit person in like manner.
- 77.4 Should any vacancy occur in the office of Church Advocate, the Archbishop may with the consent of:
- (a) Synod; or
 - (b) if the Synod is not in session and until its next meeting, Diocesan Council, may appoint a fit and proper person to be Church Advocate until the next meeting of Synod.

PART 4.2 - JURISDICTION AND CHARGES

- 78 Jurisdiction of the Diocesan Tribunal**
- 78.1 The Diocesan Tribunal has jurisdiction to hear and determine charges of Clergy Offences in respect of:
- (a) a member of clergy licensed by the Archbishop, or
 - (b) any other member of clergy resident in the Diocese.

79 Persons who may bring a charge

- 79.1 A charge of a breach of faith, ritual or ceremonial may be brought:
- (a) against an incumbent of a parish with reference to an offence alleged to have been committed within that parish only by:
 - (i) a person appointed by the Archbishop; or
 - (ii) any five (5) adult communicant members of the Church who are both resident within the Diocese and also bona fide parishioners of that parish; and
 - (b) in any other case - only by:
 - (i) a person appointed by the Archbishop; or
 - (ii) any five (5) adult communicant members of the Church who are resident within the Diocese.
- 79.2 A charge for Clergy Offences other than a breach of faith, ritual or ceremonial may be brought by a person appointed by the Archbishop or any adult resident within the Diocese, including the Director.
- 79.3 A charge for a Clergy Offence must be made to the Archbishop in writing but lodged with the Tribunal Secretary.
- 79.4 All charges must be countersigned by each of the persons bringing the charge, who certify their belief that the charges are credible.

80 Form of a charge

- 80.1 A charge may allege more than one Clergy Offence. A charge must state –
- (a) the offence(s) that it is alleged the member of clergy has committed, and
 - (b) particulars of the acts or omissions alleged to constitute the offence(s).
- 80.2 The allegations in the charge must be verified by statutory declaration by each person bringing the charge and may be supported by statutory declaration by another person or persons.
- 80.3 A charge must be signed by the persons making the charge and include an address within the Diocese for service of documents on the person or persons making the charge. A charge made by persons referred to in sections 79.1(a)(ii) or 79.1(b)(ii) may be, but does not have to be, in the form of Schedule 3 or Schedule 4 to this Statute.
- 80.4 In order to be valid and effective, a charge must be lodged at the Tribunal Secretary's office together with the statutory declaration or declarations verifying the allegations in the charge.

81 Time limit for the making of a charge

- 81.1 A charge in respect of paragraphs (a) to (f) of the definition of a Clergy Offence must be made within three (3) years of the alleged commission of the breach.
- 81.2 There is no time limit to the making of other Clergy Offence charges. However, the Tribunal, under section 94.3, may dismiss a charge for any unreasonable delay in making the charge.

82 Withdrawing a charge

- 82.1 The person who has or the persons who have made a charge may withdraw the charge at any time.
- 82.2 A charge is withdrawn by lodging a copy of the notice of withdrawal at the office of the Tribunal Secretary. The notice of withdrawal must be signed by the person or persons making the charge.
- 82.3 If a charge is withdrawn, no further proceedings may be taken under this Part 4 in relation to the charge by the person or persons who made the charge. However, the withdrawal of a charge does not prevent another person or other persons from making the same or a different charge against the clergy named in a charge that is withdrawn.

83 Notice of charge and request for answer to charge

- 83.1 As soon as practicable after a charge is made against a member of clergy (the respondent), the Tribunal Secretary must serve a copy of the charge and any statutory declarations on the respondent by leaving a copy of the charge at the respondent's last known address.
- 83.2 The Tribunal Secretary must request that the respondent lodge an answer to the charge at the Tribunal Secretary's office within 21 days.
- 83.3 The Tribunal Secretary, following consultation with the President of the Tribunal, may from time to time by notice in writing to the respondent extend the period specified for lodging the respondent's answer even though the period originally specified or any previous extension has elapsed.

84 Answer to the charge

- 84.1 The respondent must sign and lodge an answer at the Tribunal Secretary's office. In their answer, the respondent may:
- (a) admit all or any of the allegations in the charge; and/or
 - (b) deny all or any of the allegations in the charge.
- 84.2 An answer denying a charge must be supported by a statutory declaration by the respondent addressing all of the allegations in the charge.
- 84.3 The Tribunal Secretary must send a copy of the respondent's answer and any statutory declaration to the person or persons making the charge.
- 84.4 The Tribunal Secretary must notify the person or persons making the charge if the respondent fails to lodge an answer within the requisite period.
- 84.5 If within the time allowed for lodging an answer, the respondent does not admit any allegation, or denies any allegation but fails to verify the denial by way of statutory declaration, the respondent will be deemed to have denied the charge.

85 Admission of Charge

- 85.1 If the respondent admits a charge in relation to a Clergy Offence, the Archbishop may proceed to deal with the case without reference to the Board of Enquiry.

PART 4.3 – BOARD OF ENQUIRY PROCESS**86 Tribunal Secretary to refer all other charges to Board of Enquiry**

- 86.1 If the respondent does not admit a charge or denies any charge in whole or in part, the Tribunal Secretary must convene the Board of Enquiry and refer the charge to the Board of Enquiry.
- 86.2 The Tribunal Secretary must provide a copy of the charge, and any answer and statutory declarations to the Board of Enquiry for a preliminary review of the charge.
- 86.3 The Board of Enquiry must inquire into a charge or part referred to it in order to determine if the charge or part is one that is proper to be heard by the Diocesan Tribunal.
- 86.4 The Board of Enquiry has the power and duty to conduct a preliminary review and assessment of a charge brought against a respondent and to determine whether the charge merits further investigation or should be dismissed.
- 86.5 The Board of Enquiry must act in all things as expeditiously and in accordance with principles of fairness and natural justice.

87 Conduct of proceedings by the Board of Enquiry

- 87.1 Evidence and representations before the Board of Enquiry are to be given by means of written statements or statutory declarations.
- 87.2 For the purpose of enabling the Board of Enquiry to exercise its functions it may:
- (a) require the person or persons making the charge or invite the respondent to provide, by statutory declaration, information concerning the charge, and
 - (b) permit or direct an amendment to the charge or the particulars of the charge or the answer to the charge.
- 87.3 If an amendment is made to the charge, the particulars of the charge, or the answer to the charge, the Tribunal Secretary is to give notice of the amendment, as soon as practicable after it is made, to the respondent and to the person or persons making the charge.

88 Report by Board of Enquiry

- 88.1 After inquiring into a charge or part of a charge referred to it, the Board of Enquiry must make a determination and report in writing to the Tribunal Secretary whether or not the charge or part of the charge is proper to be heard by the Diocesan Tribunal.
- 88.2 The Board of Enquiry must make a recommendation to the Tribunal Secretary.

89 Report to Archbishop

- 89.1 The Tribunal Secretary must promptly provide the Archbishop with a copy of each report made by the Board of Enquiry and as provided to the Tribunal Secretary.

90 Finding that the charge is a charge that is proper to be heard

- 90.1 If a majority of the members for the time being of the Board of Enquiry report to the Tribunal Secretary that they determine that the charge or part of the charge is a charge that is proper to be heard by the Diocesan Tribunal, the Board of Enquiry must recommend that the charge be referred to the Tribunal for determination.

91 Finding that the charge is not a charge that is proper to be heard

- 91.1 If a majority of the members for the time being of the Board of Enquiry are of the opinion that the charge or part of the charge is not a charge that is proper to be heard by the Tribunal, the Board of Enquiry may dismiss the charge and report this to the Tribunal Secretary. The Tribunal Secretary must then send a copy of the reports of the members of the Board of Enquiry to the person or persons who made the charge and the respondent.
- 91.2 Subject to section 91.4, the Board of Enquiry may also dismiss a charge without reference to the Diocesan Tribunal if:
- (a) the Board of Enquiry is of the opinion that the charge does not fall within the provisions of this Statute;
 - (b) the offence which is the subject matter of the charge can properly be dealt with by other means;
 - (c) the subject matter of the charge is under investigation by some other competent person or body or is the subject of legal proceedings;
 - (d) the person(s) bringing the charge failed to provide further details or to verify the allegations by statutory declaration or otherwise when requested by the Tribunal Secretary to do so;
 - (e) the Board of Enquiry is of the opinion that the charge is false, vexatious, misconceived, frivolous or lacking in substance;
 - (f) the Board of Enquiry is of the opinion that there is insufficient reliable evidence to warrant an investigation or further investigation; or
 - (g) the Board of Enquiry is of the opinion that delay in making the charge will cause unfairness to the respondent.
- 91.3 If the Board of Enquiry dismisses the charges under the preceding sub-sections, the Tribunal Secretary must give the persons bringing the charge, the respondent and the Archbishop a written notice of the dismissal, including reasons for the dismissal of the charge.
- 91.4 If the Board of Enquiry dismisses a charge of a breach of faith, ritual or ceremonial on the basis that the charge does not amount to such a breach, the Archbishop may still refer the charge to the Tribunal for determination.

PART 4.4 – DIOCESAN TRIBUNAL PROCESS

92 Referral to the Diocesan Tribunal

- 92.1 On receiving a report from the Board of Enquiry under section 88, the Tribunal Secretary must:
- (a) forward the documents relating to the charge and the reports of the members of the Board of Enquiry to the Diocesan Tribunal and the Church Advocate; and
 - (b) fix a date, time and place for the hearing of the charge or part, and
 - (c) serve notice of the date, time and place fixed for the hearing on the person or persons making the charge and the respondent:
 - (i) personally, or
 - (ii) by registered post addressed to the person or persons at the residential address of the person or persons last known to the Tribunal Secretary.

92.2 The date fixed for the hearing of a charge or part of a charge must not be fewer than 30 days after the date of the Tribunal Secretary's notice.

93 Hearings before the Diocesan Tribunal

- 93.1 The charge must be prosecuted by the Church Advocate or, in the absence the Church Advocate, a legal practitioner of not less than ten (10) year's standing appointed by the Archbishop.
- 93.2 The person or persons bringing the charge are entitled to appear before the Tribunal in person and they may be represented at any stage by counsel or a solicitor.
- 93.3 The respondent may appear before the Diocesan Tribunal in person and/or be represented by a legal practitioner. If the respondent does not appear before the Tribunal, the Tribunal may hear the charge in the respondent's absence.
- 93.4 A hearing is to be open to the public, however, the Presiding Member:
- (a) may at any time order that a charge or specified part of proceedings be heard in private; and
 - (b) must order that a charge or specified part of proceedings be heard in private if the other members of the Tribunal so request.
- 93.5 The Tribunal may order that the respondent's name, or other information that could lead to the identification of the respondent, or a person who appears, or is reasonably likely to appear, before the Tribunal is not to be published or broadcast, except in such circumstances as the Tribunal may authorise.
- 93.6 An order of the Tribunal does not apply to the publication of a report authorised or required under this Statute.
- 93.7 A member of clergy who knowingly or recklessly breaches an order made under this section commits an offence.
- 93.8 The Tribunal may hold a preliminary hearing to give directions for the conduct of the proceedings and hearing of the charge(s). At a preliminary hearing, the Tribunal may be constituted by the Presiding Member sitting alone.
- 93.9 For the purpose of securing the attendance of witnesses and the production of documents and for the examination of witnesses on oath or otherwise the Tribunal is deemed to be an arbitrator within the meaning of the Commercial Arbitration Act 2012 (WA) and is to have power to administer an oath to, or take an affirmation from, a witness, and for the same purpose any party to a proceeding before the Tribunal or any person permitted by the Tribunal to submit any evidence to it is deemed to be a party to a reference or submission to arbitration within the meaning of that Act.
- 93.10 The Tribunal must require the person or persons making the charge to furnish statutory declarations in support of the statement of the charge and must require the respondent to support the answer by statutory declaration.
- 93.11 The Tribunal may permit or direct an amendment to the charge, the particulars of the charge or the answer to the charge. If an amendment is made to the charge, the particulars of the charge or the answer to the charge, the Tribunal Secretary is to give notice of the amendment, as soon as practicable after it is made, to the person appointed by the Archbishop, the respondent and the person or persons making the charge.
- 93.12 (a) The standard of proof for a charge to be proved under this Part 4 shall be the civil standard, being a reasonable satisfaction on the balance of probabilities.
- (b) The Tribunal must scrutinise evidence with greater care if the conduct referred to in the charge is serious in nature, or there is an inherent unlikelihood of an occurrence as described in the charge or if there are grave consequences that would flow from a particular finding in relation to the charge.
- 93.13 Diocesan Council may from time to time make and alter rules for the conduct of the business of the Tribunal and all such rules must be laid before the Synod at its next session.
- 93.14 The Tribunal may, subject to this Statute, the rules of procedural fairness and natural justice and any rules made by Diocesan Council, determine the procedures applicable for the hearing of a charge.
- 93.15 The Tribunal Secretary shall have the custody and control of all documents in every case. A party bringing the charge and the respondent to the charge shall on giving reasonable notice be entitled to obtain inspection of such documents.

94 Determination and recommendation of the Diocesan Tribunal

- 94.1 If following the hearing, the majority of the Tribunal finds the respondent guilty it must report its determination to the Archbishop and, subject to section 94.2, make such recommendation to the Archbishop as it thinks just in the circumstances.

- 94.2 The Tribunal must not recommend to the Archbishop any sentence other than deposition from Holy Orders, prohibition from functioning, removal from office and/or rebuke.
- 94.3 The Tribunal may dismiss a charge if it is of the opinion that:
- (a) the charge was not found to be proven;
 - (b) there are circumstances which prevent the respondent from receiving a fair trial; or
 - (c) the delay in making the charge causes unfairness to the person against whom the charge is made.
- 94.4 The Tribunal may make a recommendation to Diocesan Council regarding a contribution towards the respondent's reasonable legal expenses, the payment of which must be at the sole discretion of Diocesan Council.
- 95 Report of finding**
- 95.1 A determination of the Tribunal, and any recommendation made by the Tribunal, must be contained in a report that:
- (a) sets out the Tribunal's findings on material questions of fact, and
 - (b) refers to any evidence or other material on which the Tribunal's findings were based, and
 - (c) gives the reasons for the Tribunal's determination.
- 95.2 The Tribunal's report is to be given to the Archbishop, any other relevant Church authority, Church entity or Church agency, the person or persons making the charge, the respondent and, subject to section 95.3, Diocesan Council.
- 95.3 In making a report to Diocesan Council where the charge was not found to be proven, the Tribunal should not disclose the name of, or other information that could lead to the identification of, the respondent or a person who appeared before it.
- 96 Archbishop to give effect to recommendation**
- 96.1 Subject to section 96.2, the Archbishop must give effect to the recommendation of the Tribunal.
- 96.2 The Archbishop may, if any sentence is recommended, consult with the Tribunal and in the exercise of a prerogative of mercy:
- (a) mitigate the sentence;
 - (b) suspend its operation; or
 - (c) mitigate the sentence and suspend its operation.
- 96.3 In each case the Archbishop must pronounce the sentence recommended by the Tribunal before mitigating or suspending it (if relevant).
- 96.4 If the operation of a sentence or mitigated sentence has been suspended and remains suspended for a period of two (2) years, the sentence is to have no operation after the two-year period.
- 97 Archbishop may suspend respondent from office**
- 97.1 Where a charge has been promoted before the Tribunal against a person licensed by the Archbishop, the Archbishop, with the approval of Diocesan Council, may suspend the person from the duties of their office or certain of those duties until determination of the charge, or a lesser time.
- 97.2 Before any such suspension, the Archbishop must take into account:
- (a) the seriousness of the alleged Clergy Offence;
 - (b) the nature of the material to support or negate the allegations;
 - (c) the extent to which any person or Church entity or Church agency is at risk of harm;
 - (d) the effect on the respondent, a relevant Church entity or Church agency and on the Church of such a suspension or the failure to suspend;
- and may take into account any other relevant matter.
- 97.3 Before any such suspension, the Archbishop or the Archbishop's delegate must advise and consult with the respondent and the relevant Church entity or Church agency or their representative on the potential suspension and provide them with sufficient information about the basis of the potential suspension and with a reasonable opportunity to respond.
- 97.4 The provisions of section 97.3 do not apply if the Committee is satisfied that there is an immediate unacceptable risk of harm to any person or Church entity or Church agency if the respondent remains in his or her present office or duties so that action under section 97.1 is required prior to any consultations.
- 97.5 The Archbishop may make such arrangements for the performance of the duties of the office as may be authorised by any canon, statute or policy or, in the absence of such canon, statute or policy, as the Archbishop deems proper.
- 97.6 Respondents suspended under this Part will be entitled to whatever stipend, salary, allowances and other benefits that they would ordinarily have received and, subject to any other decision or policy of Diocesan Council, such entitlements are to be met or reimbursed from funds of the Diocese, the Parish or other Church entity or Church agency as the case may be ordinarily.
- 97.7 The Archbishop may revoke a suspension or other action under this Part at any time during its currency.

PART 4.5 – APPEALS TO THE APPELLATE TRIBUNAL

- 98 Appeal to the Appellate Tribunal on breaches of discipline**
- 98.1 Subject to section 98.3 below, the person or persons:
- (a) who bring a charge before the Diocesan Tribunal, if dissatisfied with its determination or recommendation in relation to an offence concerning a breach of discipline; and/or

- (b) so charged, if dissatisfied with the determination, recommendation or the disciplinary action imposed as a result of that recommendation (“the determination”), may appeal to the Appellate Tribunal within 28 days after the making of the determination or recommendation, or the imposing of the disciplinary action, or within such further time as the President of the Appellate Tribunal may in writing allow.
- 98.2 Where disciplinary action comprises the deprivation of or suspension from office, the Archbishop may, on the lodging of the notice of appeal to the Appellate Tribunal, if the Archbishop sees fit, stay the operation of the disciplinary action.
- 98.3 No appeal lies to the Appellate Tribunal in respect of any sentence handed down by the Archbishop.

PART 5 – INDEMNITY

99 Indemnification of those with functions under the Statute

- 99.1 The Trustees will and are hereby authorised out of church funds to indemnify:
- (a) The Committee Secretary, Secretary to the Board, Tribunal Secretary and the Director and any of their delegates;
- (b) the members of the Committee, Board, the PSC and each of them and any of their delegates;
- (c) the Church authority or if more than one, each Church authority,
- for any conduct by them in good faith and in the exercise or purported exercise of powers or functions, or in the discharge or purported discharge of duties under this Statute.

PART 6 – TRANSITIONAL PROVISIONS

PART 6.1 – TRANSITIONAL PROVISIONS IN RELATION TO THE PROFESSIONAL STANDARDS STATUTE 2015

100 Interpretation

100.1 In this Part:

commencement day means the day on which this Statute comes into operation.

101 Complaints already made

101.1 This section applies to a complaint within the meaning of that expression in this Statute if:

- (a) the complaint was made before the commencement day to the PSC, has not been withdrawn or dismissed and relates to Misconduct; and
- (b) the complaint has not been the subject of a determination or recommendation by the Director or the PSC before that day.

101.2 On and after the commencement day the complaint is to be dealt with under this Statute.

102 Current investigation

102.1 This section applies to an investigation of a complaint that the Director or the PSC has begun but not completed before the commencement day.

102.2 On and after the commencement day the investigation is to be conducted in accordance with this Statute.

PART 6.2 – TRANSITIONAL PROVISIONS IN RELATION TO CLERGY DISCIPLINE STATUTE 1996

103 Interpretation

103.1 In this Part:

commencement day means the day on which this Statute comes into operation.

104 Charges already laid

104.1 This section applies to a charge made under the Clergy Discipline Statute 1996 if:

- (a) the charge was made before the commencement day; and
- (b) the charge has not been dismissed and has not been the subject of a determination or recommendation under the Clergy Discipline Statute 1996 before that day.

104.2 On and after the commencement day the charge is to be dealt with under Part 4 of this Statute and must be referred to the Board of Enquiry for review and determination.

105 Clergy Offence to include conduct before commencement of this Statute

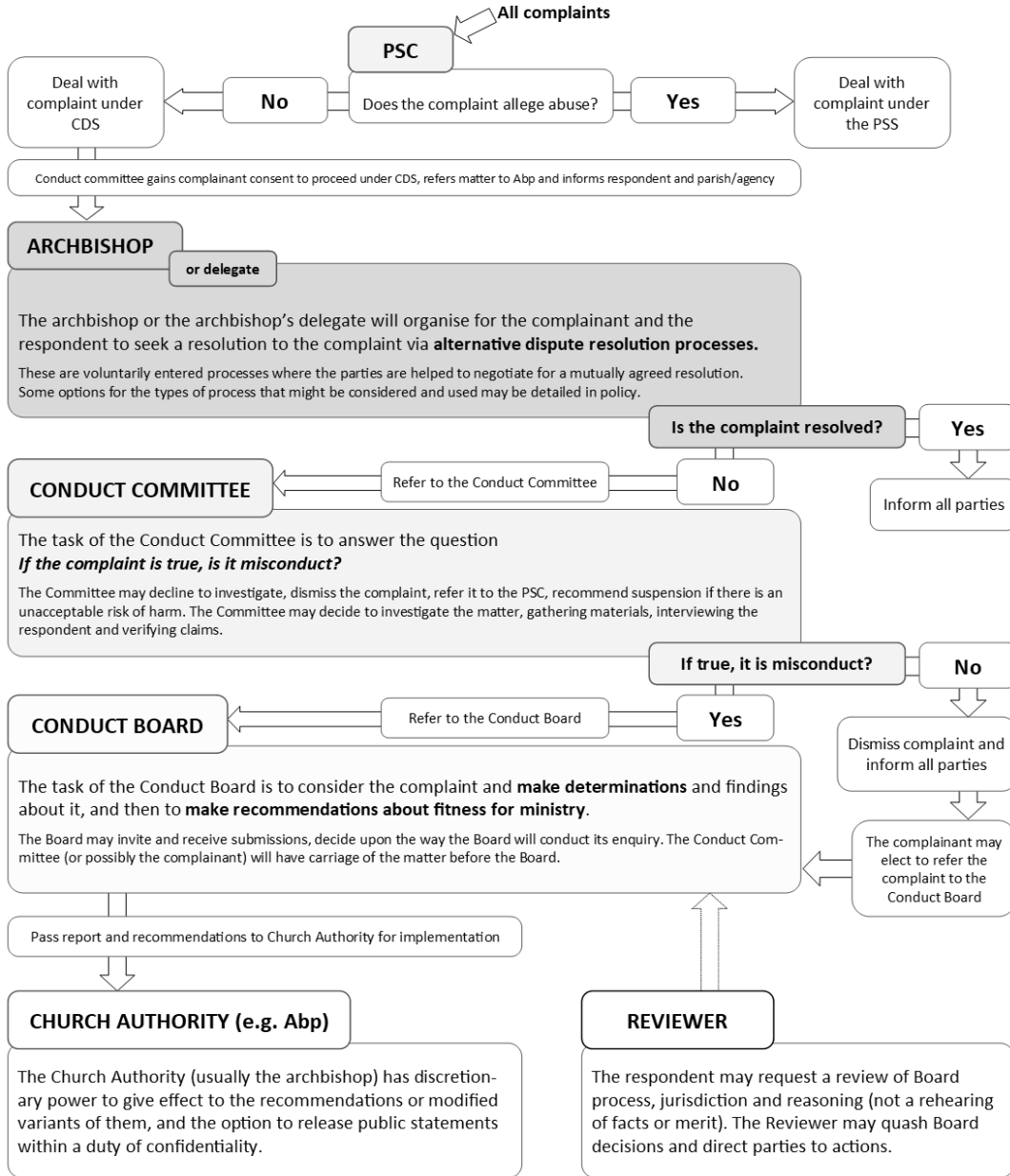
105.1 For the purposes of the definition of “Clergy Offence” in section 4.1 of this Statute, this is to be taken as including a reference to conduct, whether occurring before or after the commencement day providing that the conduct constituted an ecclesiastical offence under the Clergy Discipline Statute 1996.

106 Panel of Triers deemed to be appointed as Tribunal Panel Members

106.1 The existing members of the Panel of Triers under the Clergy Discipline Statute 1996 are deemed to be members of the Tribunal Panel under this Statute for the remainder of their terms of appointment or the first session of the next Synod following the passing of this Statute, whichever is the earlier.

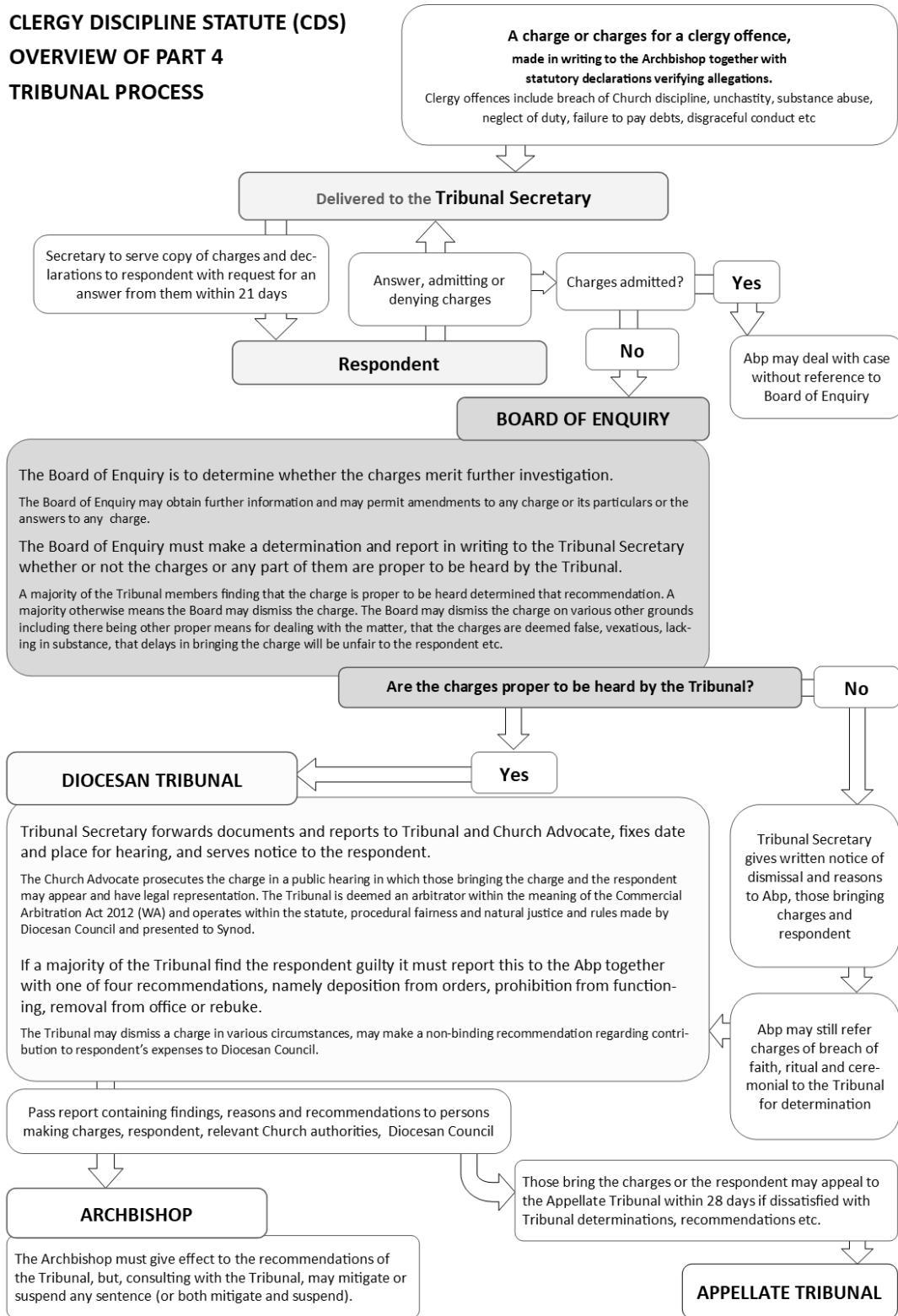
SCHEDULE 1 – OVERVIEW DIAGRAM OF PART 3 PROCESS

**CLERGY DISCIPLINE STATUTE (CDS)
OVERVIEW OF PART 3**



SCHEDULE 2 – OVERVIEW DIAGRAM OF PART 4 PROCESS

**CLERGY DISCIPLINE STATUTE (CDS)
OVERVIEW OF PART 4
TRIBUNAL PROCESS**



SCHEDULE 3 - STATEMENT OF CHARGE AGAINST AN INCUMBENT OF A PARISH OF A BREACH OF FAITH, RITUAL OR CEREMONIAL - SECTION 79.1(a)(ii)

We:

A.B. of

C.D. of

E.F. of

G.H. of

and I.J. of

do hereby severally declare that we are adult communicant members of the Anglican Church resident within the Diocese of Perth and bona fide enrolled members of the parish of _____ in the Diocese of Perth and we do hereby charge The Reverend K.L. incumbent of the parish of _____ in the Diocese of Perth that he/she has committed within that parish the following offence
(set out particulars of offence)

on which charge we desire that K.L. be brought to trial and we the said A.B., C.D., E.F., G.H., and I.J., do solemnly and sincerely declare that we do not make this charge from any private ill-will towards K.L. or with any view to our own profit and we further declare in like manner that we severally believe the charge laid to be substantially true.

Signed and dated

A.B.

C.D.

E.F.

G.H.

I.J.

The address at which documents may be served on the persons making the charge is:

SCHEDULE 4 - STATEMENT OF CHARGE AGAINST A PERSON WHO IS NOT AN INCUMBENT OF A PARISH OF A BREACH OF FAITH, RITUAL OR CEREMONIAL - SECTION 79.1(b)(ii)

We:

A.B. of

C.D. of

E.F. of

G.H. of

and I.J. of

do hereby severally declare that we are adult communicant members of the Anglican Church resident within the Diocese of Perth and we do hereby charge The Reverend K.L. of being a person licensed by the Archbishop of Perth (or being a person in Holy Orders resident in the Diocese of Perth) that he/she has committed the following offence (set out particulars):

on which charge we desire that K.L. be brought to trial and we the said A.B.; C.D.; E.F.; G.H.; and I.J.; do solemnly and sincerely severally declare that we do not make this charge from any private ill-will towards K.L. or with any view to our own profit and we further declare in like manner that we severally believe the charge laid to be substantially true.

Signed and dated:

A.B.

C.D.

E.F.

G.H.

I.J.

The address at which documents may be served on the persons making the charge is:

[This form may be adapted for the purposes of other charges brought pursuant to section 79]