



## ANGLICAN CHURCH OF AUSTRALIA

### **Additional information**

Making a complaint or providing information  
about the conduct of a bishop  
in the Anglican Church of Australia



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## 1. The diocesan structure of the Church

Investigation into the alleged misconduct of a bishop may depend upon:

- **whether a specific diocese has adopted a particular canon,** and
- **what role the bishop has or had within the specific diocese.**



### REFERENCES

*The Constitution of the Anglican Church of Australia*

#### VICTORIA

1. Gippsland
2. Wangaratta
3. Melbourne
4. Bendigo
5. Ballarat

#### SOUTH AUSTRALIA

6. The Murray
7. Adelaide
8. Willochra

#### NEW SOUTH WALES

9. Sydney
10. Canberra Goulburn
11. Riverina
12. Bathurst
13. Newcastle
14. Armidale
15. Grafton

#### QUEENSLAND

16. Brisbane
17. Rockhampton
18. North Queensland
19. Northern Territory

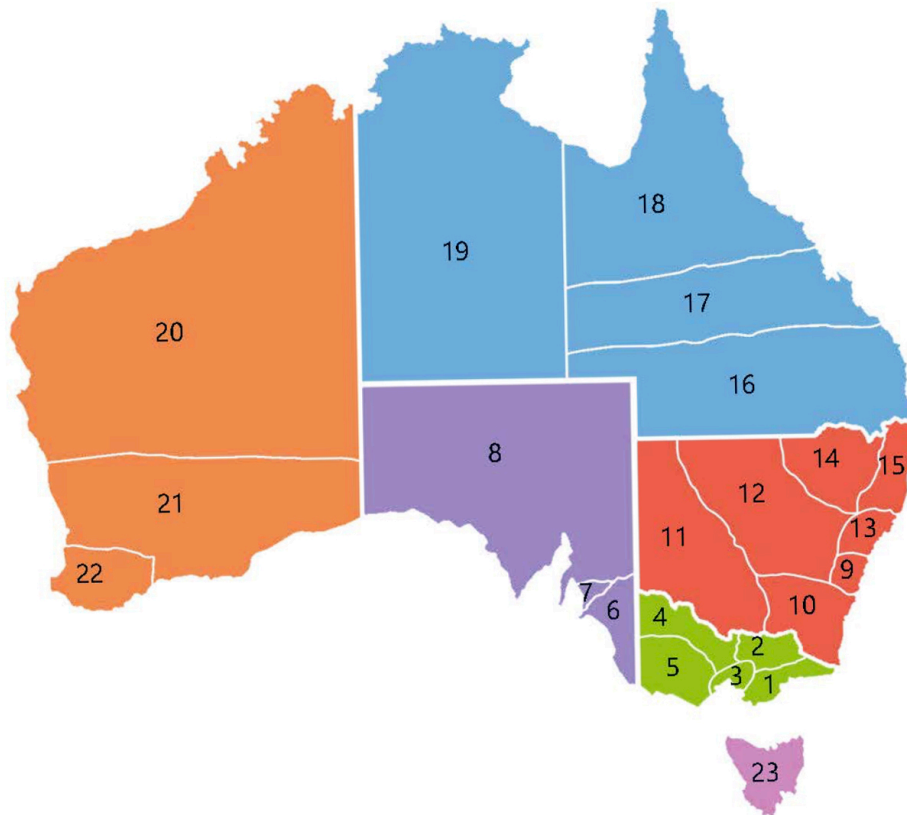
#### WESTERN AUSTRALIA

20. North West Australia
21. Perth
22. Bunbury

#### TASMANIA

23. Tasmania

The Anglican Church of Australia consists of 23 dioceses, each governed by a Bishop.



### ACTION

If you are intending to lodge a complaint or provide information about the conduct of a bishop, we suggest you seek initial advice from the office of the diocese where you currently live.

The office should be able to direct you further—to the Director of Professional Standards in that diocese or another diocese, or to the Director of the Episcopal Standards Commission.



## REFERENCES

*The Constitution of the Anglican Church of Australia, Section 16 and Section 17 (8) a (i).*

*The Offences Canon 1962*  
*The Special Tribunal Canon 2007*  
*The Episcopal Standards Canon 2007*  
*The Episcopal Standards (Child Protection) Canon 2017*

*Episcopal Standards Protocol (General) 2011*

## 2. The powers of the ESC

The Anglican Church has different 'classes' of bishops.

The powers of the ESC:

- **differ in their application to the different classes**, and
- **depend on a bishop's current status.**



## ACTION

In accordance with Church law, the jurisdiction of the ESC may be limited in regard to receiving and investigating the substance of your complaint.

If you are unclear as to the class and status of the bishop who is the subject of your complaint or information, ask the Director of Professional Standards in your local diocese OR the Director of the ESC to clarify this for you.

Class and status of bishop	Powers of the ESC
A current or former <b>assistant bishop</b> or current or former <b>regional bishop</b> who has never been a member of the House of Bishops or a bishop assistant to the Primate.	<p>The ESC <b>has no power</b> or duty to receive or act on a complaint or information concerning a bishop of this kind.</p> <p>Such a complaint must be dealt with under the processes of the diocese in which the bishop resides or holds a licence.</p>
Members of the House of Bishops, being either <b>a diocesan Bishop</b> , that is, a bishop elected to hold that office in a specific diocese OR a <b>National Indigenous Bishop</b> , that is, either a National Aboriginal Bishop or a National Torres Strait Islander Bishop.	<p>The ESC <b>may have the power</b> and the duty to receive and act on a complaint or information concerning these bishops.</p> <p>This will depend upon:</p> <ul style="list-style-type: none"> <li>• the nature of the complaint or information;</li> <li>• the time when the conduct is alleged to have occurred; and</li> <li>• whether, in the case of diocesan Bishops, the relevant diocese has adopted and not excluded specific canons governing the conduct.</li> </ul> <p>These conditions are explained further below.</p>
A bishop <b>who was at one time a member of the House of Bishops</b> . Such a bishop does not hold a current office, but remains in Holy Orders.	
A current or former <b>bishop assistant to the Primate</b> in the latter's capacity as Primate.	

### 3. Breaches of faith, ritual, ceremonial or discipline

Under the *Constitution* and the *Special Tribunal Canon 2007*, the ESC has the power to investigate complaints against certain bishops in relation to these matters. In certain cases, however, the ESC's power to investigate or to bring a charge before the Special Tribunal, is nullified.



#### REFERENCES

*The Constitution of the Anglican Church of Australia*

*Special Tribunal Canon 2007*  
*Episcopal Standards Protocol (General) 2011*

As at **4 December 2020**, the following dioceses have excluded the power of the ESC to bring a charge against a diocesan Bishop before the Special Tribunal:

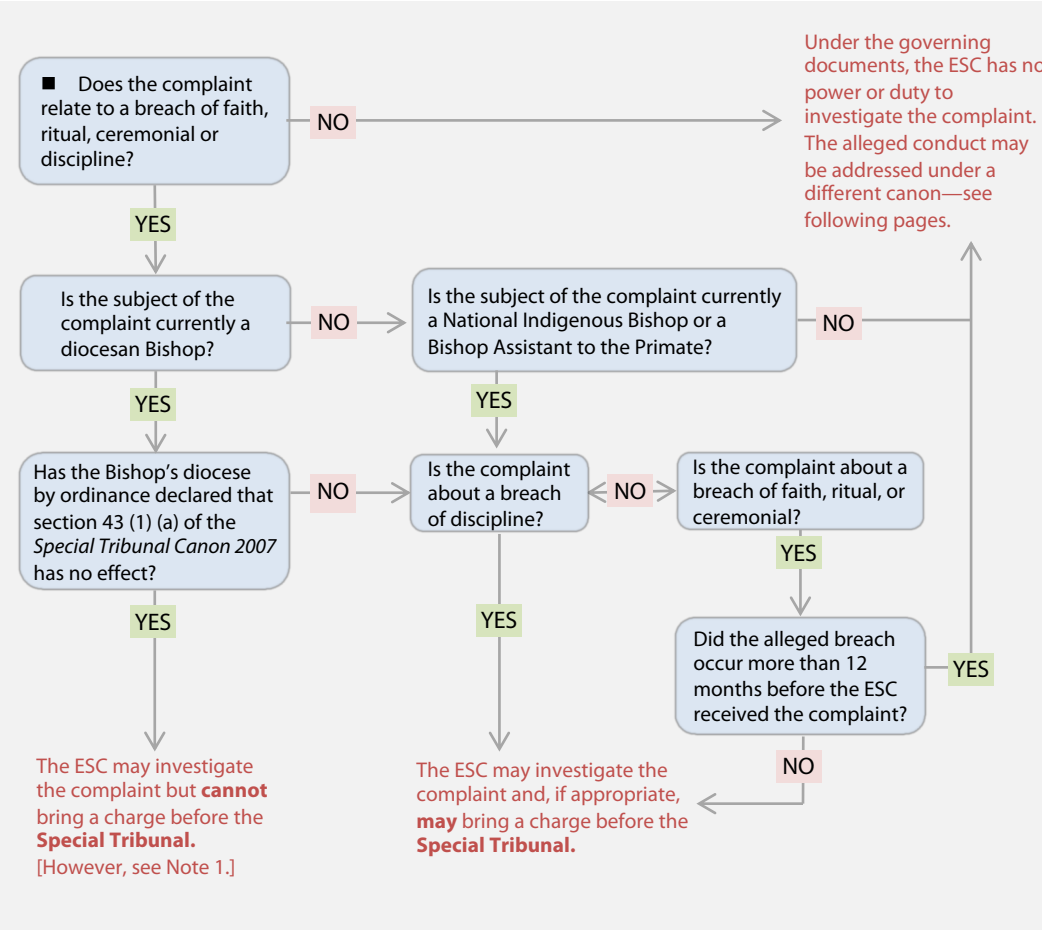
Adelaide  
Bendigo  
Canberra and Goulburn  
Perth  
Sydney  
Tasmania  
Wangaratta  
Willochra



#### ACTION

You may be asked to provide additional evidence beyond that included in your initial letter of complaint. Such evidence may include recorded conversations, reports, relevant documents and Statutory Declarations.

There is no obligation to do so but you can, of course, seek your own professional advice and assistance in assembling this material.



#### NOTE 1

Under the *Special Tribunal Canon 2007*, section 43 (1), a charge may be brought against a bishop in the Special Tribunal by another bishop, or, in respect of a Bishop holding office or a licence in a diocese, in accordance with the provisions of an ordinance of the synod of that diocese.



## REFERENCES

The offences listed in Section 2 of the *Offences Canon 1962* are as follows:

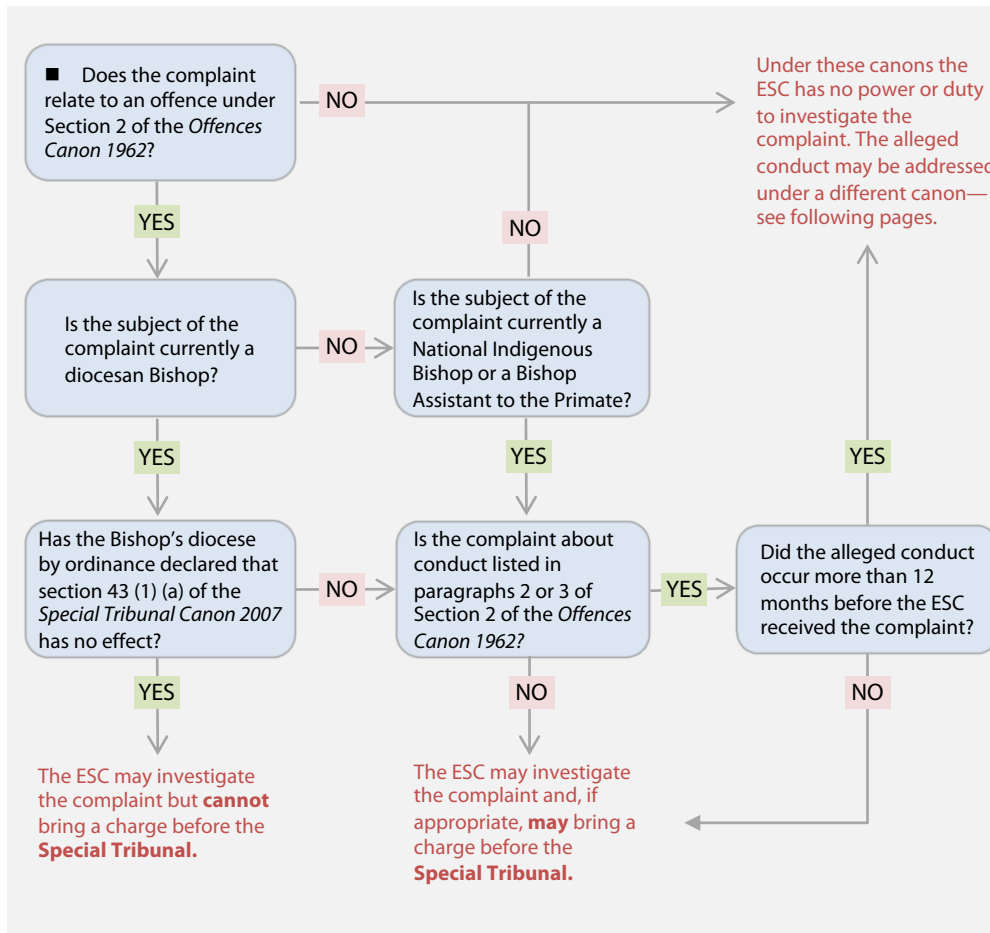
1. Unchastity
2. Drunkenness
3. Willful failure to pay just debts
4. Conduct, whenever occurring,
  - a) which would be disgraceful if committed by a member of the clergy, and
  - b) which at the time the charge is preferred is productive, or if known publicly would be productive, of scandal or evil report.
5. Willful violation of the constitution or of the canons made thereunder or of the ordinances of provincial synod or of the bishop's diocesan synod.
6. Any conduct involving willful and habitual disregard of his or her consecration vows.
7. Child abuse.
8. Failure without reasonable excuse to comply with the laws of the Commonwealth or a State or territory requiring the reporting of child abuse to the police or other authority.
9. Failure to comply with a direction of the Episcopal Standards Board established under the *Episcopal Standards Canon 2007* or the *Episcopal Standards (Child Protection) Canon 2017* or any other Board established under an ordinance of a provincial synod or diocesan synod for dealing with the fitness of a bishop to hold office or to be or remain in Holy Orders.

## 4. Nine specific offences

Under the *Offences Canon 1962* and the *Special Tribunal Canon 2007*, the ESC has the power to investigate complaints about the conduct of certain bishops in relation **to specific offences**. It can also investigate conduct that, more generally, would be **productive of scandal or evil report**.



## ACTION



The Director of the ESC may assist you to consider under which canon your complaint or information might be best addressed.

It is possible that the alleged conduct may be outside the jurisdiction of the ESC under one canon, but within the ESC's jurisdiction under another.

Thus, in a particular matter, 'information' may become a 'complaint' and be dealt with either under the *Special Tribunal Canon 2007*, the *Offences Canon 1962* or the *Episcopal Standards Canon 2007*.

## 5. Fitness to hold office or to remain in Holy Orders

Under the *Episcopal Standards Canon 2007*, the ESC has the power to investigate information concerning the **conduct** of certain bishops **which may call into question the fitness of a bishop to hold office or to be or to remain in Holy Orders**.



### REFERENCES

*Episcopal Standards Canon 2007*

As at 4 December 2020, the following dioceses have adopted the *Episcopal Standards Canon 2007*:

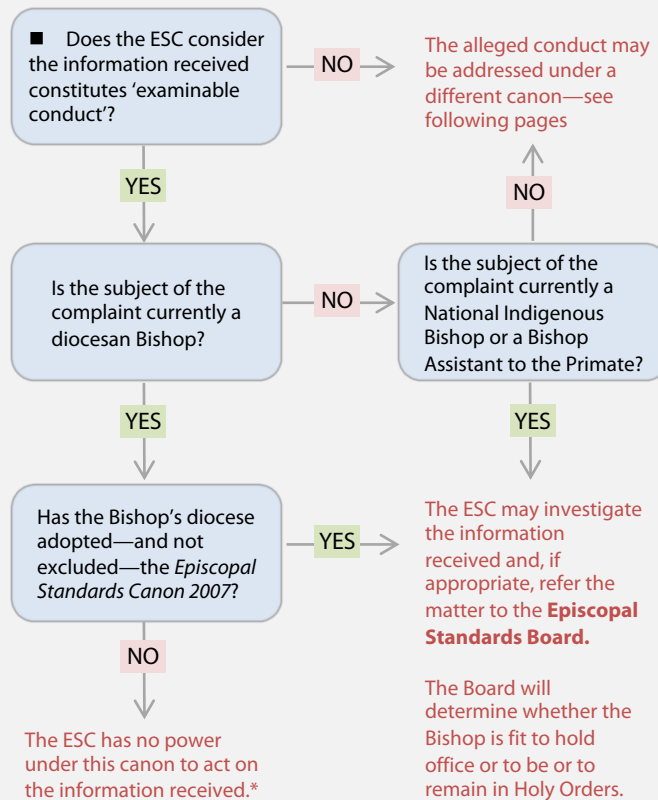
Armidale  
Bathurst  
Brisbane  
Bunbury  
Gippsland  
Grafton  
Newcastle  
North Queensland North  
West Australia Northern Territory Riverina  
Rockhampton  
Tasmania

Under the *Episcopal Standards Canon 2007*, the ESC has the power to investigate conduct it considers to be **'examinable conduct'**.

'Examinable conduct' means any conduct or omission, wherever or whenever occurring, which, if established, might call into question the fitness of a Bishop to hold office or to be or remain in Holy Orders.

'Examinable conduct' specifically excludes breaches of faith, ritual or ceremonial but would, on the face of it, include a breach of discipline.

Under the canon, 'examinable conduct' applies to the conduct of a diocesan Bishop, a National Indigenous Bishop and a Bishop Assistant to the Primate. It does not apply to such bishops not currently in office.



### ACTION

\*If the ESC considers that:

- the information you are providing meets the definition of 'examinable conduct', and
  - it relates to a diocesan bishop whose diocese has not adopted the *Episcopal Standards Canon 2007*,
- the Director may discuss with you whether the matter could be addressed by making a formal complaint under the *Offences Canon 1962*. (See page 6 above).



## 6. Matters relating to child protection

Under the *Episcopal Standards (Child Protection) Canon 2017*, ‘examinable conduct’ has a narrow focus—on **matters relating to child protection**—but broad application, encompassing the conduct of **former bishops** as well as that of **current bishops**.



### REFERENCES

*The Episcopal Standards Canon (Child Protection) Canon 2017*

*Episcopal Standards Protocol (General) 2011*

As at 4 December 2020, the following dioceses have adopted the *Episcopal Standards (Child Protection) Canon 2017*:

Adelaide  
Armidale  
Ballarat  
Bathurst  
Bendigo  
Brisbane  
Bunbury  
Canberra & Goulburn  
Gippsland  
Grafton  
Melbourne  
Newcastle  
North Queensland  
Northern Territory  
Perth  
Riverina  
Rockhampton  
Sydney  
Tasmania  
The Murray  
Wangaratta  
Willochra

Under the *Episcopal Standards (Child Protection) Canon 2017*, the ESC has the power to investigate conduct it considers to be ‘**examinable conduct**’.

However, the canon excludes from the Commission’s power to act breaches of faith, ritual or ceremonial.

Conduct that may constitute ‘examinable conduct’ is defined differently for different classes of bishop.

See also Note 2.

For a bishop who **is currently** a diocesan Bishop or a National Indigenous Bishop or a Bishop Assistant to the Primate, ‘examinable conduct’ means any conduct or omission, **other than exempt conduct**, involving:

- child abuse; or
- conduct that impedes or undermines a professional standards process; or
- the failure without reasonable excuse to perform a function under a professional standards process; or
- the failure without reasonable excuse to comply with the laws of the Commonwealth, a State or Territory requiring the reporting of child abuse to the police or other authority;

wherever or whenever occurring, and the subject of information which, if established, might call into question the fitness of the Bishop to hold office or to remain in Holy Orders.

‘**Exempt conduct**’ means any conduct or omission which would be examinable conduct, had not the Bishop disclosed the material facts of such conduct to the ordaining bishop prior to the Bishop’s ordination as a deacon.

For a bishop who **was at one time** a diocesan Bishop or a National Indigenous Bishop, that is a member of the House of Bishops, or a Bishop Assistant to the Primate, ‘examinable conduct’ means any conduct or omission involving:

- child abuse; or
- conduct that impedes or undermines a professional standards process; or
- the failure without reasonable excuse to perform a function under a professional standards process; or
- the failure without reasonable excuse to comply with the laws of the Commonwealth, a State or Territory requiring the reporting of child abuse to the police or other authority;

occurring while the bishop was a member of the House of Bishops or a Bishop Assistant to the Primate, whether before or after the commencement of the canon, and the subject of information which, if established, might call into question the fitness of the Bishop to hold office or to remain in Holy Orders.

(The date of commencement of the canon was 5 September 2017.)



### ACTION

The Director of the ESC will investigate and let you know if any alleged conduct of a Bishop currently holding office is ‘exempt conduct’.

#### NOTE 2

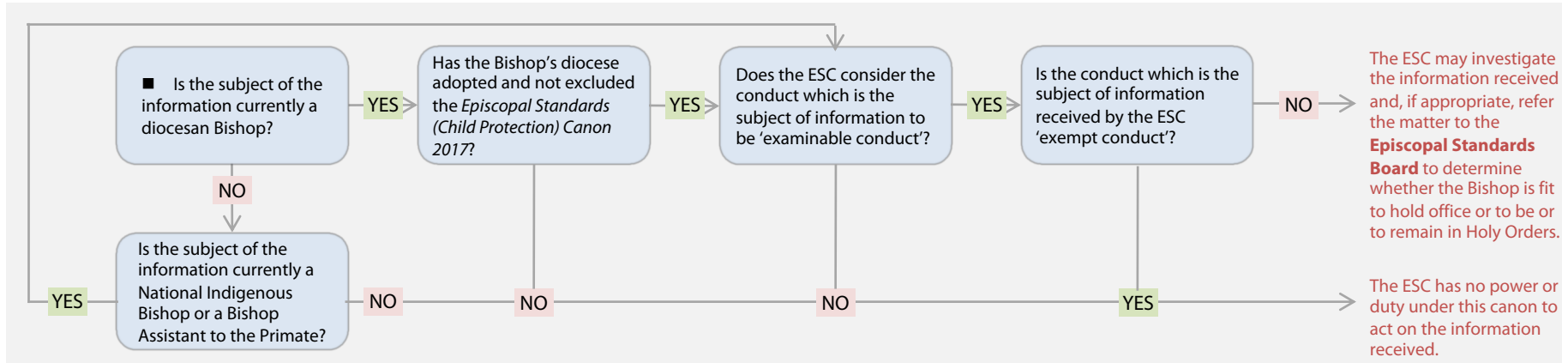
Under the *Episcopal Standards (Child Protection) Canon 2017*, section 2 (2), ‘examinable conduct’ for a former bishop extends to any other conduct or omission that:

- meets the relevant definition of examinable conduct; and
- occurs before or after any period in which the bishop was a member of the House of Bishops or an assistant to the Primate; and
- might call into question the fitness of the Bishop to hold office or to remain in Holy Orders.



## Conduct governed by the *Episcopal Standards (Child Protection) Canon 2017*

This chart outlines the capacity of the ESC to act in relation to information received about the conduct of a **current** diocesan Bishop, a National Indigenous Bishop or a Bishop Assistant to the Primate.



This chart outlines the capacity of the ESC to act in relation to information received about the conduct of a **former** diocesan Bishop, National Indigenous Bishop or Bishop Assistant to the Primate.

