



Book 1

Bills

The Nineteenth Session of General Synod

The Anglican Church of Australia
The Nineteenth Session of General Synod
9-14 August 2026 Melbourne





The Anglican Church of Australia

BILLS

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BOOK 1

9 – 14 August 2026

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INTRODUCTION

This Book 1 of the papers for the Nineteenth Session of the General Synod contains Bills to be presented to the General Synod to make and to amend Canons and Rules. An explanatory memorandum precedes each Bill in this book.

The book presents Bills for Canons and Bills for Rules that are promoted at the request of the Standing Committee.

As of the date of publication, there have been no Bills for Canons and Bills for Rules that are promoted at the request of a Diocesan Synod or Council.

The column of numbers at the left margin of each Bill denotes line numbers for ease of reference.

The procedures for making Canons are set out in Rule I – Standing Orders, particularly Standing Orders 63 to 65. The procedures for making Rules are set out in Standing Order 66.

NOTIFYING PROPOSED AMENDMENTS

It is possible to propose amendments to the Bills. Please note the requirements of Standing Orders 41 to 42A relating to amendments.

Proposed amendments notified to the General Secretary in writing before 9.00 am on Monday 3 August 2026 in accordance with Standing Order 42A(a) will be tabled on the first sitting day of the session pursuant to Standing Order 7(d)(7).

Proposed amendments notified to the Secretaries of General Synod on the first or any subsequent day of sitting prior to 7.30 pm in accordance with Standing Order 42A(b) and (c) will be incorporated in the amendment sheet for the next sitting day.

Amendment to Bill forms can be downloaded from the GS19 Portal or accessed at the Secretaries desk during the synod session.

A BILL FOR THE PRIMATE AMENDMENT CANON 2026

EXPLANATORY MEMORANDUM

General Introduction

The amendments to the Primate Canon 1985 expand the reserve list of members of a Primate Election Panel and remove a requirement about reporting certain matters to the Primate Election Board.

Notes on clauses

Clause 1 provides that in this Canon “principal Canon” means the Primate Canon 1985.

Clause 2 repeals the definition of “Director” in section 2 of the principal Canon, as that word will not longer be used in the Canon.

Clause 3 amends section 5(1) of the principal Canon to make the number of clerical members and the number of lay members of the Panel of Electors 18 rather than 16.

The Board of Electors, which is responsible for electing, or extending the term of a Primate, is drawn from the Panel of Electors and will continue to have 12 clerical and 12 lay members. The effect of this amendment is therefore to expand by two the number of members of the “reserve list” from which members of the Board are drawn as other members become unavailable. The experience in 2025 was that there was a risk that four reserve members would not be enough.

Clause 4 amends section 7 of the principal Canon to rectify an error in the drafting of paragraph (a).

Clause 5 repeals two similar provisions in the principal Canon.

Section 14(1)(d) provides that if a Primate is elected on the first ballot, “the Episcopal Standards Director must disclose to members of the Board the substance of any complaint or information relating to the eligible bishop as elected insofar as it has been communicated to the eligible bishop”.

Section 14(g) provides that before a second ballot is held, the Episcopal Standards Director must disclose to members of the Board the substance of any complaint or information relating to any candidate insofar as it has been communicated to that candidate”.

These provisions therefore anticipate that before the Board of Electors meets to elect a primate every Diocesan Bishop will have been informed of complaints or information relating to them. These include complaints that might be vexatious or trivial, or have been received only a day or so before the Board meets. In other cases the complaint might be one about which the Bishop should not be told at that stage of the investigation.

In addition, the requirement operates differently across the different members of the House of Bishops. In the case of allegations of child abuse, the Episcopal

Standards Director will know of complaints against all bishops except the Bishop of North West Australia (unless the complaint is made under the Special Tribunal Canon). In the case of other types of complaint, while they *may* be made to the Episcopal Standards Director, they need not be. In the dioceses of Ballarat, Bendigo, Melbourne, Perth and Wangaratta complaints would be made to the Episcopal Standards Director for those dioceses, and the Diocese of Sydney does not have such a role.

The repeal of these words would not affect the requirement that the General Secretary disclose to the members of the Board the content of the National Register in relation to a Bishop who has been elected in the first round, or might be elected in a second round.

5

A BILL FOR THE PRIMATE AMENDMENT CANON 2026

The General Synod prescribes as follows:

10 Definition

1. In this Part “principal Canon” means the Primate Canon 1985.

Repeal of definition

2. In section 2 of the principal Canon, the definition of “Director” is repealed.

15

Number of members of panel

3. In section 5(1) of the principal Canon for “sixteen” where twice appearing substitute “eighteen”.

20 Statute law amendment

4. In section 7 of the principal Canon, for paragraph (a) substitute:
- “(a) the person was a member of the clergy at the time of their election and ceases to be a member of the clergy;
- (aa) the person who was a member of the laity at the time of their election and ceases to be a member of the laity;”.

25

Disclosure of complaints by Episcopal Standards Director

5. In section 14(1) of the principal Canon—
- (a) in paragraph (d)(i), omit all the words after “eligible bishop so elected”; and
- (b) in paragraph (g)(i) omit all the words after “each of the candidates for that ballot”.

30

**A BILL FOR THE CONSTITUTION AMENDMENT
(PUBLICATION OF CONSTITUTIONAL AMENDMENTS) CANON
2026**

EXPLANATORY MEMORANDUM

Section 67(2) of the Constitution provides,

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

It is now not possible to comply with the requirement that the date appointed be notified in the Commonwealth of Australia Gazette, as the Commonwealth Government no longer accept public notices for publication.

Some States and Territories still do accept public notices, but this may change over time.

This amendment removes the requirement to publish in any government gazette, and replaces it with a requirement to notify the date on the General Synod website.

As a matter of practice, once an alteration has come into effect the Constitution published on the General website is also updated.

5

**A BILL FOR THE CONSTITUTION (PUBLICATION OF
CONSTITUTIONAL AMENDMENTS) AMENDMENT CANON
2026**

10

The General Synod prescribes as follows:

Title

15

1. This canon is the Constitution Amendment (Publication of Constitutional Amendments) Canon 2026.

Publication of alterations to the Constitution

20

2. In section 67(2) of the Constitution for “in the Commonwealth of Australia Gazette and in the Government Gazette of each State” substitute “on the General Synod website”.

**A BILL FOR A NATIONAL ABORIGINAL AND TORRES STRAIT
ISLANDER ANGLICAN COUNCIL (AMENDMENT) CANON 2026****EXPLANATORY MEMORANDUM**

The purpose of this Bill is to recognise the National Aboriginal Bishop and Torres Strait Islander Bishop as Bishops Assisting the Primate and provide for an appointment process and structure modelled on current arrangements for the Bishop to the Defence Force.

NOTES ON CLAUSES

- | | |
|----------|---|
| Clause 1 | states the title of the canon. |
| Clause 2 | provides that this amending canon comes into effect when the First Nations Bishops (Constitutional Amendment) Canon 2026 comes into effect. |
| Clause 3 | provides that in this canon “principal canon” means the National Aboriginal and Torres Strait Islander Anglican Council Canon 2014 |
| Clause 4 | insert new definitions using the term “First Nations Bishop” |
| Clause 5 | <p>inserts a new Part 1A into the principal canon.</p> <p>proposed s 4A provides for how First Nations Bishops are to be appointed.</p> <p>Proposed section 4B provides that the First Nations Bishops will be funded by the General Synod.</p> <p>Proposed s 4C provides that First Nations Bishops will be bishops assistant to the Primate, and that their episcopal oversight will be of First Nations people in the Anglican Church of Australia. It further states that the canon provides the basis on which each First Nations Bishop will exercise shared episcopal oversight of First Nations people in a diocese with the goodwill of the relevant Diocesan Bishop. That statement does not impose a legal obligation, and does not make this a canon affecting the order and good government of the church within a diocese.</p> <p>Proposed section 4D provides for the term of office of First Nations Bishops, which includes a term of five years that can be renewed.</p> <p>proposed section 4E provides the mechanism for extending the term of office of a First Nations Bishop.</p> <p>proposed section 4F provides that A First Nations Bishop does not have the power to ordain a person, to permit a person to function or to authorise a person to function other than in accordance with the agreement of the Diocesan bishop of the diocese in which the person is to function, and that that agreement must not be unreasonably withheld.</p> |
| Clause 6 | amends section 10 of the principal canon so provide that NATSIAC members come from dioceses, but do not represent those dioceses. |

Clause 7	requires Diocesan bishops to consult First Nations people in their Diocese before appointing members of NATSIAC.
Clause 8	removes provisions making NATSIAC responsible for its finances, while providing that it will determine the priority order for the application of funds available for its purposes.
Clause 9	inserts a new section 9A giving the NATSIAC responsibility for recommending to the Primate the non-diocesan First Nations representatives in General Synod.
Clause 10	inserts a new section 14A to provide for the appointment and term of a chair of NATSIAC.
Clause 11	provides that the Schedule applies.
Clause 12	provides that a National Aboriginal or National Torres Strait Islander Bishop in office at the time when the canon comes into operation continues as a First Nations Bishop under the amendment canon for a further one year.
Schedule	contains consequential amendments to refer to First Nations Bishops.

5

**A BILL FOR A NATIONAL ABORIGINAL AND TORRES STRAIT
ISLANDER ANGLICAN COUNCIL (AMENDMENT) CANON 2026**

10 The General Synod prescribes as follows:

Title

- 15 1. This Canon is the "National Aboriginal and Torres Strait Islander Anglican Council (Amendment) Canon 2026".

Commencement

- 20 2. This Canon comes into effect on the day on which the First Nations Bishops (Constitutional Amendment) Canon 2026 comes into effect.

Interpretation

- 25 3. In this Canon "**the principal Canon**" means the National Aboriginal and Torres Strait Islander Anglican Council Canon 2014.

Amendment to section 2 of the principal Canon

- 30 4. In the principal Canon—
- (a) insert "**First Nations Bishop**" means a person who is the First Nations (Aboriginal) Bishop or the First Nations (Torres Strait Islander) Bishop;
 - (b) for the definition of "National Aboriginal Bishop" substitute "**First Nations (Aboriginal) Bishop**" means the Bishop appointed under section 4A; and
 - 35 (c) for the definition of "National Torres Strait Islander Bishop" substitute "**First Nations (Torres Strait Islander) Bishop**" means the Torres Strait Islander Bishop appointed under section 4A.

New Part 1A – First Nations Bishops

- 40 5. Following Part 1 insert:

"Part 1A – First Nations Bishops**"Appointing First Nations Bishops**

- 45 "4A. (1) The Primate may with the assent of the Council—
- (a) appoint a person in Holy Orders to the office of First Nations (Aboriginal) Bishop; and
 - (b) appoint a person in Holy Orders to the office of First Nations (Torres Strait Islander) Bishop.
- 50 (2) A person appointed under this section must be a First Nations person of Australia.

5 (3) A person appointed to an office under this section must be a bishop before entering upon that office.

 (4) A person appointed under this section who is not already a bishop must not be consecrated as bishop unless their canonical fitness has been certified in writing by the Primate and the Metropolitans.

10 **“Stipend and allowances of First Nations Bishops**

 “4B. The stipend and allowances of each First Nations Bishop are to be met by the General Synod.

“First Nations Bishops to be assistant to the Primate

15 “4C. A First Nations Bishop is a bishop assistant to the Primate and is responsible to the Primate for episcopal oversight of First Nations people in the Anglican Church of Australia. This Canon provides the basis on which each First Nations Bishop will exercise shared episcopal oversight of First Nations people in a diocese with the goodwill of the relevant Diocesan Bishop.

“Term of office

20 “4D. (1) A First Nations Bishop continues in office notwithstanding any vacancy in the office of Primate.

 (2) The term of office of a First Nations Bishop expires—

 (a) five years after the commencement of their term in office, or at the expiration of any subsequent fixed term;

25 (b) when they resign; or

 (c) if they cease to be a bishop—

 whichever occurs first.

“Extension of term of office

30 “4E. The appointment of a First Nations Bishop may be extended by the Primate for further terms of up to five years if, following consultation with the NATSIAC Executive, the Primate has reviewed the position of that bishop no sooner than 12 months, and no later than 8 months, before the end of their current term.

“Permitting or authorising to function

35 “4F. (1) A First Nations Bishop does not have the power to ordain a person, to permit a person to function or to authorise a person to function other than in accordance with the agreement of the Diocesan bishop of the diocese in which the person is to function.

40 (2) The agreement of the Diocesan bishop under subsection (1) must not be unreasonably withheld.”

5 NATSIAC members not representing Dioceses

6. In paragraphs (d), (d1), (e), (f) and (g) of section 10(1) of the principal Canon whenever occurring, for “to represent” substitute “as coming from”.

Choice of NATSIAC members by Diocesan bishops

7. After section 10(1) of the principal Canon insert:
- 10 “(1A) Before appointing a person under paragraphs (d), (d1), (e), (f) and (g) of subsection (1) a Diocesan bishop must consult First Nations members of this Church in their Diocese about who should be appointed.”

Financial matters

- 15 8. (1) For section 9(b) of the principal Canon, substitute “determining the priority order for the application of funds available for the purposes of NATSIAC”.
- (2) In the principal Canon—
- (a) in section 22, the phrase “its finances and” is repealed;
- (b) for section 23 substitute,
- 20 “The Council must comply with all the relevant canons and rules of the General Synod.”; and
- (c) in section 24(1) omit “, including a report on its financial affairs”.

Nomination of non-diocesan representatives

9. After section 9 of the principal Canon insert:

“Nomination of First Nations non-diocesan representatives

- 25 “9A. The Council is appointed to recommend the non-diocesan representatives referred to in section 17(8)(a)(ii) of the Constitution.”.

NATSIAC Chair

10. After section 14 of the principal Canon, insert:

“Chair of NATSIAC

- 30 14A. (1) The NATSIAC Executive must each year appoint a member of NATSIAC as the chair of NATSIAC.
- (2) A person who has been the chair of NATSIAC is eligible for reappointment.
- (3) The NATSIAC or the NATSIAC Executive may remove the chair of NATSIAC and may fill a vacancy in the office of chair of NATSIAC.
- 35 (4) A chair of NATSIAC holds office until—
- (a) the next annual appointment of a chair;
- (b) they are removed as the chair; or

- 5 (c) they cease to be a member of NATSIAC—
whichever occurs first.”

Consequential amendments

11. The Schedule applies.

Transitional

- 10 12. A bishop who is—
- (a) the National Aboriginal Bishop at the time this Canon comes into operation; or
 - (b) the National Torres Strait Islander Bishop at the time this Canon comes into operation—
- 15 becomes a First Nations Bishop under the National Aboriginal and Torres Strait Islander Anglican Council Canon 2014 and continues to be a First Nations Bishop under that Canon for a period of one year.

SCHEDULE**Consequential amendments**

- 20 A provision in the principal Canon referred to in column 1 is amended as described in column 2

Provision	Amendment
s 10(1)(a)	For “National Aboriginal Bishop” substitute “First Nations (Aboriginal) Bishop”
s 10(1)(b)	For “National Torres Strait Islander Bishop” substitute “First Nations (Torres Strait Islander) Bishop”
s 10(2)(d)	For “Aboriginal Bishop” substitute “First Nations (Aboriginal) Bishop”
s 10(2)(d)	For “Torres Strait Islander Bishop” substitute “First Nations (Torres Strait Islander) Bishop”
s 17(a)	For “National Aboriginal Bishop” substitute “First Nations (Aboriginal) Bishop”
s 17(b)	For “National Torres Strait Islander Bishop” substitute “First Nations (Torres Strait Islander) Bishop”
s 17(d)	For “National Aboriginal Bishop” (where twice appearing) substitute “First Nations (Aboriginal) Bishop”
s 17(f)	For “National Torres Strait Islander Bishop” (where twice appearing) substitute “First Nations (Torres Strait Islander) Bishop”

**A BILL FOR THE CONSTITUTIONAL AMENDMENT
(FIRST NATIONS BISHOPS) CANON 2026**

Explanatory Memorandum

This Bill amends section 17(8)(a) of the Constitution primarily to make the First Nations Bishops *ex officio* members of Synod without designating them as “non-diocesan representatives”.

In making that change some other aspects of the drafting have been revised.

5

**A BILL FOR THE CONSTITUTIONAL AMENDMENT
(FIRST NATIONS BISHOPS) CANON 2026**

10 The General Synod prescribes as follows:

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

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

- 15 (i) each person holding office as a First Nations Bishop under a Canon;
and
- (ii) non-diocesan representatives being—
- A. an Aboriginal person in Holy Orders and a Torres Strait
Islander in Holy Orders who shall be members of the House of
Clergy; and
- 20 B. an Aboriginal lay person and a Torres Strait Islander lay
person who shall be members of the House of Laity.”

**A BILL FOR A CONSTITUTION AMENDMENT (PROVINCIAL
COMPOSITION) CANON 2026****EXPLANATORY MEMORANDUM**

This Bill is one of four proposed constitutional amendments resulting from the work of the Standing Committee of General Synod in relation to diocesan cooperation.

The primary purpose of this Bill is to enable the Standing Committee by a special majority to do what at present only the General Synod can do.

Sections 37 and 38 of the Constitution provide for creating new provinces and altering which dioceses comprise an existing province.

Even if the relevant dioceses agree, such changes can only be made by General Synod, freezing the status quo for up to four years.

The proposed changes would allow these changes to be approved by the Standing Committee but with a special majority: two-thirds of all the members of Standing Committee and all five metropolitan.

NOTES ON CLAUSES

- | | |
|----------|--|
| Clause 1 | states the title of the canon. |
| Clause 2 | alters the Constitution so that the formation of a new province may be approved by the Standing Committee with a special majority of two-thirds of all the members of Standing Committee and all five metropolitans as well as by the General Synod, rather than only by the General Synod. |
| Clause 3 | corrects a typographical error in section 37 of the Constitution. |
| Clause 4 | alters the Constitution so that adding to or reducing the number of dioceses in a province, if in accordance with the province's constitution or agreed to by all the affected dioceses, may be approved by the Standing Committee with a special majority of two-thirds of all the members of Standing Committee and all five metropolitans as well as by the General Synod, rather than only by the General Synod. |

5

**A BILL FOR A CONSTITUTION AMENDMENT (PROVINCIAL
COMPOSITION) CANON 2026**

10 The General Synod prescribes as follows:

Title

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

15

Creating a new province2. In section 37 of the Constitution, for “ratified by canon of General Synod”
substitute

20

“ratified by—

(a) canon of General Synod; or

(b) the Standing Committee of General Synod where two-thirds of all the
members of the Standing Committee, including all the metropolitans,
vote in favour of the ratification.”

25

Typographical correction

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

30 **Alteration of the composition of a province**

4. For section 38 of the Constitution substitute:

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

35

(a) where there is a constitution of the province, the alteration is in
accordance with that constitution; and(b) where there is no constitution of the province, each diocese in
the province signifies its consent to the alteration.

40

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

(a) canon of General Synod; or

(b) the Standing Committee of General Synod where two-thirds of
all the members of the Standing Committee, including all the
metropolitans, vote in favour of the ratification.”

A BILL FOR THE CONSTITUTION AMENDMENT (PROVINCIAL CONSTITUTIONS) CANON 2026

EXPLANATORY MEMORANDUM

This Bill is one of four proposed constitutional amendments resulting from the work of the Standing Committee of General Synod in relation to Diocesan cooperation.

The sole purpose of this Bill is to enable the Standing Committee by a special majority to do what at present only the General Synod can do.

Sections 40 and 41 of the Constitution provide the means to establish a constitution for a new province and to alter the constitution of an existing province.

Only the General Synod can approve a new provincial constitution or an altered provincial constitution.

The requirement for approval by General Synod removes any incentive for provinces to create or amend their constitutions, especially as they have to wait another four years if some further adjustment is needed or becomes desirable.

The proposed changes would allow new and altered provincial constitutions to be approved by the Standing Committee but with a special majority: two-thirds of all the members of Standing Committee and all five metropolitan.

5

**A BILL FOR THE CONSTITUTION AMENDMENT (PROVINCIAL
CONSTITUTIONS) CANON 2026**

10 The General Synod prescribes as follows:

Title

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

Constitution of a new province

20 2. In section 40 of the Constitution, for “ratified by canon of General Synod” substitute

“ratified by—

- 25 (a) canon of General Synod; or
-
- (b) the Standing Committee of General Synod where two-thirds of all the members of the Standing Committee, including all the metropolitans, vote in favour of the ratification.”

Alteration of the constitution of a province30 3. In section 41 of the Constitution after the words of the section insert:
“or by the Standing Committee of General Synod where two-thirds of all the members of the Standing Committee, including all the metropolitans, vote in favour of the ratification.”

A BILL FOR THE CONSTITUTION AMENDMENT (DIOCESAN EMERGENCY ARRANGEMENTS) CANON 2026

EXPLANATORY MEMORANDUM

This Bill is one of four proposed constitutional amendments resulting from the work of the Standing Committee of General Synod in relation to diocesan cooperation.

The Constitution Amendment (Provinces and Dioceses) Canon 2007 (Canon 19 of 2007) would have amended the Constitution to allow for a province to have as few as one diocese, and to provide for the administration of a diocese in an emergency.

That canon has not received the necessary assents and has not come into force.

This Bill seeks to amend the constitution regarding emergency administration in exactly the same way as in Canon 19 of 2007, but not to make amendments in the 2007 amendment canon regarding the number of dioceses in a province.

The proposed section would allow emergency arrangements to be put in place if sought by the Diocesan bishop and council and if agreed by the Primate and the relevant Metropolitan, but only until the next General Synod. That next General Synod could authorize the continuation of those arrangements.

The only difference in the form of a new section 45A now proposed and the form in section 3 of the 2007 amending canon is to add the words "in that or some other form", so that the General Synod could continue the emergency arrangements, but in a different form.

The Bill would repeal the 2007 Canon as after nine years it appears improbable that the remaining constitutional changes will be assented to by the requisite number of dioceses.

5

**A Bill FOR THE CONSTITUTION AMENDMENT (DIOCESAN
EMERGENCY ARRANGEMENTS) CANON 2026**

10 The General Synod prescribes as follows:

Title15 1. This canon is the Constitution (Diocesan Emergency Arrangements) Amendment
Canon 2026.**Emergency diocesan arrangements**

2. After section 45 of the Constitution insert:

20 “45A. A diocesan Bishop, or if there be none in office, the administrator of a
diocese, with the concurrence of the Diocesan Council and the approval
of the Metropolitan and the Primate, may make such administrative
arrangements for the emergency administration of that diocese as the
Bishop or administrator as the case may be considers appropriate
25 provided that no such arrangement shall last longer than the termination
of the next ordinary session of the General Synod unless such session by
resolution authorizes its continuation in that or some other form.”

Repeal of similar amending canon

3. The Constitution Amendment (Provinces and Dioceses) Canon 2007 is repealed.

A BILL FOR THE CONSTITUTION AMENDMENT (BISHOPS OF MULTIPLE DIOCESES) CANON 2026

EXPLANATORY MEMORANDUM

This Bill is one of four proposed constitutional amendments resulting from the work of the Standing Committee of General Synod in relation to diocesan cooperation.

The Standing Committee has reported separately on that work to General Synod.

This Bill amends section 8 of the Constitution to allow the bishop of one diocese to be elected the bishop also of another diocese in a province with the consent both of the bishop's own diocese and a majority of Diocesan bishops within the province.

This amendment would allow a diocese to function even if it was unable to afford a bishop.

5

**A BILL FOR THE CONSTITUTION AMENDMENT (BISHOPS OF
MULTIPLE DIOCESES) CANON 2026**

10 The General Synod prescribes as follows:

Title15 1. This canon is the Constitution Amendment (Bishops of Multiple Dioceses)
Canon 2026.**Bishops of more than one diocese**20 2. In section 8 of the Constitution, after the first paragraph insert as a separate
paragraph:25 “The Bishop of a diocese may with the consent of the Diocesan Council of
that diocese and with the consent of a majority of Diocesan bishops within the
province be elected as prescribed as the Bishop of another diocese in the
same province. A Bishop of a diocese who is also the Bishop of another
diocese does not become entitled to an additional vote in the House of
Bishops by virtue of being the Bishop of that other diocese.”**Typographical amendments**30 In section 8 of the Constitution, for “bishop” substitute “Bishop” where three
times appearing.

A BILL FOR THE SPECIAL TRIBUNAL CANON 2026

EXPLANATORY MEMORANDUM

GENERAL BACKGROUND

Note: this General Background is the same for each of the five bills referred to in paragraph 8.

BACKGROUND TO THE PROJECT

1. In April 2023 the Standing Committee of General Synod established an Episcopal Standards Process Review. This was to review the effectiveness of the structures in place to deliver episcopal standards processes in the ACA.
2. A working group was established. It circulated a consultation paper in late 2024, and reported on the outcomes of that consultation to the Standing Committee of General Synod in April 2025. Proposals for reform were considered and agreed to in principle by the Standing Committee in April 2025 and November 2025, and at the latter meeting it was agreed that there should be a further consultation on draft legislation.
3. The main focus of the review came to be on the stages between a complaint and the conclusion of the investigation. Although there is scope for efficiency and procedural improvement after that point, that can be addressed through case management. During the phase of receiving, considering and investigating a complaint, however, there are potentially two processes currently available, one leading to the bringing of charges before the Special Tribunal, and the other considering whether there is examinable conduct to be considered by the Episcopal Standards Board.
4. The process involving examinable conduct is established by two canons of General Synod—the Episcopal Standards Canon 2007 and the Episcopal Standards (Child Protection) Canon 2017. The former, despite some fundamental flaws, is in force in 13 Dioceses. The latter is in force in 22 dioceses.
5. The 2024 discussion paper showed how there are five different configurations of adoption and exclusion across the 23 Australian dioceses. This has immediate consequences in terms of working out what applies in each diocese, and how to manage complaints in relation to a bishop who has served in more than one diocese.
6. The same conduct can fall under several different canons, and the inherent uncertainty in the definition of examinable conduct in the Episcopal Standards Canon (“any conduct or omission...the subject of information which, if established, might call into question the fitness of a Bishop to hold office or to be or remain in Holy Orders...”). This complexity and uncertainty leads to delays and increased costs in determining an appropriate response to an initial complaint.
7. The eventual outcome of this work was to propose repealing the Episcopal Standards Canon 2007 and the Episcopal Standards (Child Protection) Canon 2017, improving the procedures under the Special Tribunal Canon, and revising the Offences Canon 1962 ensuring that the legislation that remained was fit for purpose and covered everything necessary as a result of the Royal Commission into Institutional Responses to Child Sexual Abuse.

BACKGROUND TO THE LEGISLATION

8. This bill is one of five bills being brought to the 19th General Synod as a result of a review of the processes concerning episcopal standards. The five bills are:
- (i) the Special Tribunal Bill 2026
 - (ii) the Offences Amendment (Child Protection) Bill 2026
 - (iii) the Suspension of Bishops Bill 2026
 - (iv) the Episcopal Standards (Adoption and Transition) Bill 2026
 - (v) the Offences Amendment Bill 2026
9. The overall objectives are:
- to simplify and make more certain the law concerning what episcopal conduct is proscribed;
 - to increase the likelihood of a single approach to episcopal standards across all the dioceses in the Anglican Church of Australia;
 - to remove the uncertainty and consequential costs associated with fitness based on “examinable conduct”;
 - to make procedural changes to reduce the time needed to investigate complaints and hear charges;
 - to reduce the reputational risk to the Church arising from protracted investigations and decision-making in relation to complaints;
 - to restate how the procedures should involve or affect bishops the subject of a complaint, complainants and alleged victims.
10. Five separate bills are being brought for these reasons:
- some bills need to follow a special procedure while some do not;
 - some bills (such as the Episcopal Standards Adoption and Transition Bill) can come into effect straight away, while others will appropriately come into effect in a diocese only if and when that diocese’s synod decides that they should;
 - because different diocesan synods will have the new legislation apply at different times, it is necessary to allow the existing and the new legislation to operate in parallel.

THIS BILL - THE SPECIAL TRIBUNAL BILL 2026

11. The Special Tribunal is established by section 53 of the Constitution of the Anglican Church of Australia, and section 56 establishes its jurisdiction.
12. The Special Tribunal Bill is a rewrite of the existing Special Tribunal Canon 2007. It is not possible simply to amend the 2007 Canon because (as already noted) for a period of time the 2007 Canon will continue to operate in some dioceses while the 2026 canon will commence to operate in other dioceses because the synods of those dioceses have decided that it should.
13. The key intention is to make the procedures established by the Special Tribunal Canon as fit for purpose as possible when this becomes the sole pathway to receiving and determining complaints made against Bishops.

14. These are the main differences between the Special Tribunal Canon 2007 and the Special Tribunal Bill 2026:

- The functions of the Episcopal Standards Commission relating to receiving and investigating complaints and bringing charges in the Special Tribunal are given instead to the Episcopal Standards Director. The ESC has said that the current system means that throughout an investigation the Director must have every step approved by the ESC, which must then be educated in why that step is required. In addition, approvals must await the next meeting of the ESC. The ESC's role will now be one of oversight and ensuring accountability.
- The Special Tribunal will be given a case management function once a charge is laid.
- What is in the Protocol decided by the Standing Committee of General Synod is restated. In particular, the subject matter relating to interaction with complainants and alleged victims (including victim impact statements), and relating to respondents, has been revised.
- The Director may refrain from further investigation of a complaint of disgraceful conduct if in their opinion the evidence could not support the conclusion that the Bishop was acting otherwise than in the honest and lawful discharge of their duties.
- Another Bishop can take over the carriage of a charge where the instigating Bishop becomes unable to do so.
- It states with precision when various provisions apply to current Diocesan Bishops, current members of the House of Bishops, and former members of the House of Bishops.

THE OTHER BILLS

The Offences Amendment Bill 2026

15. There are three key reasons for the Offences Amendment Bill 2026:

- to import into the canon all the definitions and proscribed conduct covered by the Episcopal Standards (Child Protection) Canon 2017;
- to simplify the wording of the offence relating to disgraceful conduct;
- generally to correct the drafting of various provisions, especially those introduced in recent General Synods.

16. The Episcopal Standards (Child Protection) Canon 2017 was an important response to the recommendations of the Royal Commission into Institutional Responses to Child Sexual Abuse, and it is crucial that everything covered by that Canon continues to be covered by General Synod legislation once that Canon ceases to operate in a diocese. That is partly achieved by the changes to the Offences Canon, but also by other Bills.

17. Even so, it would be possible for a diocesan synod to exclude the Episcopal Standards (Child Protection) Canon 2017 and not adopt the Offences Amendment Canon 2026, as the most essential changes are dealt with in other bills.

18. The current offence relating to disgraceful conduct requires both that the conduct be disgraceful if committed by a member of the clergy and that at the time the charge is preferred is productive, or if known publicly would be productive, of scandal or evil report. The amended form of offence would require only that the conduct be disgraceful if committed by a person in episcopal orders. This would recognize that the standard required of bishops may be higher than that required of other clergy. It would also remove the need

to remove notoriety, or potential notoriety, from what must be proved. If conduct is in fact disgraceful it is unclear why it should be permissible in circumstances where it has not produced, or would not produce, scandal or evil report at the time a charge is brought. At best this might be a consideration in sentencing, not an element of the charge.

Offences Amendment (Child Protection) Bill 2026

19. The Offences Amendment (Child Protection) Bill 2026 also amends the Offences Canon 1962, but only in one respect. It would introduce an additional section into the Canon for the sole purpose of providing that a sexual offence relating to a child (which is defined in the Constitution) has been disgraceful conduct since the commencement of the Offences Canon in 1962.
20. This amendment does not create an offence retrospectively; that is, it does not make illegal now something that was previous legal. It serves only to make explicit what must always have been implicit. Indeed, it does not create an offence at all, as disgraceful conduct has always been an offence.
21. Other amendments to the Offences Canon define child abuse, which includes but is not confined to sexual offences relating to a child. On the other hand, this Bill states only that *sexual* offences relating to a child have always been disgraceful. That is because some other conduct that might now be considered child abuse (for example, corporal punishment, or allowing a child to witness domestic violence) may not have been considered disgraceful since 1962.
22. As this bill may affect deal with or concern the discipline of the Church, this whole legislative package cannot proceed unless the 19th General Synod determines by a 75% majority in each House that it need not proceed by way of special bill.
23. Even then, it will not come into operation with a diocese until the synod of that diocese adopts it.

Suspension of Bishops Bill 2026

24. Under section 61A of the Constitution a Bishop must be suspended once a charge of a sexual offence relating to a child is preferred against them.
25. This section does not provide, however, for the mandatory suspension of a Bishop accused of a sexual offence against a child between the time of a complaint and the bringing of a charge. Sections 14A, 14B, 14C and 15 of the Episcopal Standards (Child Protection) Canon 2017 do provide for the mandatory suspension of a Bishop as soon as a credible complaint of a sexual offence against a child is received.
26. The Suspension of Bishops Bill would replicate those provisions in the Episcopal Standards (Child Protection) Canon 2017, meaning that they would continue to apply once the 2017 Canon ceased to operate in a diocese.
27. The Constitution also does not provide a mechanism for suspending a Bishop during the investigation of a complaint regarding other matters. There is such a mechanism in sections 13 to 15 of the Episcopal Standards Canon 2007 (which operates only in some dioceses). There is also an amendment to section 61A of the Constitution in the Constitution Amendment (Suspension of Bishops) Canon 2007 (No. 18 of 2007) that would cover the same situation, but that has not received the necessary assents—nor now should it, as it is inconsistent with subsequent amendments to that same section.
28. The position now proposed is that it be left to diocesan synods to decide whether to legislate to permit the suspension of their Bishop for an alleged offence other than a sexual offence relating to a child. There is manifestly no consensus across the Australian dioceses

about when and how such a power should be exercised, and it is within the legislative competence of each diocese to put in place the rules that its synod considers appropriate.

Episcopal Standards (Adoption and Transition) Bill 2026

29. The purpose of the Episcopal Standards (Adoption and Transition) Bill 2026 is to manage the transition from the former to the new legislative regime at the point when a diocesan synod chooses to make that transition.
30. The trigger will be a decision by the diocesan synod that the Special Tribunal Canon 2026 is to operate in that diocese.
31. Once a diocesan synod decides that the Special Tribunal Canon 2026 operates in that diocese, this adoption and transition canon will mean that automatically:
 - if in operation, the Episcopal Standards Canon 2007 will cease to operate in that diocese;
 - the Episcopal Standards (Child Protection) Canon 2017 ceases to operate in that diocese; and
 - the Offences Amendment (Child Protection) Bill 2026 is adopted by that diocesan synod.
32. The last of these is especially important, as leaves in no doubt that the Offences Canon covers historical sexual offences relating to a child.

NOTES ON CLAUSES

PART 1 – PRELIMINARY

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| Clause 1 | states the title of the canon. |
| Clause 2 | contains definitions. These are largely the same as in the Special Tribunal Canon 2007. There are new definitions relating to bishops to avoid confusion. |
| Clause 3 | replicates the provision of the Special Tribunal that allows dioceses to exclude the Episcopal Standards Director from investigating a complaint against their Bishop, except for a complaint of a child abuse. |

PART 2 – EPISCOPAL STANDARDS COMMISSION

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| Clause 4 | establishes the Episcopal Standards Commission. |
| Clause 5 | provides that the ESC must have at least 3 members (including a lawyer, a bishop who is not a Bishop referred to in s 56(6) of the Constitution, and a lay person with appropriate professional qualifications) and, so far as possible, have an equal number of men and women. |
| Clause 6 | provides for the appointment of members of the ESC by the Standing Committee. |
| Clause 7 | lists the circumstances in which a member of the ESC ceases to hold office. |
| Clause 8 | provides for the appointment of the convenor of the ESC by the Standing Committee and various other matters relating to its procedure. |
| Clause 9 | provides that a vacancy in the membership of the ESC does not invalidate its proceedings. |

- Clause 10 imposes a duty of confidentiality on the members of the ESC, the Episcopal Standards Director, and anyone else employed or engaged in their work.
- Clause 11 requires the Director to report annually to the ESC. The Director may not divulge the identity of a complainant or respondent, except in the case of a respondent who has been exonerated.
- The Director must also report as often as necessary to the Primate on every matter with which the Director is dealing.
- Clause 12 sets out the powers and duties of the ESC. They include implementing the protocol and recommending changes to it, overseeing and monitoring the performance of the Director, and authorizing expenditure for the purposes of the canon.
- The ESC cannot override a decision of the Director.

PART 3 – DIRECTOR OF EPISCOPAL STANDARDS

- Clause 13 establishes the office of Director of Episcopal Standards.
- Clause 14 sets out the Director's functions, which include supporting the ESC, receiving and investigating complaints, where required by law, reporting matters to governmental authorities, to bring charges under the canon, advising relevant Church bodies as to the financial, pastoral or other needs of a possible victim in a particular matter, and implementing the requirements of the protocol and rules.
- Clause 15 allows the Director to appoint an investigator.
- Clause 16 allows the General Secretary to engage temporary administrative support when there is no Director or the Director is unavailable.
- Clause 17 provides that the Director may act in a corresponding capacity for a diocese.

PART 4 – THE PROTOCOL

- Clause 18 provides that the Standing Committee must approve a protocol.
- The protocol must cover how complaints are made and received, informing complaints and alleged victims about the applicable procedures and providing non-pecuniary support (but not advising them of their rights, or providing pecuniary support), victim impact statements, dealing fairly with respondents and the administration of the provision in the canon relating to the cost of legal assistance, providing reports to the Primate and relevant Metropolitan, and liaising with secular authorities.

PART 5 – COMPLAINTS

- Clause 19 provides that a person may make a complaint against a Bishop.
- Clause 20 requires the Director to investigate a complaint unless it relates to allegations of a breach of faith, ritual or ceremonial, drunkenness or a wilful failure to pay just debts occurring more than a year before the complaint.

- Clause 21 is a provision not in the Special Tribunal Canon 2007. It allows the Director to commence or continue an investigation where there are compelling reasons to do so on the basis of information already available even where there is no complaint or the complainant has declined to provide additional information.
- Clause 22 requires the Director to make an initial assessment about whether there is any risk to a child and to take what action is practicable and available action if there is.
- Clause 23 requires the Director to report an allegation relating to the safety or well-being of a child to a governmental agency in accordance with the applicable law in that jurisdiction, even though someone else (such a diocesan authority) may also have an obligation to do so.
- It should be noted that this is an obligation to report, not an obligation to assume responsibility for meeting the consequential legal obligations of the diocese or other entity.
- Clause 24 provides for the circumstances in which the Director may refrain from further investigation. These circumstances are mostly the same as in the Special Tribunal Canon 2007, including where the allegations are vexatious or misconceived, or their subject matter is trivial, and where there is insufficient evidence to proceed or support charge. An additional ground, in the case of possible disgraceful conduct, is that the available evidence could not support the conclusion that the Bishop was not acting in the honest and lawful discharge of their duties.
- Clause 25 requires the Director to seek to obtain all necessary evidence and other material.
- Clause 26 requires the Director to inform a respondent of the substance of a complaint and the name of the complainant, and allow the respondent to provide a detailed report.
- Clause 27 provides that the Director may takes steps where there are reasons to consider that the Bishop is incapable, bring a charge, or refer the investigation of a former Bishop to the Bishop of the Diocese in which the former Bishop now resides.
- Clause 28 allows the Director to proceed under section 27 even though the matter may have been resolved as between the complainant, the alleged victim and the Bishop. However, proceedings may not be commenced or continued against a person no longer in Holy Orders.
- Clause 29 requires the Director to inform the complainant in writing, with reasons, where an investigation is discontinued or no charge brought.

PART 6 – THE SPECIAL TRIBUNAL PANEL

- Clause 30 provides for the composition of a Special Tribunal Panel. It has three presidential members (one more than under the present canon), three Diocesan bishops and three priests of at least seven year's standing. If someone is nominated to be elected as a senior presidential member and more than one presidential member is to be elected at the same election, the one with the greatest number of votes becomes the senior presidential member.
- Clause 31 sets out how a member of the Special Tribunal panel ceases to hold office.

- Clause 32 provides that a Diocesan bishop on the Special Tribunal panel who is translated to a new Diocese is reappointed to the panel on being installed to the new See.
- Clause 33 provides for the General Synod to fill vacancies on the Special Tribunal panel between meetings of General Synod.
- Clause 34 provides for vacancies not filled under clause 33 to be filled at the next meeting of General Synod.

PART 7 – BRINGING A CHARGE IN THE SPECIAL TRIBUNAL

- Clause 35 provides for the bringing of a charge.
- Subclause (1) provides that, subject to the other provisions of the section, a charge may be brought in the Special Tribunal by the Director, a Diocesan bishop or (if the synod of a diocese excludes the power of the Director to bring a charge) in accordance with the provisions of a Diocesan synod.
- Subclause (2) provides that where the ordinance of a Diocesan synod excludes the power of the Director to bring a charge, the Director cannot do so except in relation to an allegation of child abuse.
- Under subclause (4), only the Director can bring a charge of child abuse.
- Clause 36 provides that where a Diocesan bishop is the only person bringing a charge and that bishop ceases to be a Diocesan bishop, another Diocesan bishop can take over bringing the charge.
- Clause 37 provides that the General Synod is not responsible for the costs of a charge brought under a Diocesan ordinance, and that the Special Tribunal or the Appellate Tribunal may direct the General Synod to meet the costs of a charge brought by a Diocesan bishop.
- Clause 38 provides for the form of a charge.

PART 8 – PROCEEDINGS BEFORE THE SPECIAL TRIBUNAL

DIVISION 1 – CASE MANAGEMENT

- Clause 39 provides for the appointment of a case-management presidential member when a charge is brought.
- Clause 40 gives a case-management presidential member the duties and powers of a judicial officer in the case management of proceedings in the superior court of an Australian State.
- Clause 41 requires the parties to comply with the rules of the Special Tribunal and the directions of the case-management presidential member.

DIVISION 2 – CONFLICTS OF INTEREST

- Clause 42 requires that conflicts of interest by panel members be disclosed to the senior presidential member.
- Clause 43 provides that a member of the Special Tribunal panel who has a conflict of interest is disqualified in relation to that charge.

DIVISION 2 – CONFLICTS OF INTEREST

- Clause 44 requires the senior presidential member to appoint the members of the Tribunal to hear a charge.
- Clause 45 requires the Tribunal to deal with a charge as expeditiously as possible. It may proceed despite mediation and conciliation proceedings, an outstanding criminal charge, or the person charged ceasing to be a current Bishop.
- Clause 46 provides for giving notice of a sitting, and proceeding once notice has been given in the absence of the person charged.
- Clause 47 provides that sittings of the Tribunal are open, unless the Tribunal in its absolute discretion directs otherwise. Where it does so direct, the clause provides for who must be allowed to remain present—these do not include the complainant or alleged victim except when they are giving evidence.
- Clause 48 allows the Bishop to be represented by a legal practitioner or someone else.
- Clause 49 allows the Tribunal to obtain the opinion of the Board of Assessors of the Appellate Tribunal.
- Clause 50 provides for the presidential member to determine questions of law; for the Tribunal to act with fairness and according to equity, good conscience and the substantial merits of the case; for forms in which evidence may be received.
- Clause 51 provides that the decision of the Tribunal is the decision of the majority.
- Clause 52 requires the Tribunal to take into account the conduct of the Bishop as it finds it to have been, and any other relevant fact or circumstance in the material before it.
- Clause 53 requires the Tribunal to give written reasons for any determination unless the determination is by consent of the respondent.
- Clause 54 allows the Tribunal to make an order by consent of the parties.
- Clause 55 provides that the Tribunal has no power to award costs. The Bishop the subject of a charge may apply to the Standing Committee for legal assistance from the time of first being notified of the investigation or charge, and the Standing Committee may grant such legal assistance as may be reasonably necessary to enable the Bishop to be properly represented and may do so on the terms and subject to the conditions it determines are reasonably necessary.
- Clause 56 provides that where necessary recommendations of the Tribunal must be entered on the National Register.

DIVISION 4 - RULES, PROCEDURES AND ADMINISTRATION

- Clause 57 provides that the presidential members may make rules for the practice and procedure of the Tribunal, which are otherwise as directed by the President.
- Clause 58 provides that the Tribunal may be constituted by a single member sitting alone for certain purposes that do not include determining a charge or recommending a sentence.
- Clause 59 allows separately constituted Tribunals to sit simultaneously.

Clause 60 provides that the Registrar of the Tribunal is the General Secretary.

Clause 61 provides for public statements by the Director or the person bringing a charge.

DIVISION 5 - APPEAL

Clause 62 provides that appeal to the Appellate Tribunal from the Special Tribunal, other than in respect of a breach of faith, ritual or ceremonial, must be by leave of the Appellate Tribunal

PART 9 – DEPOSITION FROM HOLY ORDERS

Clause 63 provides for the Instrument of Deposition where a Bishop is deposed from Holy Orders.

PART 10 – COMING INTO EFFECT IN A DIOCESE

Clause 64 provides that this canon comes into effect in a Diocese on the date determined by an ordinance of the Diocese's synod.

FIRST SCHEDULE

Schedule 1 lists the offences in relation to which a charge cannot be brought after 12 months: a breach of faith, ritual or ceremonial, drunkenness, or wilful refusal to pay just debts.

SECOND SCHEDULE

Schedule 2 contains the form of deposition to be used by the Primate or Metropolitan.

5

A BILL FOR THE SPECIAL TRIBUNAL CANON 2026

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

15 The General Synod prescribes as follows:

PART 1 - PRELIMINARY

Title

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

20 **Interpretation**

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

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

bishop means a person in bishop's orders;

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

Church means the Anglican Church of Australia;

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

Commonwealth means the Commonwealth of Australia;

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

current Bishop means a person who is—

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

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

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

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

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

investigator means a person appointed under section 15;

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

- 5 **priest** means a person who is in priest's orders and who is not a bishop;
- protocol** means the protocol approved under Part 4;
- 10 **relevant Metropolitan**, means—
- (a) in relation to a Diocesan bishop—
- (i) unless paragraph (iii) or (iv) applies, the Metropolitan of the Province
 in which the diocese is situated; or
- 15 (ii) if the diocese is an extra-provincial diocese, the Primate; or
- (iii) if the Diocesan bishop is the Metropolitan but not the Primate, the
 Primate; or
- 20 (iv) if the Diocesan bishop is the Primate, the person who, at the relevant
 time, is the next most senior Metropolitan who is available, seniority
 being determined by the date of consecration; and
- (b) in relation to any other Bishop, the Primate;
- 25 **respondent** means a Bishop whose alleged conduct or omission is the subject
 of a complaint;
- rules** mean rules made under section 57;
- senior presidential member** means the person who becomes the senior
 presidential member under section 38 or, if that person is unwilling or unable to
 act, or if there is a vacancy in the office of senior presidential member, the other
30 or next most senior presidential member;
- Subsection 35(2) Exclusion** means an ordinance made by the synod of a
 diocese under subsection 35(2) that has not been revoked by that synod;
- Tribunal** means the Special Tribunal.
- 35 (2) For the purposes of this Canon, a person has a conflict of interest when
 their responsibilities arising from their role may be influenced or affected, or
 may be perceived as being influenced or affected, by—
- (a) their personal financial interest, or those of their family or friends;
- 40 (b) their reputation, or that of their family or friends;
- (c) their obligations or loyalty to another person or organisation;
- (d) their previous or current relationship (whether personal or
 professional) with someone who might be affected by how they
45 discharge those responsibilities; or
- (e) their previous or current involvement in another capacity in a matter
 now falling within those responsibilities.

5

Effect of Subsection 35(2) Exclusion

10 3. (1) The Director and the ESC have no powers or duties under this canon, other than a duty under subsections (2) and (3), in relation to a diocese or its Diocesan bishop while there is a Subsection 35(2) Exclusion in effect in relation to that diocese.

15 (2) Subject to subsection (3), if the Director receives a complaint in relation to a Diocesan bishop while there is a Subsection 35(2) Exclusion in effect in relation to that diocese, the Director must refer the complainant and the complaint:

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

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

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

25 (3) This section does not apply to, and a Subsection 35(2) Exclusion does not operate to alter or affect, the powers and duties of the Director or the ESC in relation to a complaint, investigation or charge of child abuse.

30

PART 2 – EPISCOPAL STANDARDS COMMISSION**Episcopal Standards Commission**

4. There is an Episcopal Standards Commission.

35

Composition of Episcopal Standards Commission

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

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

(a) experience in law;

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

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

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

50

Membership of Episcopal Standards Commission

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

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

- 5
- (3) If a member of the ESC is unable to undertake their role by reason of incapacity or conflict of interest, the Standing Committee may appoint an additional member to the ESC in accordance with this Canon for such period as the Standing Committee may determine.

10

When ESC members cease to hold office

7. A member of the ESC ceases to hold office upon—
- (a) their death;
 - (b) their resignation;
 - 15 (c) a declaration by a competent court or tribunal that the member is incapable of managing their affairs;
 - (d) ceasing to reside permanently in Australia;
 - (e) conviction or finding of guilt of the member in any court of an offence punishable by imprisonment;
 - 20 (f) becoming a current Bishop;
 - (g) reaching the age of 75 years; or
 - (h) the passing of a resolution by—
 - (i) the Standing Committee by a two-thirds majority of those members present and voting, or
 - 25 (ii) the General Synod voting as a whole passed by a two-thirds majority of those members present and voting—
- to remove the member from office.

30

ESC Convenor

8. (1) The convenor of the ESC is appointed by the Standing Committee.
- (2) The ESC may meet from time to time as determined by the convenor or a majority of its members and may conduct its business by telephone or electronic communication.
- 35 (3) Subject to this Canon the procedures of the ESC are as determined by the ESC.
- (4) A majority of the members constitutes a quorum.
- 40 (5) A decision taken other than at a meeting of the ESC, if supported by a majority of members of the ESC, constitutes a decision of the ESC.
- 45 (6) The ESC must act in all things as expeditiously as possible.

ESC vacancy does not invalidate acts or proceedings

9. An act or proceeding of the ESC is not invalid by reason only of a vacancy in its membership and, notwithstanding the subsequent discovery of a defect in the nomination or appointment of a member, any such act or proceeding is as valid and effectual as if the member had been duly nominated or appointed.
- 50

5 Information not to be divulged

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

- (a) in the course of carrying out the duties of that office or position;
- (b) as authorised by or under this or another Canon;
- (c) in any proceedings before the Special Tribunal;
- (d) as may be required by law; or
- (e) to any insurer or insurance broker of a Church body where the information may give rise to or be relevant to a claim for indemnity by the Church body against the insurer or is relevant to obtaining or continuing insurance cover.

Annual report by the Director

11. (1) The Director must report annually to the Standing Committee on the Director's activities for that calendar year.
- (2) Subject to subsection (3), the Director's report must not disclose the identity of a complainant or the respondent.
- (3) The Director may disclose the identity of a respondent where the respondent has been exonerated from an allegation the subject of a complaint or has been the subject of a determination or recommendation by the Tribunal.
- (4) Subject to subsection (5) the Director must, in respect of every matter with which the Director is dealing, report either orally or in writing to the Primate with such frequency and as fully as the Primate may reasonably require.
- (5) If a matter relates to the conduct of the Primate, a report under subsection (3) must be made to and at the direction of the senior Metropolitan at the time in Australia who is not the Primate.

Powers and duties of the ESC

12. (1) Subject to the provisions of this Canon, the ESC has these powers and duties:
- (a) to implement the protocol to the extent that the protocol is not inconsistent with this Canon;
 - (b) where appropriate, to recommend to the Standing Committee any changes to the protocol and to any Canon conferring powers or duties on the ESC;
 - (c) to oversee the Director's performance of their functions;
 - (d) to determine the additional functions of the Director;
 - (e) to conduct or to arrange for a suitably qualified person to audit the Director's performance of their functions at any time and to obtain from the Director such records and explanations as are necessary to complete that audit;

- 5 (f) following an audit under paragraph (d)—
- (i) to take such remedial actions recommended by the audit report that are within its power; and
 - (ii) to report to the Standing Committee on the remedial actions recommended by the audit report that are not within its power;
- 10 (f) subject to any limit imposed by the Standing Committee, either generally or in a particular case, to authorise such expenditure on behalf of the General Synod as may be necessary to give, in a particular case, the provisions of this Canon, the protocol or the rules; and
- 15 (g) to report annually to the Standing Committee on its activities and decisions under this Canon.
- (2) The power of the ESC to oversee the Director's performance of their functions does not include a power to alter or override an action or decision of the Director, including the exercise of any discretion by the Director, under this Canon.
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PART 3 – DIRECTOR OF EPISCOPAL STANDARDS

Director of Episcopal Standards

- 25 13. (1) There is a Director of Episcopal Standards.
- (2) The Director is appointed by and holds office in accordance with a resolution of the Standing Committee.

30 Director's functions

14. The Director has these functions:
- (a) to be the executive officer of the ESC;
 - (b) to attend meetings of the ESC unless the ESC in respect of a particular meeting or part of a meeting otherwise determines;
 - 35 (c) to appoint suitable persons to fulfil the several roles required to implement the protocol in each particular case;
 - (d) to receive complaints;
 - (e) to investigate the subject matter of complaints in a timely and appropriate manner;
 - 40 (f) where the complaint relates to an alleged offence against the law of a State or Territory of the Commonwealth or against a law of the Commonwealth, to refer any information in their possession to a member of the appropriate law enforcement, prosecution or child protection authority and to co-operate as far as possible with any such authority;
 - 45 (g) to refer any information in their possession to a member of a law enforcement, prosecution or child protection authority of a State or Territory or of the Commonwealth of Australia to which the information is or may be relevant;

- 5 (h) to advise any relevant Church body as to the financial, pastoral or other needs of a person affected or allegedly affected by conduct the subject of complaint and as to any possible or actual legal proceedings against such Church body arising out of the alleged conduct of a Bishop;
- (i) to bring charges under this canon;
- 10 (j) to maintain proper records of all complaints and information received and of action taken in relation to such complaints and information;
- (k) to report either orally or in writing to the ESC in respect of every matter with which they are dealing, with such frequency and as fully as the ESC requires; and
- 15 (l) to exercise the powers conferred on, and to perform the duties imposed on, the Director by or under this Canon and the Protocol and rules made under this Canon or that are determined by the Standing Committee or the ESC.

Director may appoint an investigator

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

General Secretary may engage temporary support

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

Director acting in a corresponding capacity

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

PART 4 – THE PROTOCOL

Approving a protocol

18. (1) The Standing Committee must from time to time approve a protocol in relation to complaints.
- (2) The protocol must include provisions and procedures in relation to:
- 35 (a) making and receiving complaints;
- (b) explaining the processes for investigating and dealing with complaints;
- (c) informing complainants, victims of alleged conduct the subject of complaints, and respondents of relevant procedures applicable to them;
- 40 (d) as and when appropriate, providing non-pecuniary support to complainants, victims of alleged conduct the subject of complaints, and respondents;

- 5 (e) providing victim impact statements to the Special Tribunal before a sentence is decided;
- (f) dealing fairly with respondents;
- (g) the cost of legal assistance under section 55(2);
- 10 (h) mediation and conciliation in appropriate circumstances, including how such mediation or conciliation is arranged and funded;
- (i) providing information, reports, advice and recommendations to the Primate, the relevant Metropolitan and to the relevant Administrator at each stage of the process of dealing with information; and
- 15 (j) working, where appropriate, with law enforcement, prosecution or child protection authorities of the States and Territories and of the Commonwealth of Australia.
- (3) The Standing Committee, through the ESC and by such other means as it may consider appropriate, must take such steps as may be necessary or desirable to promote throughout the Church a knowledge and understanding of the protocol.
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PART 5 – COMPLAINTS

25 Making a complaint

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

30 Duty to investigate complaint

20. (1) Subject to this Canon, the Director on receiving a complaint must investigate the allegations contained in it.
- 35 (2) The Director must not take action in respect of a complaint alleging an offence in the First Schedule where the complaint relates to conduct or an omission alleged to have occurred more than twelve calendar months prior to the date on which the complaint is received by the Director.
- 40 (3) For the purposes of subsection (2) a complaint is considered to have been received by the Director when it is received at the office of the General Secretary of the General Synod or, if posted by certified or registered mail to the Director or to the General Secretary of the General Synod, forty-eight hours after the posting of the complaint.

Director may commence or continue investigation of own motion

- 45 21. Where—
- (a) no complaint has been made; or
- (b) the person making the complaint fails, when requested by the Director, to provide further particulars or to verify the allegations by statutory declaration —

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

Assessment of risks to children

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

Reporting to government authorities

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

Refraining from further investigation

- 20 24. The Director may refrain at any time from further investigation of the allegations if—
- (a) in the Director's opinion, the allegations are vexatious or misconceived, or their subject matter is trivial;
 - 25 (b) the alleged conduct, if proven, could not constitute an offence under the Offences Canon 1962;
 - (c) the allegations, either expressly or by implication, are that the conduct is disgraceful and, in the Director's opinion—
 - 30 (i) the allegations if proven could not constitute an offence under any item in section 2 of the Offences Canon 1962 other than Item 4; and
 - (ii) the available evidence could not support the conclusion that the Bishop in relation to those allegations was not acting in the honest and lawful discharge of the Bishop's duties;
 - 35 (d) the subject matter is under investigation by some other competent person or body or is the subject of legal proceedings;
 - (e) the person making the complaint has failed, when requested by the Director, to provide further particulars or to verify the allegations by statutory declaration; or
 - 40 (f) in the Director's opinion there is insufficient reliable evidence—
 - (i) to warrant an investigation or further investigation; or
 - (ii) to prove an offence.

Information to be obtained

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

26. The Director must by notice in writing—

- (a) provide to a respondent a summary of the complaint including the substance of the allegations and the name of the complainant; and
- 10 (b) allow the respondent to provide a detailed report within the time specified in the notice in relation to any matter relevant to the investigation.

What the Director may do

27. (1) At any time after the commencement of an investigation into a complaint against a Bishop under this Part the Director may--
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- (a) if the Bishop is a current Bishop and they consider on reasonable grounds that that Bishop may be incapable, report the matter in writing to the relevant Metropolitan;
 - 20 (b) subject to section 35, institute proceedings by way of charge against the Bishop before the Tribunal; or
 - (c) if the person whose conduct is under investigation ceases to be a current Bishop and the complaint is not in respect of an offence under section 2A of the Offences Canon 1962, refer the matter, together with such information as it has received, to the Diocesan bishop of the diocese in which the person now resides.
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- (2) A report under subsection (1)(a) is a report for the purposes of section 4 of the Bishops (Incapacity) Canon 1995 as if it were made by three members of the synod of a diocese for the purposes of that section.
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Director may proceed despite resolution of dispute

28. (1) The settlement or resolution of the subject matter of a complaint, in whole or in part, between the parties affected does not prevent the Director from taking any of the steps in section 27 in respect of the subject matter of the complaint.
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- (2) A term of a settlement or resolution referred to in subsection (1) which purports to prevent or to limit the institution of proceedings by way of charge against a Bishop is of no effect.
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- (3) Proceedings must not be instituted or maintained in the Tribunal against a person who is no longer in Holy Orders.

45 Informing complainant where complaint does not proceed

29. If—

- (a) following the receipt of a complaint, the Director under section 24 refrains from further investigation of the allegations contained in the complaint;
- 50 (b) the Director does not recommend mediation or conciliation in relation to the complaint; or
- (c) following an investigation under this Part of the allegations contained in a complaint, the Director does not bring a charge under section 35 against the Bishop in respect of the complaint--

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

PART 6 – THE SPECIAL TRIBUNAL PANEL

Special Tribunal panel

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

- 15 (a) a senior presidential member and two other presidential members each of whom is qualified to be a lay member of the Appellate Tribunal;
- (b) three Diocesan bishops; and
- 20 (c) three priests of at least seven years' standing.

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

(3) If—

- 25 (a) a presidential member is nominated for election as the senior presidential member; or
- (b) an election is required for two or more presidential members one of whom will become the senior presidential member—

30 there must be one election for all the presidential members held at the same time and the person with the highest number of votes becomes the senior presidential member and any other person elected becomes a presidential member.

Ceasing to be a member of the Special Tribunal panel

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

- 35 (a) death;
- (b) resignation;
- 40 (c) declaration by any competent court or tribunal that the member is incapable of managing his or her affairs;
- (d) ceasing to reside permanently in Australia;
- 45 (e) conviction or finding of guilt in any court of any offence punishable by imprisonment;
- (f) in the case of a Diocesan bishop, ceasing to be a Diocesan bishop or on becoming the Primate;
- 50 (g) in the case of a priest, becoming a current Bishop;
- (h) subject to subsection (2), the conclusion of the second ordinary session of the General Synod following the General Synod at which
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they were elected; and

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

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

- (3) A member of the panel who is

- (a) the case-managing presidential member; or

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- (b) a member of the Tribunal—

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

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Current Bishops on panel to continue despite translation

32.

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

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- (2) For the purposes of section 31(1)(h) the date of election of a Diocesan bishop re-appointed under subsection (1) is the date of their most recent election by the General Synod.

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Vacancies on panel

33.

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

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

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

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

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- (5) A ballot for the purposes of subsection (4) must be conducted in accordance with the rules for the time being in force for the conduct of ballots with such modifications as are necessary, and the General Secretary must declare the person or persons who are successful in such ballot to be the person or persons elected by the General Synod to the panel.
- (6) Upon the General Secretary declaring a person to be elected to the panel, the person becomes a member of the panel.
- (7) For the purposes of subsection 31(1)(h), a person elected under this section is deemed to have been elected at the ordinary session General Synod next following their election.

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Filling vacancies by General Synod

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34. A vacancy not filled under section 33 must be filled at the next ordinary session of the General Synod.

PART 7 – BRINGING A CHARGE IN THE SPECIAL TRIBUNAL

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Who may bring a charge

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35. (1) Subject to this section, a charge against a Bishop in the Tribunal may be brought—
- (a) by the Director;
 - (b) by a Diocesan bishop; or
 - (c) in respect of—
 - (i) the Diocesan bishop of a diocese; or
 - (ii) a Bishop holding a licence in a diocese—
 in accordance with the provisions of an ordinance of the synod of that diocese.
- (2) If the synod of a diocese by ordinance declares that subsection (1)(a) has no effect in respect of the Diocesan bishop of that diocese, that paragraph does not apply to a charge against that Diocesan bishop other than in relation to a charge relating to or alleging child abuse.
- (3) A declaration under subsection (2) –
- (a) does not affect any proceedings in respect of a charge brought before the diocesan ordinance takes effect; and
 - (b) does not limit in any other respect the powers of the ESC contained in this or any other Canon in force in a diocese.
- (4) Only the Director can bring a charge relating to or alleging child abuse.

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

36. (1) This section applies when a Diocesan bishop who is bringing a charge under section 35 is the only Diocesan bishop bringing that charge and—
- (a) is suspended from the duties of office; or
 - (b) ceases to be a Diocesan bishop and does not become the Diocesan bishop of another diocese within the next 30 days.
- (2) Subject to subsection (3), when this section applies the charge lapses.
- (3) When this section applies a Diocesan bishop other than the Diocesan bishop who was bringing the charge may notify the Registrar within 14 days that they will become the Diocesan bishop bringing the charge, and that Diocesan bishop thereupon becomes the Diocesan bishop bringing the charge for the purposes of this Canon.

Cost of bringing a charge

37. (1) Where there is a Section 35(2) Exclusion in force, the General Synod is not responsible for the costs where a charge is brought under section 35(1)(c).
- (2) In respect of a charge brought pursuant to –
- (a) section 35(1)(b); or
 - (b) section 35(1)(c) where there is no declaration under section 35(2) in force in respect of that Bishop—
- the Special Tribunal or the Appellate Tribunal (as the case may be) may direct the General Synod to indemnify the person or body who or which brought the charge in respect of the costs of bringing the charge, and the General Synod must indemnify that person or body accordingly.

Form of charge

38. (1) A charge against a Bishop must—
- (a) be in writing;
 - (b) specify the alleged offence and provide particulars of the alleged offence;
 - (c) be signed by a member of the body or the person bringing the charge; and
 - (d) be lodged with the Registrar.
- (2) A signed copy of the charge must be served on the Bishop personally or by leaving it at or posting it to the office of the Bishop's Registry in an envelope addressed to the Bishop and marked "**Private and Confidential**".
- (3) A charge, once instituted, may be amended or withdrawn by the person or body instituting it.
- (4) The amendment or withdrawal of a charge does not prevent another person or body from bringing or proceeding with a charge in terms the same as or similar to a charge before it was amended or withdrawn.

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PART 8 – PROCEEDINGS BEFORE THE SPECIAL TRIBUNAL**DIVISION 1 – CASE MANAGEMENT**

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Appointment of case-management presidential member

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

Duties and powers of case-management presidential member

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40. (1) The case-management presidential member, to the fullest extent possible, has all the duties and powers of a judicial officer in the case management of proceedings in a superior court of an Australian State.
- (2) The case-management presidential member determines the place and time of the sitting of the Tribunal in relation to the charge.

Appointment of case-management presidential member

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

DIVISION 2 – CONFLICTS OF INTEREST**Members to disclose a conflict of interest**

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

Disqualification where conflict of interest

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43. Where a member of the panel—
- (a) has disclosed a conflict of interest under section 42; or
- (b) in the opinion of the senior presidential member has a conflict of interest in relation to a matter before the Tribunal—
- that member is disqualified from participating in the matter.

DIVISION 3 – HEARING

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Members of the panel for a sitting of the Tribunal

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44. (1) Once a charge is lodged with the Registrar, the senior president member must as soon as possible appoint the members of the Tribunal for the purpose of hearing the charge.
- (2) One member of the Tribunal must be a presidential member who becomes the President.

5 Requirements regarding hearing a charge

45. (1) The Tribunal must deal with any charge as expeditiously as possible.
- (2) The Tribunal may, if it sees fit, proceed with the hearing of a charge even though—
- 10 (a) there may be mediation or conciliation proceedings under this canon relating to the subject matter of the charge; and
- (b) there may be criminal or other proceedings being taken against the Bishop.
- 15 (3) The Tribunal may make a recommendation in relation to a person the subject of the charge who has ceased to be a current Bishop after the charge was lodged with the Registrar.

Notice of a sitting

- 20 46. (1) Subject to subsection (2), the Tribunal must give the following persons reasonable notice of the time and place of a sitting of the Tribunal:
- (a) the person or body bringing the charge; and
- (b) the respondent; and
- 25 (c) such other persons as the Tribunal believes have a proper interest in the matter.
- (2) The Tribunal is not obliged to give notice of a sitting to a person whose whereabouts cannot, after reasonable enquiries, be ascertained.
- 30 (3) The Tribunal may conduct a hearing and make a determination in any proceedings in the absence of the respondent if satisfied that reasonable efforts were made to give that person an opportunity to appear.

Presence at a sitting

- 35 47. (1) Subject to subsection (2), a sitting of the Tribunal on a reference before the Tribunal is an open sitting.
- (2) On any such sitting before the Tribunal, the Tribunal has an absolute discretion to direct that persons other than—
- 40 (a) the respondent and any person representing the respondent in the proceedings; and
- (b) witnesses or persons making submissions (while giving evidence or making those submissions); and
- 45 (c) officers of the Tribunal or persons assisting the Tribunal; or
- (d) the person bringing the charge or their representatives—
- 50 not be present in the room while the Tribunal is sitting.

5 Representation

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

10 Board of Assessors may be used

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

15 Conduct of the hearing and evidence

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

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

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

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

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

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

40 Decision by majority of Tribunal

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

What the Tribunal must take into account

- 45 52. In making any determination the Tribunal must take into account—

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

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

5 Tribunal to give reasons

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

Tribunal may make an order by consent

- 10 54. The Tribunal may make an order by consent of the parties before it.

Costs and funding

55. (1) The Tribunal has no power to award costs of any proceedings before it.
- 15 (2) A Bishop who is the subject of a charge before the Tribunal may apply to the Standing Committee for the provision of legal assistance from the time of first being notified of the investigation or charge.
- 20 (3) The Standing Committee may grant such legal assistance as may be reasonably necessary to enable the Bishop to be properly represented and may do so on the terms and subject to the conditions it determines are reasonably necessary.

Entries on the National Register

56. In a case where entry is required under the National Register Canon 2007, a recommendation of the Tribunal, or the date and particulars of the recommendation, must be entered on the National Register together with a record of any action taken consequent upon the recommendation.
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DIVISION 4 - RULES, PROCEDURES AND ADMINISTRATION**Rules**

- 30 57. (1) The presidential members of the panel may make rules of the Tribunal in relation to the practice and procedure of the Tribunal.
- (2) Subject to this Canon and the rules, the practice and procedure of the Tribunal are as directed by the President of the Tribunal.

Tribunal constituted by a single member

- 35 58. (1) The rules may provide that, in relation to the exercise of specified functions, or in relation to matters of a specified class, the Tribunal may, at the direction of the President, be constituted by a single member sitting alone.
- 40 (2) The Tribunal constituted by a single member sitting alone cannot determine a charge or make a recommendation as to sentence.
- (3) Where the Tribunal is constituted by a member sitting alone who is not the President, any question of law that arises must be referred to the President for decision and any decision made on such a reference is a decision of the Tribunal.
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5 Concurrent sittings

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

10 Registrar

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

15 Public statements

61. (1) The Director may release to the public such material as they may determine with respect to any complaint.
- (2) At any time after the first directions hearing the Tribunal or, if so authorised by the Tribunal, the person or body bringing the charge, may make public a statement concerning the nature of the charge and the Bishop against whom the charge is brought.
- (3) Upon the determination of any charge by the Tribunal and the recommendation of any sentence by the Tribunal, the Tribunal, or if so authorised by the Tribunal, the person or body bringing the charge, may make public a statement of the decision and, where appropriate, concerning the nature of the charge proved and the sentence imposed by the Tribunal, together with such reasons or a summary thereof as the Tribunal must direct or approve.

30 DIVISION 5 - APPEAL

Appeals

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

35 PART 9 – DEPOSITION FROM ORDERS

Deposition

63. (1) The deposition of a Bishop from Holy Orders by the Primate pursuant to the recommendation of the Tribunal must be effected by the execution by the Primate of an Instrument of Deposition in or to the effect of the form in the Second Schedule.
- (2) The Primate must forthwith—
- (a) register the Instrument in the Registry of the Primate;
 - (b) deliver a copy of the Instrument to the Diocesan bishop of the diocese or dioceses in which the person who is the subject of the Instrument was ordained priest and bishop;
 - (c) if the person was a Diocesan bishop, deliver a copy of the Instrument to the registrar of the diocese concerned; and
 - (d) cause relevant details to be forwarded for entry into the National Register.

50 PART 10 – COMING INTO EFFECT IN A DIOCESE

64. This canon comes into effect in a Diocese on the date determined by an ordinance of the Diocesan synod of that Diocese.

FIRST SCHEDULE

(Section 20(2))

1 A breach of faith, ritual or ceremonial;

2 Drunkenness;

3 Wilful failure to pay just debts.

SECOND SCHEDULE

TO

I, PRIMATE/ARCHBISHOP of

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

PARTICULARS OF HOLY ORDERS

FULL NAME
 AND
 ADDRESS

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

DATED:

SEALED

**A BILL FOR THE OFFENCES AMENDMENT (CHILD PROTECTION)
CANON 2026****EXPLANATORY MEMORANDUM****GENERAL BACKGROUND****BACKGROUND TO THE PROJECT**

1. In April 2023 the Standing Committee of General Synod established an Episcopal Standards Process Review. This was to review the effectiveness of the structures in place to deliver episcopal standards processes in the ACA.
2. A working group was established. It circulated a consultation paper in late 2024, and reported on the outcomes of that consultation to the Standing Committee of General Synod in April 2025. Proposals for reform were considered and agreed to in principle by the Standing Committee in April 2025 and November 2025, and at the latter meeting it was agreed that there should be a further consultation on draft legislation.
3. The main focus of the review came to be on the stages between a complaint and the conclusion of the investigation. Although there is scope for efficiency and procedural improvement after that point, that can be addressed through case management. During the phase of receiving, considering and investigating a complaint, however, there are potentially two processes currently available, one leading to the bringing of charges before the Special Tribunal, and the other considering whether there is examinable conduct to be considered by the Episcopal Standards Board.
4. The process involving examinable conduct is established by two canons of General Synod—the Episcopal Standards Canon 2007 and the Episcopal Standards (Child Protection) Canon 2017. The former, despite some fundamental flaws, is in force in 13 Dioceses. The latter is in force in 22 dioceses.
5. The 2024 discussion paper showed how there are five different configurations of adoption and exclusion across the 23 Australian dioceses. This has immediate consequences in terms of working out what applies in each diocese, and how to manage complaints in relation to a bishop who has served in more than one diocese.
6. The same conduct can fall under several different canons, and the inherent uncertainty in the definition of examinable conduct in the Episcopal Standards Canon (“any conduct or omission...the subject of information which, if established, might call into question the fitness of a Bishop to hold office or to be or remain in Holy Orders...”). This complexity and uncertainty leads to delays and increased costs in determining an appropriate response to an initial complaint.
7. The eventual outcome of this work was to propose repealing the Episcopal Standards Canon 2007 and the Episcopal Standards (Child Protection) Canon 2017, improving the procedures under the Special Tribunal Canon, and revising the Offences Canon 1962 ensuring that the legislation that remained was fit for purpose and covered everything necessary as a result of the Royal Commission into Institutional Responses to Child Sexual Abuse.

BACKGROUND TO THE LEGISLATION

8. This bill is one of five bills being brought to the 19th General Synod as a result of a review of the processes concerning episcopal standards. The five bills are:
- (i) the Special Tribunal Bill 2026
 - (ii) the Offences Amendment Bill 2026
 - (iii) the Offences Amendment (Child Protection) Bill 2026
 - (iv) the Suspension of Bishops Bill 2026
 - (v) the Episcopal Standards (Adoption and Transition) Bill 2026.
9. The overall objectives are:
- to simplify and make more certain the law concerning what episcopal conduct is proscribed;
 - to increase the likelihood of a single approach to episcopal standards across all the dioceses in the Anglican Church of Australia;
 - to remove the uncertainty and consequential costs associated with fitness based on “examinable conduct”;
 - to provide certainty to Bishops about what could lead to a disciplinary response, and to remove grievances about a Bishop’s performance from what is covered by the Church’s disciplinary processes;
 - to make procedural changes to reduce the time needed to investigate complaints and hear charges;
 - to restate how the procedures should involve or affect bishops the subject of a complaint, complainants and alleged victims.
10. Five separate bills are being brought for these reasons:
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The Special Tribunal Bill 2026

11. The Special Tribunal is established by section 53 of the Constitution of the Anglican Church of Australia, and section 56 establishes its jurisdiction.
12. The Special Tribunal Bill is a rewrite of the existing Special Tribunal Canon 2007. It is not possible simply to amend the 2007 Canon because (as already noted) for a period of time the 2007 Canon will continue to operate in some dioceses while the 2026 canon will commence to operate in other dioceses because the synods of those dioceses have decided that it should.
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14. These are the main differences between the Special Tribunal Canon 2007 and the Special Tribunal Bill 2026:

- The functions of the Episcopal Standards Commission relating to receiving and investigating complaints and bringing charges in the Special Tribunal are given instead to the Episcopal Standards Director. The ESC has said that the current system means that throughout an investigation the Director must have every step approved by the ESC, which must then be educated in why that step is required. In addition, approvals must await the next meeting of the ESC. The ESC's role will now be one of oversight and ensuring accountability.
- The Special Tribunal will be given a case management function once a charge is laid.
- What is in the Protocol decided by the Standing Committee of General Synod is restated. In particular, the subject matter relating to interaction with complainants and alleged victims (including victim impact statements), and relating to respondents, has been revised.
- The Director may refrain from further investigation of a complaint of disgraceful conduct if in their opinion the evidence could not support the conclusion that the Bishop was acting otherwise than in the honest and lawful discharge of their duties.
- Another Bishop can take over the carriage of a charge where the instigating Bishop becomes unable to do so.
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The Offences Amendment Bill 2026

15. There are three key reasons for the Offences Amendment Bill 2026:

- to import into the canon all the definitions and proscribed conduct covered by the Episcopal Standards (Child Protection) Canon 2017;
- to simplify the wording of the offence relating to disgraceful conduct;
- generally to correct the drafting of various provisions, especially those introduced in recent General Synods.

16. The Episcopal Standards (Child Protection) Canon 2017 was an important response to the recommendations of the Royal Commission into Institutional Responses to Child Sexual Abuse, and it is crucial that everything covered by that Canon continues to be covered by General Synod legislation once that Canon ceases to operate in a diocese. That is partly achieved by the changes to the Offences Canon, but also by other Bills.

17. Even so, it would be possible for a diocesan synod to exclude the Episcopal Standards (Child Protection) Canon 2017 and not adopt the Offences Amendment Canon 2026, as the most essential changes are dealt with in other bills.

18. The current offence relating to disgraceful conduct requires both that the conduct be disgraceful if committed by a member of the clergy and that at the time the charge is preferred is productive, or if known publicly would be productive, of scandal or evil report. The amended form of offence would require only that the conduct be disgraceful if committed by a person in episcopal orders. This would recognize that the standard

required of bishops may be higher than that required of other clergy. It would also remove the need to remove notoriety, or potential notoriety, from what must be proved. If conduct is in fact disgraceful it is unclear why it should be permissible in circumstances where it has not produced, or would not produce, scandal or evil report at the time a charge is brought. At best this might be a consideration in sentencing, not an element of the charge.

Suspension of Bishops Bill 2026

19. Under section 61A of the Constitution a Bishop must be suspended once a charge of a sexual offence relating to a child is preferred against them.
20. This section does not provide, however, for the mandatory suspension of a Bishop accused of a sexual offence against a child between the time of a complaint and the bringing of a charge. Sections 14A, 14B, 14C and 15 of the Episcopal Standards (Child Protection) Canon 2017 do provide for the mandatory suspension of a Bishop during as soon as a credible complaint of a sexual offence against a child is received.
21. The Suspension of Bishops Bill would replicate those provisions in the Episcopal Standards (Child Protection) Canon 2017, meaning that they would continue to apply once the 2017 Canon ceased to operate in a diocese.
22. The Constitution also does not provide a mechanism for suspending a Bishop during the investigation of a complaint regarding other matters. This is such a mechanism in sections 13 to 15 of the Episcopal Standards Canon 2007 (which operates only in some dioceses). There is also an amendment to section 61A of the Constitution in the Constitution Amendment (Suspension of Bishops) Canon 2007 (No. 18 of 2007) that would cover the same situation, but that has not received the necessary assents—nor now should it, as it is inconsistent with subsequent amendments to that same section.
23. The position now proposed is that it be left to diocesan synods to decide whether to legislate to permit the suspension of their Bishop for an alleged offence other than a sexual offence relating to a child. There is manifestly no consensus across the Australian dioceses about when and how such a power should be exercised, and it is within the legislative competence of each diocese to put in place the rules that its synod considers appropriate.

Episcopal Standards (Adoption and Transition) Bill 2026

24. The purpose of the Episcopal Standards (Adoption and Transition) Bill 2026 is to manage the transition from the former to the new legislative regime at the point when a diocesan synod chooses to make that transition.
25. The trigger will be a decision by the diocesan synod that the Special Tribunal Canon 2026 is to operate in that diocese.
26. Once a diocesan synod decides that the Special Tribunal Canon 2026 operates in that diocese, this adoption and transition canon will mean that automatically:
 - if in operation, the Episcopal Standards Canon 2007 will cease to operate in that diocese;
 - the Episcopal Standards (Child Protection) Canon 2017 ceases to operate in that diocese; and
 - the Offences Amendment (Child Protection) Bill 2026 is adopted by that diocesan synod.
27. The last of these is especially important, as leaves in no doubt that the Offences Canon covers historical sexual offences relating to a child.

THIS BILL -- OFFENCES AMENDMENT (CHILD PROTECTION) BILL 2026

28. The Offences Amendment (Child Protection) Bill 2026 also amends the Offences Canon 1962, but only in one respect. It would introduce an additional section into the Canon for the sole purpose of providing that a sexual offence relating to a child (which is defined in the Constitution) has been disgraceful conduct since the commencement of the Offences Canon in 1962.
29. This amendment does not create an offence retrospectively; that is, it does not make illegal now something that was previous legal. It serves only to make explicit what must always have been implicit. Indeed, it does not create an offence at all, as disgraceful conduct has always been an offence.
30. Other amendments to the Offences Canon define child abuse, which includes but is not confined to sexual offences relating to a child. On the other hand, this Bill states only that *sexual* offences relating to a child have always been disgraceful. That is because some other conduct that might now be considered child abuse (for example, corporal punishment, or allowing a child to witness domestic violence) may not have been considered disgraceful since 1962.
31. As this bill may affect deal with or concern the discipline of the Church, this whole legislative package cannot proceed unless the 19th General Synod determines by a 75% majority in each House that it need not proceed by way of special bill.
32. Even then, it will not come into operation with a diocese until the synod of that diocese adopts it.

5

**A BILL FOR THE OFFENCES AMENDMENT (CHILD PROTECTION)
CANON 2026**

The General Synod prescribes as follows:

10 A sexual offence relating to a child has always been disgraceful conduct

1. In the Offences Canon 1962 after section 5 insert:

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

A BILL FOR THE SUSPENSION OF BISHOPS CANON 2026

GENERAL BACKGROUND

Note: this General Background is the same for each of the five bills referred to in paragraph 8.

BACKGROUND TO THE PROJECT

1. In April 2023 the Standing Committee of General Synod established an Episcopal Standards Process Review. This was to review the effectiveness of the structures in place to deliver episcopal standards processes in the ACA.
2. A working group was established. It circulated a consultation paper in late 2024, and reported on the outcomes of that consultation to the Standing Committee of General Synod in April 2025. Proposals for reform were considered and agreed to in principle by the Standing Committee in April 2025 and November 2025, and at the latter meeting it was agreed that there should be a further consultation on draft legislation.
3. The main focus of the review came to be on the stages between a complaint and the conclusion of the investigation. Although there is scope for efficiency and procedural improvement after that point, that can be addressed through case management. During the phase of receiving, considering and investigating a complaint, however, there are potentially two processes currently available, one leading to the bringing of charges before the Special Tribunal, and the other considering whether there is examinable conduct to be considered by the Episcopal Standards Board.
4. The process involving examinable conduct is established by two canons of General Synod—the Episcopal Standards Canon 2007 and the Episcopal Standards (Child Protection) Canon 2017. The former, despite some fundamental flaws, is in force in 13 Dioceses. The latter is in force in 22 dioceses.
5. The 2024 discussion paper showed how there are five different configurations of adoption and exclusion across the 23 Australian dioceses. This has immediate consequences in terms of working out what applies in each diocese, and how to manage complaints in relation to a bishop who has served in more than one diocese.
6. The same conduct can fall under several different canons, and the inherent uncertainty in the definition of examinable conduct in the Episcopal Standards Canon (“any conduct or omission...the subject of information which, if established, might call into question the fitness of a Bishop to hold office or to be or remain in Holy Orders...”). This complexity and uncertainty leads to delays and increased costs in determining an appropriate response to an initial complaint.
7. The eventual outcome of this work was to propose repealing the Episcopal Standards Canon 2007 and the Episcopal Standards (Child Protection) Canon 2017, improving the procedures under the Special Tribunal Canon, and revising the Offences Canon 1962 ensuring that the legislation that remained was fit for purpose and covered everything necessary as a result of the Royal Commission into Institutional Responses to Child Sexual Abuse.

BACKGROUND TO THE LEGISLATION

8. This bill is one of five bills being brought to the 19th General Synod as a result of a review of the processes concerning episcopal standards. The five bills are:
 - (i) the Special Tribunal Bill 2026
 - (ii) the Offences Amendment Bill 2026
 - (iii) the Offences Amendment (Child Protection) Bill 2026
 - (iv) the Suspension of Bishops Bill 2026
 - (v) the Episcopal Standards (Adoption and Transition) Bill 2026.
9. The overall objectives are:
 - to simplify and make more certain the law concerning what episcopal conduct is proscribed;
 - to increase the likelihood of a single approach to episcopal standards across all the dioceses in the Anglican Church of Australia;
 - to remove the uncertainty and consequential costs associated with fitness based on “examinable conduct”;
 - to make procedural changes to reduce the time needed to investigate complaints and hear charges;
 - to reduce the reputational risk to the Church arising from protracted investigations and decision-making in relation to complaints;
 - to restate how the procedures should involve or affect bishops the subject of a complaint, complainants and alleged victims.
10. Five separate bills are being brought for these reasons:
 - some bills need to follow a special procedure while some do not;
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12. The Special Tribunal Bill is a rewrite of the existing Special Tribunal Canon 2007. It is not possible simply to amend the 2007 Canon because (as already noted) for a period of time the 2007 Canon will continue to operate in some dioceses while the 2026 canon will commence to operate in other dioceses because the synods of those dioceses have decided that it should.
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Offences Amendment (Child Protection) Bill 2026

19. The Offences Amendment (Child Protection) Bill 2026 also amends the Offences Canon 1962, but only in one respect. It would introduce an additional section into the Canon for the sole purpose of providing that a sexual offence relating to a child (which is defined in the Constitution) has been disgraceful conduct since the commencement of the Offences Canon in 1962.
20. This amendment does not create an offence retrospectively; that is, it does not make illegal now something that was previous legal. It serves only to make explicit what must always have been implicit. Indeed, it does not create an offence at all, as disgraceful conduct has always been an offence.
21. Other amendments to the Offences Canon define child abuse, which includes but is not confined to sexual offences relating to a child. On the other hand, this Bill states only that *sexual* offences relating to a child have always been disgraceful. That is because some other conduct that might now be considered child abuse (for example, corporal punishment, or allowing a child to witness domestic violence) may not have been considered disgraceful since 1962.
22. As this bill may affect deal with or concern the discipline of the Church, this whole legislative package cannot proceed unless the 19th General Synod determines by a 75% majority in each House that it need not proceed by way of special bill.
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24. The purpose of the Episcopal Standards (Adoption and Transition) Bill 2026 is to manage the transition from the former to the new legislative regime at the point when a diocesan synod chooses to make that transition.
25. The trigger will be a decision by the diocesan synod that the Special Tribunal Canon 2026 is to operate in that diocese.
26. Once a diocesan synod decides that the Special Tribunal Canon 2026 operates in that diocese, this adoption and transition canon will mean that automatically:
 - if in operation, the Episcopal Standards Canon 2007 will cease to operate in that diocese;
 - the Episcopal Standards (Child Protection) Canon 2017 ceases to operate in that diocese; and
 - the Offences Amendment (Child Protection) Bill 2026 is adopted by that diocesan synod.
27. The last of these is especially important, as leaves in no doubt that the Offences Canon covers historical sexual offences relating to a child.

THIS BILL -- SUSPENSION OF BISHOPS BILL 2026

28. Under section 61A of the Constitution a Bishop must be suspended once a charge of a sexual offence relating to a child is preferred against them.
29. This section does not provide, however, for the mandatory suspension of a Bishop accused of a sexual offence against a child between the time of a complaint and the bringing of a charge. Sections 14A, 14B, 14C and 15 of the Episcopal Standards (Child Protection) Canon 2017 do provide for the mandatory suspension of a Bishop during as soon as a credible complaint of a sexual offence against a child is received.
30. The Suspension of Bishops Bill would replicate those provisions in the Episcopal Standards (Child Protection) Canon 2017, meaning that they would continue to apply once the 2017 Canon ceased to operate in a diocese.
31. The Constitution also does not provide a mechanism for suspending a Bishop during the investigation of a complaint regarding other matters. This is such a mechanism in sections 13 to 15 of the Episcopal Standards Canon 2007 (which operates only in some dioceses). There is also an amendment to section 61A of the Constitution in the Constitution Amendment (Suspension of Bishops) Canon 2007 (No. 18 of 2007) that would cover the same situation, but that has not received the necessary assents—nor now should it, as it is inconsistent with subsequent amendments to that same section.
32. The position now proposed is that it be left to diocesan synods to decide whether to legislate to permit the suspension of their Bishop for an alleged offence other than a sexual offence relating to a child. There is manifestly no consensus across the Australian dioceses about when and how such a power should be exercised, and it is within the legislative competence of each diocese to put in place the rules that its synod considers appropriate.

NOTES ON CLAUSES

- | | |
|----------|--|
| Clause 1 | defines expressions used in the Bill. |
| Clause 2 | establishes when this section applies, which is when there is a plausible complaint of a sexual offence relating to a child by a Bishop. This replicates s 14A of the Episcopal Standards (Child Protection) Canon 2017. |
| Clause 3 | provides for the mandatory suspension of a Bishop by the senior presidential member of the Special Tribunal when section 2 applies. This replicates s 14B of the Episcopal Standards (Child Protection) Canon 2017. |
| Clause 4 | provides duration of a suspension under section 3. This is derived from sections 14C and 15(1) of the Episcopal Standards (Child Protection) Canon 2017. |
| Clause 5 | provides for the effect of a suspension, including the Bishop's entitlements. This replicates s 15(2) of the Episcopal Standards (Child Protection) Canon 2017. |
| Clause 6 | declares that for the purposes of s 30(3) of the Constitution this canon affects the discipline of the church. |

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A BILL FOR THE SUSPENSION OF BISHOPS CANON 2026

The General Synod prescribes as follows:

10 Interpretation

1. In this Canon—

Church has the same meaning as in the Special Tribunal Canon 2026;

Church body has the same meaning as in the Special Tribunal Canon 2026;

15 **Episcopal Standards Director** and **Director** have the same meaning as “Director” in the Special Tribunal Canon 2026;

senior presidential member has the same meaning as in the Special Tribunal Canon 2026.

Definition of when section 2 applies

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

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

(b) the complaint is plausible.

25 Mandatory suspension where section 2 applies

3. (1) If section 2 applies, the Episcopal Standards Director must recommend to the senior presidential member that the person be suspended from the duties of office.

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

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

5 **Duration of suspension under this Canon**

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

- 10 (a) the Episcopal Standards Director decides to refrain from further investigation under section 23 of the Special Tribunal Canon 2026 and there are no other investigations in relation to that person to which section 2 applies;
- (b) a charge is brought under Part 6 of the Special Tribunal Canon 2026 when there are no other investigations to which section 2 applies; or

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

- (c) the person has been deposed from Holy Orders, prohibited from functioning in an order of ministry, or relinquished the exercise of some or all Holy Orders under the Constitution or a canon of the General Synod—

20 whichever occurs first.

Effect of suspension

7. (1) A suspension under this Canon or a voluntary standing down from office by the Bishop as a result of an investigation by the Director has effect as an absence of the Bishop from the see or from office as the case may require.
- 25 (2) During a period of suspension or voluntary standing down referred to in subsection (1), the Bishop is entitled to receive from the body normally responsible for their payment the stipend, allowances and other benefits that would otherwise have accrued.

Canon affects the discipline of this Church

- 30 8. For the purposes of section 30 of the Constitution this canon affects the discipline of this Church.

**A BILL FOR THE EPISCOPAL STANDARDS (ADOPTION
AND TRANSITION) CANON 2026****EXPLANATORY MEMORANDUM****GENERAL BACKGROUND**

Note: this General Background is the same for each of the five bills referred to in paragraph 8.

BACKGROUND TO THE PROJECT

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2. A working group was established. It circulated a consultation paper in late 2024, and reported on the outcomes of that consultation to the Standing Committee of General Synod in April 2025. Proposals for reform were considered and agreed to in principle by the Standing Committee in April 2025 and November 2025, and at the latter meeting it was agreed that there should be a further consultation on draft legislation.
3. The main focus of the review came to be on the stages between a complaint and the conclusion of the investigation. Although there is scope for efficiency and procedural improvement after that point, that can be addressed through case management. During the phase of receiving, considering and investigating a complaint, however, there are potentially two processes currently available, one leading to the bringing of charges before the Special Tribunal, and the other considering whether there is examinable conduct to be considered by the Episcopal Standards Board.
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6. The same conduct can fall under several different canons, and the inherent uncertainty in the definition of examinable conduct in the Episcopal Standards Canon (“any conduct or omission...the subject of information which, if established, might call into question the fitness of a Bishop to hold office or to be or remain in Holy Orders...”). This complexity and uncertainty leads to delays and increased costs in determining an appropriate response to an initial complaint.
7. The eventual outcome of this work was to propose repealing the Episcopal Standards Canon 2007 and the Episcopal Standards (Child Protection) Canon 2017, improving the procedures under the Special Tribunal Canon, and revising the Offences Canon 1962 ensuring that the legislation that remained was fit for purpose and covered everything necessary as a result of the Royal Commission into Institutional Responses to Child Sexual Abuse.

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13. The key intention is to make the procedures established by the Special Tribunal Canon as fit for purpose as possible when this becomes the sole pathway to receiving and determining complaints made against Bishops.

14. These are the main differences between the Special Tribunal Canon 2007 and the Special Tribunal Bill 2026:

- The functions of the Episcopal Standards Commission relating to receiving and investigating complaints and bringing charges in the Special Tribunal are given instead to the Episcopal Standards Director. The ESC has said that the current system means that throughout an investigation the Director must have every step approved by the ESC, which must then be educated in why that step is required. In addition, approvals must await the next meeting of the ESC. The ESC's role will now be one of oversight and ensuring accountability.
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- What is in the Protocol decided by the Standing Committee of General Synod is restated. In particular, the subject matter relating to interaction with complainants and alleged victims (including victim impact statements), and relating to respondents, has been revised.
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- to import into the canon all the definitions and proscribed conduct covered by the Episcopal Standards (Child Protection) Canon 2017;
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21. Other amendments to the Offences Canon define child abuse, which includes but is not confined to sexual offences relating to a child. On the other hand, this Bill states only that *sexual* offences relating to a child have always been disgraceful. That is because some other conduct that might now be considered child abuse (for example, corporal punishment, or allowing a child to witness domestic violence) may not have been considered disgraceful since 1962.
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24. Under section 61A of the Constitution a Bishop must be suspended once a charge of a sexual offence relating to a child is preferred against them.
25. This section does not provide, however, for the mandatory suspension of a Bishop accused of a sexual offence against a child between the time of a complaint and the bringing of a charge. Sections 14A, 14B, 14C and 15 of the Episcopal Standards (Child Protection) Canon 2017 do provide for the mandatory suspension of a Bishop during as soon as a credible complaint of a sexual offence against a child is received.
26. The Suspension of Bishops Bill would replicate those provisions in the Episcopal Standards (Child Protection) Canon 2017, meaning that they would continue to apply once the 2017 Canon ceased to operate in a diocese.
27. The Constitution also does not provide a mechanism for suspending a Bishop during the investigation of a complaint regarding other matters. This is such a mechanism in sections 13 to 15 of the Episcopal Standards Canon 2007 (which operates only in some dioceses). There is also an amendment to section 61A of the Constitution in the Constitution Amendment (Suspension of Bishops) Canon 2007 (No. 18 of 2007) that would cover the same situation, but that has not received the necessary assents—nor now should it, as it is inconsistent with subsequent amendments to that same section.

28. The position now proposed is that it be left to diocesan synods to decide whether to legislate to permit the suspension of their Bishop for an alleged offence other than a sexual offence relating to a child. There is manifestly no consensus across the Australian dioceses about when and how such a power should be exercised, and it is within the legislative competence of each diocese to put in place the rules that its synod considers appropriate.

THIS BILL - EPISCOPAL STANDARDS (ADOPTION AND TRANSITION) BILL 2026

29. The purpose of the Episcopal Standards (Adoption and Transition) Bill 2026 is to manage the transition from the former to the new legislative regime at the point when a diocesan synod chooses to make that transition.
30. The trigger will be a decision by the diocesan synod that the Special Tribunal Canon 2026 is to operate in that diocese.
31. Once a diocesan synod decides that the Special Tribunal Canon 2026 operates in that diocese, this adoption and transition canon will mean that automatically:
- if in operation, the Episcopal Standards Canon 2007 will cease to operate in that diocese;
 - the Episcopal Standards (Child Protection) Canon 2017 ceases to operate in that diocese; and
 - the Offences Amendment (Child Protection) Bill 2026 is adopted by that diocesan synod.

The last of these is especially important, as leaves in no doubt that the Offences Canon covers historical sexual offences relating to a child.

NOTES ON CLAUSES

- Clause 1 provides that when a Diocesan synod determines that the Special Tribunal Canon 2026 commences in a diocese, the Special Tribunal Canon 2007 will cease to operate in that diocese, each of the Episcopal Standards Canon 2007 and the Episcopal Standards (Child Protection) Canon 2017 will automatically be excluded in that Diocese (if that synod has previously adopted it), and the Offences Amendment (Child Protection) Canon 2026 is adopted by that Diocesan synod.
- This means that the key elements of the new legislative approach will all occur at the same time in that diocese. However, the Diocesan synod can choose (or not) to adopt the Offences Amendment Canon 2026 and the Suspension of Bishops Canon 2026 at any time.
- Clause 2 provides that despite section 1 investigations and hearings already taking place under the former legislation to be concluded; that the protocol made under the Special Tribunal Canon 2007 continues until the Standing Committee of General Synod approves a new one; and that an exclusion by a diocese of the Episcopal Standards Director under the Special Tribunal Canon 2007 operates as an exclusion under the Special Tribunal Canon 2016.
- Clause 3 provides that office holders under the Special Tribunal Canon 2007 continue to hold the equivalent office under the Special Tribunal Canon 2026, but the 19th General Synod may elect a third presidential member to hold office under the latter canon.
- Clause 4 amends the Safe Ministry to Children Canon 2017 to define “professional standards process” without referring to the Episcopal Standards (Child Protection) Canon 2017

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A BILL FOR THE EPISCOPAL STANDARDS (ADOPTION AND TRANSITION) CANON 2026

10 **A canon to provide for the operation of the Special Tribunal Canon 2026 and the ceasing
to operate of other Canons in a diocese and the parallel and transitional operation of other
Canons and provisions of Canons relating to episcopal standards.**

15 The General Synod prescribes as follows:

Effect of a Diocesan synod determining that the Special Tribunal Canon 2026 commences in that diocese

- 20 1. Subject to this Canon, on the date on which an ordinance of a Diocesan synod
determines that the Special Tribunal Canon 2026 comes into force—
- (a) the Special Tribunal Canon 2007 ceases to operate in that diocese;
 - (b) the Episcopal Standards Canon 2007 is excluded by that Diocese if that
Diocese has previously adopted it;
 - 25 (c) the Episcopal Standards (Child Protection) Canon 2017 is excluded by that
Diocese if that Diocese has previously adopted it;
 - (d) the Offences Amendment (Child Protection) Canon 2026 is adopted by that
Diocesan synod if that Diocesan synod has not previously adopted it; and
 - (e) the Suspension of Bishops Canon 2026 is adopted by that Diocesan synod if
that Diocesan synod has not previously adopted it.

30 **Savings**

- 2. (1) Despite the Special Tribunal Canon 2026 coming into force in a Diocese, the
Special Tribunal Canon 2007, the Episcopal Standards Canon 2007 and the
Episcopal Standards (Child Protection) Canon 2017 continue to operate in
that Diocese to the extent necessary to enable any allegation or complaint
35 already made to be considered or investigated, and any charge or other
proceeding heard or decided or otherwise disposed of.
- (2) A protocol made under or operating for the purposes of the Special Tribunal
Canon 2007 continues in effect until the Standing Committee approves a
protocol under section 18 of the Special Tribunal Canon 2026.
- 40 (3) When the Special Tribunal Canon 2007 comes into force in a Diocese that
has excluded the operation of section 43(2) of that Canon in that Diocese,
that exclusion operates as an exclusion under section 35(2) of the Special
Tribunal Canon 2026.

45 **Office holders under the Special Tribunal Canon 2017 to continue**

- 3. (1) Subject to this section, a person who holds any office, role or position under
the Special Tribunal Canon 2007 also holds the equivalent office, role or
position under the Special Tribunal Canon 2026 and in accordance with Part
50 6 of that Canon.
- (2) Subsection (1) continues to have effect if the Special Tribunal Canon 2007
has ceased to operate in all Dioceses.

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- (3) At the time of conducting elections for presidential members of the Special Tribunal, the General Synod may elect a third presidential member for the purposes of section 30(1)(a) of the Special Tribunal Canon 2026, but a presidential member so elected does not become a member of the Special Tribunal panel established by the Special Tribunal Canon 2007.

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Consequential amendment

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

- (a) the definition of “professional standards process” is repealed; and
(b) in the definition of “professional standards role” for “professional standards process” substitute:

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

A BILL FOR THE OFFENCES AMENDMENT CANON 2026

GENERAL BACKGROUND

Note: this General Background is the same for each of the five bills referred to in paragraph 8.

BACKGROUND TO THE PROJECT

1. In April 2023 the Standing Committee of General Synod established an Episcopal Standards Process Review. This was to review the effectiveness of the structures in place to deliver episcopal standards processes in the ACA.
2. A working group was established. It circulated a consultation paper in late 2024, and reported on the outcomes of that consultation to the Standing Committee of General Synod in April 2025. Proposals for reform were considered and agreed to in principle by the Standing Committee in April 2025 and November 2025, and at the latter meeting it was agreed that there should be a further consultation on draft legislation.
3. The main focus of the review came to be on the stages between a complaint and the conclusion of the investigation. Although there is scope for efficiency and procedural improvement after that point, that can be addressed through case management. During the phase of receiving, considering and investigating a complaint, however, there are potentially two processes currently available, one leading to the bringing of charges before the Special Tribunal, and the other considering whether there is examinable conduct to be considered by the Episcopal Standards Board.
4. The process involving examinable conduct is established by two canons of General Synod—the Episcopal Standards Canon 2007 and the Episcopal Standards (Child Protection) Canon 2017. The former, despite some fundamental flaws, is in force in 13 Dioceses. The latter is in force in 22 dioceses.
5. The 2024 discussion paper showed how there are five different configurations of adoption and exclusion across the 23 Australian dioceses. This has immediate consequences in terms of working out what applies in each diocese, and how to manage complaints in relation to a bishop who has served in more than one diocese.
6. The same conduct can fall under several different canons, and the inherent uncertainty in the definition of examinable conduct in the Episcopal Standards Canon (“any conduct or omission...the subject of information which, if established, might call into question the fitness of a Bishop to hold office or to be or remain in Holy Orders...”). This complexity and uncertainty leads to delays and increased costs in determining an appropriate response to an initial complaint.
7. The eventual outcome of this work was to propose repealing the Episcopal Standards Canon 2007 and the Episcopal Standards (Child Protection) Canon 2017, improving the procedures under the Special Tribunal Canon, and revising the Offences Canon 1962 ensuring that the legislation that remained was fit for purpose and covered everything necessary as a result of the Royal Commission into Institutional Responses to Child Sexual Abuse.

BACKGROUND TO THE LEGISLATION

8. This bill is one of five bills being brought to the 19th General Synod as a result of a review of the processes concerning episcopal standards. The five bills are:
- (i) the Special Tribunal Bill 2026
 - (ii) the Offences Amendment Bill 2026
 - (iii) the Offences Amendment (Child Protection) Bill 2026
 - (iv) the Suspension of Bishops Bill 2026
 - (v) the Episcopal Standards (Adoption and Transition) Bill 2026.
9. The overall objectives are:
- to simplify and make more certain the law concerning what episcopal conduct is proscribed;
 - to increase the likelihood of a single approach to episcopal standards across all the dioceses in the Anglican Church of Australia;
 - to remove the uncertainty and consequential costs associated with fitness based on “examinable conduct”;
 - to make procedural changes to reduce the time needed to investigate complaints and hear charges;
 - to reduce the reputational risk to the Church arising from protracted investigations and decision-making in relation to complaints;
 - to restate how the procedures should involve or affect bishops the subject of a complaint, complainants and alleged victims.
10. Five separate bills are being brought for these reasons:
- some bills need to follow a special procedure while some do not;
 - some bills (such as the Episcopal Standards Adoption and Transition Bill) can come into effect straight away, while others will appropriately come into effect in a diocese only if and when that diocese’s synod decides that they should;
 - because different diocesan synods will have the new legislation apply at different times, it is necessary to allow the existing and the new legislation to operate in parallel.

The Special Tribunal Bill 2026

11. The Special Tribunal is established by section 53 of the Constitution of the Anglican Church of Australia, and section 56 establishes its jurisdiction.
12. The Special Tribunal Bill is a rewrite of the existing Special Tribunal Canon 2007. It is not possible simply to amend the 2007 Canon because (as already noted) for a period of time the 2007 Canon will continue to operate in some dioceses while the 2026 canon will commence to operate in other dioceses because the synods of those dioceses have decided that it should.
13. The key intention is to make the procedures established by the Special Tribunal Canon as fit for purpose as possible when this becomes the sole pathway to receiving and determining complaints made against Bishops.

14. These are the main differences between the Special Tribunal Canon 2007 and the Special Tribunal Bill 2026:

- The functions of the Episcopal Standards Commission relating to receiving and investigating complaints and bringing charges in the Special Tribunal are given instead to the Episcopal Standards Director. The ESC has said that the current system means that throughout an investigation the Director must have every step approved by the ESC, which must then be educated in why that step is required. In addition, approvals must await the next meeting of the ESC. The ESC's role will now be one of oversight and ensuring accountability.
- The Special Tribunal will be given a case management function once a charge is laid.
- What is in the Protocol decided by the Standing Committee of General Synod is restated. In particular, the subject matter relating to interaction with complainants and alleged victims (including victim impact statements), and relating to respondents, has been revised.
- The Director may refrain from further investigation of a complaint of disgraceful conduct if in their opinion the evidence could not support the conclusion that the Bishop was acting otherwise than in the honest and lawful discharge of their duties.
- Another Bishop can take over the carriage of a charge where the instigating Bishop becomes unable to do so.
- It states with precision when various provisions apply to current Diocesan Bishops, current members of the House of Bishops, and former members of the House of Bishops.

Offences Amendment (Child Protection) Bill 2026

15. The Offences Amendment (Child Protection) Bill 2026 also amends the Offences Canon 1962, but only in one respect. It would introduce an additional section into the Canon for the sole purpose of providing that a sexual offence relating to a child (which is defined in the Constitution) has been disgraceful conduct since the commencement of the Offences Canon in 1962.
16. This amendment does not create an offence retrospectively; that is, it does not make illegal now something that was previous legal. It serves only to make explicit what must always have been implicit. Indeed, it does not create an offence at all, as disgraceful conduct has always been an offence.
17. Other amendments to the Offences Canon define child abuse, which includes but is not confined to sexual offences relating to a child. On the other hand, this Bill states only that *sexual* offences relating to a child have always been disgraceful. That is because some other conduct that might now be considered child abuse (for example, corporal punishment, or allowing a child to witness domestic violence) may not have been considered disgraceful since 1962.
18. As this bill may affect deal with or concern the discipline of the Church, this whole legislative package cannot proceed unless the 19th General Synod determines by a 75% majority in each House that it need not proceed by way of special bill.
19. Even then, it will not come into operation with a diocese until the synod of that diocese adopts it.

Suspension of Bishops Bill 2026

20. Under section 61A of the Constitution a Bishop must be suspended once a charge of a sexual offence relating to a child is preferred against them.
21. This section does not provide, however, for the mandatory suspension of a Bishop accused of a sexual offence against a child between the time of a complaint and the bringing of a charge. Sections 14A, 14B, 14C and 15 of the Episcopal Standards (Child Protection) Canon 2017 do provide for the mandatory suspension of a Bishop during as soon as a credible complaint of a sexual offence against a child is received.
22. The Suspension of Bishops Bill would replicate those provisions in the Episcopal Standards (Child Protection) Canon 2017, meaning that they would continue to apply once the 2017 Canon ceased to operate in a diocese.
23. The Constitution also does not provide a mechanism for suspending a Bishop during the investigation of a complaint regarding other matters. This is such a mechanism in sections 13 to 15 of the Episcopal Standards Canon 2007 (which operates only in some dioceses). There is also an amendment to section 61A of the Constitution in the Constitution Amendment (Suspension of Bishops) Canon 2007 (No. 18 of 2007) that would cover the same situation, but that has not received the necessary assents—nor now should it, as it is inconsistent with subsequent amendments to that same section.
24. The position now proposed is that it be left to diocesan synods to decide whether to legislate to permit the suspension of their Bishop for an alleged offence other than a sexual offence relating to a child. There is manifestly no consensus across the Australian dioceses about when and how such a power should be exercised, and it is within the legislative competence of each diocese to put in place the rules that its synod considers appropriate.

Episcopal Standards (Adoption and Transition) Bill 2026

25. The purpose of the Episcopal Standards (Adoption and Transition) Bill 2026 is to manage the transition from the former to the new legislative regime at the point when a diocesan synod chooses to make that transition.
26. The trigger will be a decision by the diocesan synod that the Special Tribunal Canon 2026 is to operate in that diocese.
27. Once a diocesan synod decides that the Special Tribunal Canon 2026 operates in that diocese, this adoption and transition canon will mean that automatically:
 - if in operation, the Episcopal Standards Canon 2007 will cease to operate in that diocese;
 - the Episcopal Standards (Child Protection) Canon 2017 ceases to operate in that diocese; and
 - the Offences Amendment (Child Protection) Bill 2026 is adopted by that diocesan synod.
28. The last of these is especially important, as leaves in no doubt that the Offences Canon covers historical sexual offences relating to a child.

THIS BILL - THE OFFENCES AMENDMENT BILL 2026

29. There are three key reasons for the Offences Amendment Bill 2026:

- to import into the canon all the definitions and proscribed conduct covered by the Episcopal Standards (Child Protection) Canon 2017;
- to simplify the wording of the offence relating to disgraceful conduct;
- generally to correct the drafting of various provisions, especially those introduced in recent General Synods.

30. The Episcopal Standards (Child Protection) Canon 2017 was an important response to the recommendations of the Royal Commission into Institutional Responses to Child Sexual Abuse, and it is crucial that everything covered by that Canon continues to be covered by General Synod legislation once that Canon ceases to operate in a diocese. That is partly achieved by the changes to the Offences Canon, but also by other Bills.

31. Even so, it would be possible for a diocesan synod to exclude the Episcopal Standards (Child Protection) Canon 2017 and not adopt the Offences Amendment Canon 2026, as the most essential changes are dealt with in other bills.

32. The current offence relating to disgraceful conduct requires both that the conduct be disgraceful if committed by a member of the clergy and that at the time the charge is preferred is productive, or if known publicly would be productive, of scandal or evil report. The amended form of offence would require only that the conduct be disgraceful if committed by a person in episcopal orders. This would recognize that the standard required of bishops may be higher than that required of other clergy. It would also remove the need to remove notoriety, or potential notoriety, from what must be proved. If conduct is in fact disgraceful it is unclear why it should be permissible in circumstances where it has not produced, or would not produce, scandal or evil report at the time a charge is brought. At best this might be a consideration in sentencing, not an element of the charge.

NOTES ON CLAUSES

- Clause 1 Defines “principal canon” to mean the Offences Canon 1962.
- Clause 2 amends section 1 of the principal canon.
- Paragraphs (a) and (b) substitute “Diocesan bishop” for “bishop of the diocese” as the former term is defined in the Constitution.
- Paragraph (c) replaces the current offence of disgraceful conduct in relation to members of the clergy with a differently worded offence – see paragraph 32 in the General Background.
- Paragraph (d) removes an item regarding the failure to report child abuse that is now included in the definition of child abuse.
- Clause 3 amends section 2 of the principal canon.
- Paragraph (a) uses the newly-defined word “current Bishop” instead of the existing words in the introduction.
- Paragraph (b) replaces the current offence of disgraceful conduct in relation to current Bishops with a differently worded offence – see paragraph 32 in the General Background.
- Paragraph (d) inserts a new offence in relation to impeding or failing to support a process associated with a charge or allegation of child abuse. This offence replicates subparagraphs (ii), (iii) and (iiia) in paragraph (a) of the definition of “examinable conduct” in the Episcopal Standards (Child Protection) Canon.
- Paragraph (e) removes an item regarding the failure to report child abuse that is now included in the definition of child abuse.
- Paragraphs (f) and (g) simplify the wording of items 9 and 10 and correct a cross-reference;
- Paragraph (h) insert a new offence of failing without reasonable excuse to give effect to a recommendation of a Board. This offence replicates subparagraph (v) in paragraph (a) of the definition of “examinable conduct” in the Episcopal Standards (Child Protection) Canon.
- Clause 4 amends section 2A.
- It amends the introductory words to use the newly-defined expression “current Bishop”, corrects a cross-reference to the Constitution, and inserts a new offence of failing without reasonable excuse to give effect to a recommendation of a Board, replicating subparagraph (v) in paragraph (b) of the definition of “examinable conduct” in the Episcopal Standards (Child Protection) Canon.
- Paragraph (b) omits an item concerning conduct relating to child abuse that would be disgraceful as that item is already covered by the definition of child abuse, and will also be caught by the new section 6 to be inserted by the Offences Amendment (Child Protection) Canon 2026.
- Paragraph (c) removes an item regarding the failure to report child abuse that is now included in the definition of child abuse.

- Clause 5 amends section 2B of the principal canon, which contains definitions.
- “Child” is now defined in the Constitution and need not be defined in this canon.
- “Bishop” is defined to include all those referred to in s 56(6) of the Constitution.
- “Board” is defined so that it is used consistently elsewhere in the canon.
- “Child abuse” is defined here, rather than by reference to another canon. It is derived from the definition in the National Register Canon 2007, but also has regard to the proposed definition in *Faithfulness in Service*. It uses the term “sexual offence relating to a child”, which is now defined in the Constitution, and introduces as one form of child abuse causing a child to witness, hear or otherwise be exposed to domestic and family violence.
- “current Bishop” is defined to include bishops referred to in section 56(6) (a) and (b) of the Constitution.
- Clause 6 Inserts a new section 2C, to the effect that conduct does not constitute an offence if the person engaging in it disclosed the material facts of the conduct to the ordaining bishop prior to the person being made a deacon.
- This replicates the definition of “exempt conduct” in the Episcopal Standards (Child Protection) Canon.
- Clause 7 Amends the National Register Canon 2007 so that the definition of “child abuse” that canon will be the same as the definition in the Offences Canon.
- Clause 8 declares that this canon affects the discipline of the Church.

5 **A BILL FOR THE OFFENCES AMENDMENT CANON 2026**

The General Synod prescribes as follows:

10 **Definition**

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

Amendments to section 1 of the principal canon

- 15 2. In section 1 of the principal canon—
- (a) in the introductory words of the section, for “bishop of the diocese” substitute “Diocesan bishop”;
 - (b) in item 3 for “bishop of the diocese” substitute “Diocesan bishop”;
 - (c) for item 5, substitute “Conduct, whenever occurring, which would be disgraceful if
20 committed by any member of the clergy.”; and
 - (d) omit item 8.

Amendments to section 2 of the principal canon

3. In section 2 of the principal canon—
- 25 (a) in the introductory words of the section, for “any person referred to in paragraphs (a) and (b) of section 56(6) of the constitution” substitute “a current Bishop”;
 - (b) for item 4, substitute “Conduct, whenever occurring, which would be disgraceful if committed by any person in episcopal orders.”;
 - (c) in item 6, for “his” substitute “their”;
 - 30 (d) following item 7, insert:
 - “7A. In relation to a disciplinary or professional standards process where there is a charge or an allegation of child abuse—
 - (i) impeding or undermining that process;
 - (ii) failing without reasonable excuse to perform a duty or a function
35 under that process; or
 - (iii) failing without reasonable excuse to exercise a power to initiate, or to investigate whether to initiate, that process.”;
 - (e) omit item 8;
 - (f) for item 9, substitute “Failure to comply with the direction of a Board.”;
 - 40 (g) in item 10, for all the words after “given to the person under” substitute “or for the purposes of section 60(1) of the Constitution.”; and
 - (h) after item 10, insert:
 - “10A. Failure without reasonable excuse to give effect to a recommendation given to the person by a Board.”.

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Amendments to section 2A of the principal canon

4. In section 2A of the principal canon—

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

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(b) omit item 3;

(c) omit item 4;

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

(e) after item 5, insert:

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

Amendments to section 2B of the principal canon

5. In section 2B of the principal canon—

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(a) omit the definition of child abuse;

(b) omit the definition of child;

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

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

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

“child abuse means:

(a) conduct constituting:

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(i) bullying a child; or

(ii) emotional abuse of a child; or

(iii) neglect of a child; or

(iv) physical abuse of a child; or

(v) a sexual offence relating to a child;

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(vi) spiritual abuse of a child; or

(vii) image-based abuse;

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

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(ix) a failure without reasonable excuse to comply with the laws of the Commonwealth, a State or Territory or against the law of

- 5 another country which is equivalent to a criminal offence
against the law of the Commonwealth, a State or a Territory,
requiring the reporting of child abuse to the police or other
authority; or
- 10 (x) a failure without reasonable excuse to report conduct referred
to in this definition as required by a Canon of the General
Synod or of an ordinance of a provincial synod or a diocesan
synod;
- 15 (b) possessing, producing or distributing material (including any film,
printed matter, electronic data, computer image or other depiction)
that describes or depicts a person who is or who appears to be a
child—
- (i) engaged in sexual activity; or
- (ii) in a sexual context; or
- 20 (iii) as the subject of torture, cruelty or abuse (whether or not in a
sexual context) in a way that a reasonable person would regard
as being, in all the circumstances, offensive—
- in circumstances that have been found to constitute, or may
constitute, a criminal offence.”;
- 25 (d) in the definition of “church worker” for “Bishop of a diocese” substitute
“Diocesan bishop”; and
- (e) after the definition of church worker, insert:
- “**current Bishop** includes—
- (a) a member of the House of Bishops; and
- (b) a bishop assistant to the Primate in their capacity as Primate;”.
- 30

Conduct disclosed prior to being made a deacon not an offence

6. Following section 2B, insert:

- 35 “2C. Conduct or the absence of conduct does not constitute an offence if the
person engaging or not engaging in that conduct disclosed the material facts
of such conduct or absence of conduct to the ordaining bishop prior to the
person’s ordination as a deacon.”

Consequential amendment

- 40 7. In the National Register Canon 2007 in The Third Schedule, for the definition of “Child
abuse” substitute:
- “**child abuse** means:
- (a) conduct constituting:
- 45 (i) bullying a child; or
- (ii) emotional abuse of a child; or

- 5 (iii) neglect of a child; or
 (iv) physical abuse of a child; or
 (v) a sexual offence relating to a child;
 (vi) spiritual abuse of a child; or
 (vii) image-based abuse;
 10 (viii) causing a child to witness, hear or otherwise be exposed to domestic and family violence;
 (ix) a failure without reasonable excuse to comply with the laws of the Commonwealth, a State or Territory or against the law of another country which is equivalent to a criminal offence against the law of the Commonwealth, a State or a Territory, requiring the reporting of child abuse to the police or other authority; or
 15 (x) a failure without reasonable excuse to report conduct referred to in this definition as required by a Canon of the General Synod or of an ordinance of a provincial synod or a diocesan synod;
 20 (b) possessing, producing or distributing material (including any film, printed matter, electronic data, computer image or other depiction) that describes or depicts a person who is or who appears to be a child—
 25 (i) engaged in sexual activity; or
 (ii) in a sexual context; or
 (iii) as the subject of torture, cruelty or abuse (whether or not in a sexual context) in a way that a reasonable person would regard as being, in all the circumstances, offensive—
 30 in circumstances that have been found to constitute, or may constitute, a criminal offence.”

35 **Canon affects the discipline of this Church**

8. This Canon affects the discipline of this Church.

**A BILL FOR A GENERAL SYNOD OFFICE STAFF COMMITTEE
MEMBERSHIP CANON 2026****EXPLANATORY MEMORANDUM****GENERAL BACKGROUND**

Current General Synod legislation does not address the question whether a member of staff in the General Synod Office can be a member of the Standing Committee or of a Reference Commission, Task Force, or General Synod Network. This Bill would amend the relevant Canon and Rule II (which relates to the Standing Committee) to provide that a staff member cannot also be a member of any of those bodies.

NOTES ON CLAUSES

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| Clause 1 | confirms the name title of the Canon. |
| Clause 2 | inserts a new section 18A into the Strategic Issues, Commissions, Task Forces and Networks Canon 1998 to provide that a member of staff of the General Synod Office is ineligible to become or remain a member of a Task Force, General Synod Network or Reference Commission. |
| Clause 3 | repeals Part VII of the Strategic Issues, Commissions, Task Forces and Networks Canon 1998. That Part repealed an earlier Canon and contained transitional provisions. |
| Clause 4 | inserts a new rule 2AA into Rule II to provide that certain categories of members of the Standing Committee (listed in rule 2) cannot be or remain members of staff of the General Synod Office. |

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**A BILL FOR A GENERAL SYNOD OFFICE STAFF COMMITTEE
MEMBERSHIP CANON 2026**

10 The General Synod prescribes as follows:

Title of Act

1. This is the General Synod Office Staff Committee Membership Canon 2026.

15 **Amendment to Strategic Issues, Commissions, Task Forces and Networks
Canon 1998**

2. In the
- Strategic Issues, Commissions, Task Forces and Networks Canon 1998**
- , before section 19, insert:

20 “18A. (1) A person who is a member of staff of the General Synod Office is ineligible to become or remain a member of a Task Force, General Synod Network or Reference Commission.

- (2) In this section,
- member of staff of the General Synod Office***
- with a contract of employment working in the General Synod Office and paid directly or indirectly from General Synod funds.”

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**Strategic Issues, Commissions, Task Forces and Networks Canon 1998 –
Statute Law Revision**

3. In the
- Strategic Issues, Commissions, Task Forces and Networks Canon 1998**
- , Part VII is repealed.

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Amendment to Rule II

4. In Rule II, after rule 2, insert—

35 “2AA (1) A person who is a member of staff of the General Synod Office is ineligible to become or remain a member of the Standing Committee by virtue of being the Chair of Committees for the time being of the Synod, a member of the House of Clergy, a member of the House of Laity, or a person nominated by the National Aboriginal and Torres Strait Islander Anglican Council.

- 40 (2) In this section,
- member of staff of the General Synod Office***
- with a contract of employment working in the General Synod Office and paid directly or indirectly from General Synod funds.”

**A BILL FOR A MISCELLANEOUS LEGISLATIVE AMENDMENTS AND
REPEALS CANON 2026****EXPLANATORY MEMORANDUM****GENERAL INTRODUCTION**

This Bill in one enactment deals with a number of small changes to General Synod legislation, some technical, some substantive but minor. As with any other Bill, any clause or part can be amended or omitted altogether.

The amendment to the Safe Ministry to Children Canon 2017 reinstates words that were accidentally repealed in 2022.

The amendment to the Special Tribunal Canon 2007 fixes a problem that was created when the section was amended in 2022 to provide that only the Episcopal Standards Commission (ESC) could bring a charge in relation to a sexual offence relating to a child. The amendment makes it clear that the ESC can investigate and bring charges against a Bishop in relation to sexual offences relating to a child even if a Diocesan Synod has excluded the power of the ESC to do so in relation to other offences.

The repeal of Australian College of Theology Canon 2007 is possible now the Australian College of Theology has ceased to be a body established by the Anglican Church of Australia as approved at the Eighteenth Session of General Synod.

NOTES ON CLAUSES**Part 1 - Safe Ministry to Children Canon 2017**

- Clause 1 amends clause 3(2)(a) in the Second Schedule to the Safe Ministry to Children Canon 2017 to insert words that were accidentally repealed by the Safe Ministry Legislation Amendments Canon 2022. Without these words clause 3(2)(a) is meaningless.

Part 2 – Special Tribunal Canon 2007

- Clause 2 amends section 43 of the Special Tribunal Canon 2007.

Section 43 of the Special Tribunal Canon 2007 allows a Diocesan synod to exclude the Episcopal Standards Commission (ESC) from investigating a complaint or bringing a charge against a Bishop, meaning that only another Bishop can do so. The section was amended in 2022 to provide that only the ESC could bring a charge in relation to a sexual offence relating to a child. The unintended result of that amendment meant that a Diocese that has excluded the ability of the ESC to bring a charge, neither it nor another Bishop can bring a charge relating to a sexual offence relation to a child.

The amendments in this section will mean that even when a Diocesan synod has excluded the powers of the ESC, it cannot do so where there is a complaint or charge in relation to a sexual offence relating to a child.

Part 3 – Australian College of Theology Canon 2007

- Clause 3 Repeals the Australian College of Theology Canon 2007. The Australian College of Theology was formerly established by Canon of General Synod, but in 2022 it became completely independent with a new constitution. This Canon therefore now has no work to do.

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**BILL FOR A MISCELLANEOUS LEGISLATIVE AMENDMENTS AND
REPEALS CANON 2026**

The General Synod prescribes as follows:

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Part 1 – Safe Ministry to Children Canon 2017**Amendment to the Second Schedule to the Safe Ministry to Children Canon 2017**

1. In the Second Schedule to the Safe Ministry to Children Canon 2017, in clause 3(2)(a), for “Territory” substitute, “Territory, a criminal history assessment or a risk assessment”.

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Part 2 – Special Tribunal Canon 2007**Amendment to the Special Tribunal Canon 2007 section 43**

2. In section 43 of the Special Tribunal Canon 2007—
- (a) in subsection 2, for “The Synod” substitute “Subject to subsection (3), the synod”; and
- (b) in subsection (3)—
- (i) for “A declaration” substitute “Despite subsection (2), a declaration” and
- (ii) after paragraph (a) insert:
- “(aa) does not limit the powers of the ESC to investigate an allegation or complaint or to bring a charge in relation to a sexual offence relating to a child; and”.

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Part 3 – Australian College of Theology Canon 2007**Repeal of the Australian College of Theology Canon 2007**

3. The Australian College of Theology Canon 2007 is repealed.

**A BILL FOR THE CONSTITUTION AMENDMENT (DEFENCE FORCE
REPRESENTATION IN GENERAL SYNOD) CANON 2026****EXPLANATORY MEMORANDUM****GENERAL BACKGROUND**

This Bill is one of two Bills to enable members of the Defence Force to be represented at General Synod in the House of Clergy by the Bishop to the Defence Force and by a full-time chaplain in the Australian Defence Force. This Bill amends the Constitution to enable this representation. The other Bill amends the Defence Force Ministry Canon 1985 to give the Defence Force Board the power and responsibility to arrange the election of the clerical member and to recommend the person so elected.

NOTES ON CLAUSES

- | | |
|----------|---|
| Clause 1 | confirms the title of the Canon. |
| Clause 2 | amends section 17(1) of the Constitution to add the Bishop to the Defence Force as a member of the House of Clergy, and to refer to a new section 17(8)(a)(ia) as an additional category of non-diocesan appointment. |
| Clause 3 | amends section 17(8) to add an additional category of non-diocesan appointed an elected full-time Defence Force Chaplain. |

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**A BILL FOR THE CONSTITUTION AMENDMENT (DEFENCE FORCE
REPRESENTATION IN GENERAL SYNOD) CANON 2026**

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The General Synod prescribes as follows.

Title

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

Enabling amendment

2. In the Constitution in section 17(1)—
- 20 (a) for “each diocese” substitute “each diocese, the Bishop to the Defence Force
appointed under a Canon,”; and
- (b) “for “Section 17(8)(a)(ii)” substitute “section 17(8)(a)(ii) or section
17(8)(a)(iia)”.

25 **Defence Force members of the House of Clergy**

3. In section 17(8)(a)—
- (a) in paragraph (ii), omit “and”; and;
- 30 (b) following section 17(8)(a)(ii) insert—
- “(iia) a bishop, priest or deacon who is a full-time chaplain in the Australia
Defence Force, who shall be a member of the House of Clergy;”.

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**A BILL FOR THE DEFENCE FORCE MINISTRY (REPRESENTATION
IN GENERAL SYNOD) CANON 2026****EXPLANATORY MEMORANDUM****GENERAL BACKGROUND**

This Bill is one of two Bills to enable members of the Defence Force to be represented at General Synod in the House of Clergy by the Bishop to the Defence Force and by a full-time chaplain in the Australian Defence Force. The other Bill amends the Constitution to enable this representation. This Bill amends the Defence Force Ministry Canon 1985 to give the Defence Force Board the power and responsibility to arrange the election of the clerical member and recommend the person so elected.

NOTES ON CLAUSES

Clause 1 confirms the title of the Canon.

Clause 2 inserts a new section into the Defence Force Ministry Canon 1985.

Proposed subsection (1) appoints the Defence Force Board as the body appointed to recommend the Defence Force chaplain elected to the House of Clergy, and proposed subsection (2) requires the Defence Force Board to conduct the election and recommend the person elected.

5 **A BILL FOR THE DEFENCE FORCE MINISTRY (REPRESENTATION
IN GENERAL SYNOD) CANON 2026**

The General Synod prescribes as follows.

Title

1. This Canon may be referred to as the “Defence Force Ministry (Representation in General Synod) Canon 2026”.

15 Enabling amendment

2. Following section 5 of the Defence Force Ministry Canon 1985 insert:

- “5A. (1) For the purposes of section 17(8)(b) of the Constitution, the Defence Force Board is the body appointed to recommend to the Primate the bishop, priest or deacon who is a full-time chaplain in the Australia Defence Force for the purposes of section 17(8)(a)(iia) of the Constitution.

- (2) For the purposes of subsection (1), the Defence Force Board must conduct an election by the full-time chaplains in the Australian Defence Force and recommend the full-time chaplain so elected.”

A BILL FOR THE LONG SERVICE LEAVE (AMENDMENT)

CANON 2026

EXPLANATORY MEMORANDUM

GENERAL BACKGROUND

The Board of the Anglican Long Service Leave Fund has reviewed the Long Service Leave Canon 2010 and has determined that while the majority of the Canon remains appropriate, it is necessary to make changes to:

- Reflect changes in technology and operating procedures;
- Strengthen probity standards;
- Enable a timely and effective response to circumstances that impact on the stability of the fund;
- Provide flexibility for response to government legislation changes;
- Improve the readability of the Canon.

NOTES ON CLAUSES

- | | |
|----------|---|
| Clause 1 | states the title of the canon. |
| Clause 2 | defines terms used in this amending canon. |
| Clause 3 | The Long Service Leave Canon 2010 includes in its Schedule a range of matters including rules and entitlements. Changing a canon can take years, and there are circumstances where it would be necessary to take much earlier action. Currently section 7 provides for regulations considered “necessary and timely for the purpose of maintaining the financial viability of the Fund”. The amendment broadens the powers of the Standing Committee of General Synod to make regulations where the Canon is contrary to prevailing legislation. Dioceses and Participating Organisations have 45 days to comment on any proposed regulation. Such regulations continue unless revoked at the next ordinary session of General Synod. |
| Clause 4 | requires amendments to the Schedule to be notified to participating diocese and organisations within 30 rather than 60 days, and corrects a typographical error. |
| Clause 5 | introduces a statement of its purpose to provides focus for the management of the Fund. |
| Clause 6 | provides a clearer definition of “Member of Clergy” for the purposes of the Fund.

A new definition of “elected Board member” is relevant to section 4 of the Canon due to different processes relating to vacancies of elected Board members and vacancies in Board members appointed by the Board. |

- Clause 7 As Board members are also directors of a corporation, it is important that those elected are eligible and remain eligible to serve as a director of the corporation and as a responsible entity of an entity registered under the ***Australian Charities and Not-for-profits Commission Act 2012*** (Cth).
- Currently, the Canon requires clergy members of the Board elected under section 3(2)(b) of the Schedule to be clergy members of General Synod. This change broadens the pool of eligible clergy to those who would be eligible to represent their diocese at General Synod and mirrors the eligibility of lay members elected under s3(2)(c) of the Schedule.
- The repealed subsections relate to the commencement of the 2010 Canon and are no longer required.
- Clause 8 This amendment aligns the trigger for vacancy at section 4(1) of the Schedule with the eligibility requirements at s3(1). It also creates a vacancy in an instance where those elected as a Bishop (s3(2)(a)) or Clergy (s3(2)(b)) cease to be in holy orders.
- Clause 9 This amendment acknowledges that it is only a vacancy in an elected Board member that needs to be referred to the General Synod Standing Committee. Filling a vacancy occurring under s 3(2)(d) of the Schedule is within the capacity of the Board.
- Clause 10 This amendment clarifies that this section only applies where Standing Committee fills a vacancy in an elected member of the Board. Where there is a vacancy in a Board appointed member the Board is required by s3(2)(d) to fix a term of appointment for each member.
- Clause 11 The insertion of “for that meeting” in s5(2) clarifies that the person being elected to Chair the meeting is doing so in an interim capacity for that meeting only.
- Clause 12 expands the list of the professions whose practitioners may be engaged as agents of the Board.
- Clause 13 Subsection 9(1) of the Schedule is reduced to its core statement to remove any confusion caused by the further explanation.
- Clause 14 Subsection 12(1) of the Schedule is reformatted to ensure that the final words are understood to apply to both paragraph (a) and paragraph (b).
- Clause 15 replaces the words “to the purposes of” with “in accordance with” in s14(2) is more grammatically correct.
- Clause 16 The existing clause fails to represent correctly the operation of the Fund, which is a long-term investor that has financial commitments over an extended period. This means that the Fund could be in significant and irretrievable financial difficulty long before it runs out of cash to pay its commitments. For this reason, an assessment from either the actuary or investment advisor is required to test whether the Fund needs to take remedial action.
- Clause 17 expands the list of reasons to remove a member in s20, to include “dies”
expands upon s20(d) from “becomes bankrupt” to “becomes and remains an undischarged bankrupt”.
- Clause 18 This amendment is made to remove any doubt that the actuary may serve more than two terms.
- Clause 19 This amendment to s27(1) clarifies that “participation, includes terms as to retrospectivity” which is consistent with the Long Service Leave’s buyback policy.

- Clause 20 The addition of this wording in s31(1) enables the Fund to approve flexible payment arrangements to participating dioceses and participating organisations should they be required.
- Clause 21 This amendment is proposed to clarify that it is the dioceses and participating organisations that engage the participants and retain responsibility for ensuring that participants receive their entitlements.
- Clause 22 This amendment is for consistent language across sub-section 33(1) of the Schedule regarding the calculation of entitlements. The amended s 33(2) allows flexibility to handle circumstances where legislation stipulates a shorter eligibility period than otherwise provided by the Canon.
- Clause 23 This amendment to s33(a) deletes the current 3(a)(ii) and leaves the current 3(a)(i) as the only content of 33(a). 3(a)(ii) is redundant as there is no longer a minimum 5 year period of service after the 10 years of initial qualifying service that must be served before further periods of long service leave can be taken.
- The removal of s33(5) permits a participant to accumulate leave for incomplete and not just complete years which is consistent with the portable nature of the fund.
- Clause 24 The removal of “without further contribution” in s34(3)(c)(i) enables a participant to purchase a period of qualifying service that may previously have been missed by their participating diocese or participating organisation, which is consistent with the Funds buyback policy.
- Clause 25 This amendment enables greater flexibility in how long service leave may be taken in shorter, separate periods where it is agreeable to both the participant and the participating organisation.
- Clause 26 Expands the list of exclusions to what is counted as long service leave in s36 to include “public holidays applicable to a participant’s usual leave”.
- Clause 27 The amendment to s39 reflects the practice that it will be the participant who requests leave at a specific time rather than the participating diocese or organisation that dictates when a participant is to take leave.
- Clause 28 This amendment to s45(1) is consistent with the Boards policy change to enable payments made in lieu of death and terminal illness to include both complete and incomplete years of qualifying service.
- Clause 29 introduces into the Schedule a new section 47A, consistent with the amended subsection 32(2), making it clear that participation in the Fund does not create an employment relationship with the Fund.
- Clause 30 provides that this amending canon bill commence on 1 September 2026.

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A BILL FOR THE LONG SERVICE LEAVE (AMENDMENT) CANON 2026

The General Synod prescribes as follows.

10 Title

1. This Canon is the Long Service Leave Amendment Canon 2026.

Definition

2. In this canon—

- (a) **principal Canon** means the Long Service Leave Canon 2010; and
- (b) **Schedule** means the Schedule to the principal Canon.

15

Powers to Amend the Schedule to the Canon

3. In the Principal Canon for section 7 substitute:

“7. (1) The Standing Committee of General Synod

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- (a) may make regulations relating to the general operation of this Canon;

- (b) may, with the written consent of each Metropolitan, make such regulations amending the Schedule as the Standing Committee considers necessary for the purpose of ensuring that its provisions are consistent with legislation enacted by the Commonwealth, a State or Territory and applicable to the subject matter of this Canon and the Schedule; and

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- (c) may, with the written consent of each Metropolitan, make regulations amending parts V to VIII of the Schedule.

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- (2) Regulations made under subsection (1)(c) must first have been provided to participating dioceses and organisations for a period of at least 45 days with the opportunity to comment during that time.

- (3) A regulation made under sub-section (1)(b) or under sub-section (1)(c)—

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- (a) must be tabled at the next ordinary session of General Synod; and
- (b) continues to operate unless disallowed by a decision of that ordinary session.

- (4) The disallowance of a regulation under subsection (3) does not invalidate or affect anything done or contracted to be done under that regulation before it was disallowed.”

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5 **Amendment**

4. In section 8 of the principal canon,

- (a) for “60” substitute “30”; and
- (b) for “clause 8” substitute “clause 7”.

10 **Purpose of the Fund**

5. Immediately prior to section 1 of the Schedule, insert:

“Purpose

1A. The Fund exists to provide Participating Dioceses and Participating Organisations assured funding of portable long service leave for their clergy and other eligible churchworkers.”

Definition of Member of Clergy

6. In section 1 of the Schedule—

- (a) in the definition of “Member of Clergy”, for paragraph (ii) substitute “(ii) a person in holy orders holding a licence of the bishop of a diocese;”
- (b) omit subparagraph (iii); and
- (c) following the definition of “Corporation” insert:

Elected Board Member means a Board member holding a position referred to in section 3(2)(a), (b) or (c);”.

Membership of the Board

7. (1) For section 3(1) and (2) in the Schedule substitute--

“(1) A person who—

- (a) has been declared by any competent court incapable of managing their affairs;
- (b) is an undischarged bankrupt;
- (c) is or has been in the preceding 12 months disqualified from managing corporations under the *Corporations Act 2001* (Cth); or
- (d) is or has been in the preceding 12 months suspended or removed from being a responsible entity of a registered entity under the *Australian Charities and Not-for-profits Commission Act 2012* (Cth)—

may not become or remain a member of the Board.

(2) The Board comprises—

- (a) 1 member of the House of Bishops;
- (b) 2 members who are in Holy Orders and are eligible to be clerical representatives of a diocese under section 17(5) of the Constitution;

- 5 (c) 4 members who are eligible to be lay representatives of a diocese under section 17(6) of the Constitution; and
- (d) up to 2 members appointed by the Board for a term of up to 3 years.”
- 10 (2A) A member of the Board referred to in paragraphs (a), (b) or (c) of subsection (2) must be elected at an Ordinary Session of General Synod by the House of which that person is a member or is eligible to be a member.”

(2) In the Schedule subsections 3(3) and (4) are repealed.

15 **Ceasing to remain a Board member**

8. In section 4(1) of the Schedule, for paragraph (c) substitute:
- “(c) becomes ineligible to remain a member under section 3(1);
- (ca) if elected under section 3(2)(a) or 3(2)(b), ceases to be in holy orders;”.

Standing Committee may remove only elected Board members

- 20 9. In section 4(2) of the Schedule—
- (a) in paragraph (a), for “a member of the Board” substitute “an elected Board member”;
- (b) in paragraph (b), for “member of the Board” substitute “elected Board member”.

25 **Board members to which s 4(5) of Schedule applies**

10. In section 4(5) of the Schedule, after “vacancy” insert “under this section”.

Interim chair elected at first meeting after General Synod only the chair for that meeting

- 30 11. In section 5(2) of the Schedule after the words of the section insert “for that meeting”.

Eligibility of professional agents of Board

12. For section 8(2)(a) of the Schedule, substitute:
- “(a) any accountant, actuary, banker, barrister, solicitor, computer systems analyst, estate agent, financial adviser, fund manager, insurance broker, stockbroker, tax agent or other professional person; or”.
- 35

Removing limitations on power of the Board to make rules and regulations

13. In section 9(1) of the Schedule, omit all the words after “for giving effect to this Schedule”.

Declaration of Interest

- 40 14. For section 12(1) of the Schedule substitute:
- “(1) A member of the Board who—
- (a) is or becomes in any way, whether directly or indirectly, interested in a contract or proposed contract with the Corporation; or

- 5 (b) holds an office or possesses property whereby whether directly or indirectly duties or interests might be created in conflict with that member's duties as a member of the Board—
- 10 must as soon as practicable after the relevant facts have come to that member's knowledge declare the facts nature and extent of the interest or conflict at a meeting of the Board."

Financial

- 15 15. In section 14(2) of the Schedule for "to the purposes of" substitute "in accordance with".

Insufficient funds

- 15 16. For section 18 of the Schedule substitute:
- 20 "In the event of an assessment by the Board's Actuary or the Board's investment adviser that the current financial position of the funds held by the Board is such that meeting all current payments in full will adversely affect either the stability or value of the remaining funds to the significant detriment of other participants in the fund:
- (a) the Board may delay payments or make such payments that it considers prudent in the circumstances; and
- (b) the Board must give notice under 9(2) of the rule, regulation or motion of the Board giving effect to any decision made under 18(a); and
- 25 (c) the process of review and disallowance provided for under 9(3) to 9(6) applies."

The Corporation

17. In section 20 of the Schedule—
- (a) after paragraph (a) insert "(aa) dies"; and
- 30 (b) for paragraph (d) substitute:
- "(d) becomes and remains an undischarged bankrupt;".

The Actuary

18. In section 24 of the Schedule omit "for a further term".

Contributions

- 35 19. In section 27(1) of the Schedule following the word "participation" insert "(including terms as to retrospectivity)".

Payment arrangements subject to any particular agreement in place

- 40 20. In section 31(1) of the Schedule insert before the words of the subsection:
- "Unless some other agreement between the Fund and a participating diocese or participating organisation is in place,"

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Entitlements

21. In section 32 of the Schedule—

- (a) before the words of the section insert “(1)” and
- (b) following the words of the section insert:

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“(2) The participating diocese or participating organisation with which the participant is currently serving in a paid capacity is responsible for the long service leave entitlements of the participant and for making an application to the Fund for moneys held by the Fund equivalent to the service of the participant less any service that has been previously paid.”

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Amount of Long Service leave

22. In section 33 of the Schedule for subsections (1) and (2) substitute—

“(1) The amount of Long Service leave entitlement for a participant is—

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- (a) on completion of 10 years of qualifying service, an amount of long service leave calculated:

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- (i) at the rate of 1 week for each year of qualifying service in respect of each period of qualifying service prior to the Commencement Date; and

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- (ii) at the rate of 1.3 weeks for each year of qualifying service in respect of each period of qualifying service from and after the Commencement Date until and including the Revised Entitlement Date; and

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- (iii) at the rate of 1 week for each year of qualifying service in respect of each period of qualifying service after the Revised Entitlement Date.

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- (b) subject to sub-clause 35(2), for each subsequent period of qualifying service, an amount of long service leave calculated:

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- (i) at the rate of 1 week for each year of qualifying service in respect of each period of qualifying service prior to the Commencement Date; and

35

- (ii) at the rate of 1.3 weeks for each year of qualifying service in respect of each period of qualifying service from and after the Commencement Date until and including the Revised Entitlement Date; and

40

- (iii) at the rate of one week for each year of qualifying service in respect of each period of qualifying service after the Revised Entitlement Date.

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- (c) on completion of a period of qualifying service fixed by the Board under sub-section (3), a period of leave fixed by the Board under subsection (3).”

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“(2) Sub-section (3) applies—

(a) where in the opinion of the Board:

(i) the relevant circumstances of a participant are abnormal; and

(ii) it would be to the disadvantage of the participant for subsection (3) not to apply; or

(b) where legislation in the relevant jurisdiction provides for a qualifying period of less than 10 years.”

Period of qualifying service

23. In section 33 of the Schedule —

(a) in subsection (3) for paragraph (a) substitute:

“(a) a period of qualifying service of less than 10 years where the participant has not completed 10 years qualifying service; and”; and

(b) omit subsection (5).

Deemed period of qualifying service

24. In subsection 34(3)(c)(i) of the Schedule, omit “without further contribution”.

Options regarding periods of leave

25. For subsection 35(1) of the Schedule, substitute:

“(1) Leave may be granted and taken in one continuous period or, if the participant and the diocese or participating organisation so agree, in separate periods.”

Exclusion of public holidays from periods of leave

26. In section 36 of the Schedule, following “annual holidays” insert “and public holidays applicable to a participant’s usual service”.

Notice of commencement date of leave

27. For section 39 of the Schedule substitute:

“Each participant must give to the participating diocese or participating organisation, unless that participating diocese or participating organisation otherwise agrees, at least 3 months’ notice of the date from which it is proposed that the participant’s long service leave shall be given and taken.”

Payment

28. In subsection 45(1) of the Schedule, for “completed year” substitute “period”.

5

General

29. In Part IX of the Schedule, immediately before section 48, insert:

“Relationship with participant

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47A (1) Nothing in this Schedule is to be taken as creating an employment relationship or some other similar relationship between the Fund and a participant or former participant.

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(2) An employment relationship, any terms of appointment, or a contract or any other relationship recognized by or enforceable at law between a participant and a diocese or participating organization, whether or not written or explicit, is not affected by the provisions of this Schedule.”

Commencement

30. This Canon commences on 1 September 2026.

A BILL FOR THE TRUST CORPORATION AMENDMENT CANON 2026

EXPLANATORY MEMORANDUM

GENERAL BACKGROUND

1. Uncertainty has arisen regarding the role of the corporation constituted under section 64 of the Constitution and its relationship with the General Synod of the Anglican Church of Australia (**General Synod**).
2. General Synod is an unincorporated association and has no legal capacity to hold property, enter into contracts or undertake other legal or financial transactions in its own name.
3. Since General Synod is not a legal entity in its own right, all transactions by General Synod be entered into or held by a body corporate on its behalf. Likewise, any property of General Synod must be held by a body corporate on its behalf.
4. In 2006, the General Synod registered an entity known as *The Trustee for the Anglican Church of Australia General Synod* with ABN 52 151 746 565. The entity is described as a discretionary investment trust. It holds property on behalf of the General Synod.
5. The name of the entity has led to confusion. It functions as a corporate trustee on behalf of the discretionary trust. Trustees have been appointed in accordance with the Constitution to manage the discretionary trust.
6. Despite its function and role, the corporate trustee has not been registered as a registrable body under the *Corporations Act 2001(Cth)*, or obtained an Australian registered body number to allow it to carry on business across multiple Australian jurisdictions. Neither has it been registered as a charity, although it has been registered for GST purposes.
7. The inconsistencies in the registration of the corporate trustee and the underlying investment trust have led to the consolidation or blurring of these entities in the financial statements, reports and accounts of General Synod.
8. The Trust Corporation Canon provides that certain assets are held by the Corporation on trust for the General Synod. However, this position has not been clearly reflected in the General Synod financial statements to date, giving rise to uncertainty as to the nature of ownership. Accordingly, there is a lack of clarity as to the ownership of General Synod assets.
9. In line with the above, questions have arisen as to the authority of the Standing Committee of the General Synod to authorise loans to the Anglican Representative (National Redress Scheme) Limited (ARNRSL), should they be required.
10. Following a detailed review of the current position, the General Secretary and Standing Committee consider it necessary to formalise the registration of the Corporation under

the *Corporations Act* and desirable for the Corporation to seek charitable and other tax status.

11. Once this has been done, the financial reports of General Synod can be prepared so as to state the nature of the relationship between the Corporation and the General Synod and the basis on which the assets and liabilities of the General Synod are held by the Corporation for or on behalf of the General Synod in accordance with this Canon.
12. Furthermore, under the Trust Corporation Canon in its current form, there is a lack of clarity in relation to the delegation power in clause 15.
13. The General Secretary and Standing Committee consider it desirable that the delegation power be supported by delegation framework to provide greater certainty regarding the management of General Synod assets and transactions, including executing agreements, operating bank accounts or undertaking other financial dealings on behalf of General Synod or Standing Committee.

NOTES ON CLAUSES

Preamble

Sets out the legal and historical background to the Canon and describes the purpose of the Corporation, its intended relationship with the General Synod, and the scope of its functions and powers. The operative provisions of the Canon then prescribe certain requirements or processes.

Proposed amendments to Clause 12

12A Requires the Corporation to register with the relevant authorities in accordance with the Corporations Act 2001 and to apply for registration as a registrable charity.

12B Requires the Corporation to seek recognition of income tax-exempt status from the Australian Taxation Office.

12C Clarifies the treatment and reporting of General Synod assets in the annual financial statements of the General Synod.

Proposed replacement of Clause 14(1)

14(1) Clarifies that the Corporation must act in accordance with any policy of or direction by the Standing Committee and give effect to all determinations of the Standing Committee or its delegate.

Proposed new Clauses 15(3) and (4)

15(3) & 15(4) Provides for a financial delegation policy to be adopted (as is common to assist with the management of the day-to-day affairs of organisations), which provides clear lines of accountability and control and promotes efficiency and certainty in relation to financial transactions.

5 **A BILL FOR THE TRUST CORPORATION AMENDMENT**
CANON 2026

The General Synod prescribes as follows:

10 Interpretation

1. In this Canon “the principal Canon” means the Trust Corporation Canon 2010.

Preamble and enacting words

2. Before Part 1 of the principal Canon, insert:

15 **“Preamble**

A. General Synod is an unincorporated association, and has no legal capacity to hold property, enter into contracts or undertake other legal or financial transactions in its own name.

20 B. All property held, and all transactions entered into, for the purposes of General Synod must be held or entered into by a body corporate for and on behalf of the General Synod and in accordance with the rules and determinations of General Synod or the Standing Committee.

C. In the exercise of its powers under section 64 of the Constitution the General Synod has established the Corporation.

25 D. The Corporation is registered with the Australian Taxation Office for Goods &
Services Tax purposes, but does not have an Australian registered body number and
has not been registered as a charity.

30 E. The Corporation is registered as trustee of the Trust with the Australian Securities & Investments Commission and holds ABN 52 151 746 565 on behalf of the Trust, in the name “the trustee for Anglican Church of Australia General Synod”.

F. Trustees have been appointed in accordance with the Constitution to manage the Trust.

35 G. It is desirable to clarify the nature of the relationship between the General Synod, the Standing Committee, the Corporation and the Trust and it is necessary to formalise the registration of the Corporation and desirable for the Corporation to seek charitable and other tax status.

The General Synod therefore now prescribes as follows:”

40 Further definitions in the principal Canon

3. In section 2 of the principal Canon, following the definition of “General Synod property” insert:

‘ **"Standing Committee"** means the standing committee constituted under section 34 of the Constitution.

"Trust" means the discretionary investment trust bearing ABN 52 151 746 565.'

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Amendments to heading of section 12 of the principal Canon

4. In the heading to section 12 of the principal Canon, for the word “Property” substitutes “Property and Financial Reporting”.

10 **Corporation to be trustee**

5. In section 12 of the principal Canon, following the expression “all General Synod property” insert “on trust for the purposes of the General Synod”.

Requirements for registration and financial reports

- 15 6. After section 12 of the principal Canon, insert:

“Corporation to apply for certain registrations

12A. The Corporation must apply for registration as a—

- 20 (a) registrable Australian body under the *Corporations Act 2001* (Cth) and obtain an Australian registered body number to allow it to carry on business across multiple Australian jurisdictions; and
- (b) charity under the *Australian Charities and Not-for-profits Commission Act 2012* (Cth) in its capacity as trustee for the Trust.

Corporation to seek tax exempt status

- 25 12B. The Corporation must seek income tax exempt status from the Australian Tax Office

Form of financial reports

- 30 12C. (1) The Corporation must present its financial reports in the form required by its auditor.
- (2) Each financial report must state the nature of the relationship between the Corporation and the General Synod and the basis on which the assets and liabilities of the General Synod are held by the Corporation
- 35 for or on behalf of the General Synod in accordance with this Canon.”

Trust Corporation to act as directed by the Standing Committee

7. For section 14(1) of the principal Canon, substitute:
- 40 “Unless it has good and substantial reasons for refusing to do so the Corporation must act in accordance with any policy of or direction by the Standing Committee made or given from time to time and give effect to all determinations of the Standing Committee or its delegate.”

5 Delegations

8. In section 15 of the principal Canon—

(a) in subsection (1) for “Any Person” substitute “Subject to this section, any person”;

(b) following subsection (2) insert:

10 “(3) The Standing Committee may from time to time adopt a financial delegation policy.

(4) A financial delegation policy adopted under subsection (3) must—

15 (a) stipulate who may authorise legal and financial transactions up to specified spending limits and the type of authorisation required for each such transaction;

(b) provide a clear framework for accountability, oversight and control; and

20 (c) promote efficiency and certainty to General Synod and the Corporation in relation to the management of property and transactions on behalf of the General Synod.”

Management

9. For section 16 of the principal Canon substitute:

“Subject to any trusts affecting General Synod property—

25 (a) General Synod property is held; and

(b) any contract or other legal or financial dealing entered into by the Corporation on behalf of the General Synod or Standing Committee is to be administered—

subject to the direction of the General Synod or the Standing Committee.”

A BILL FOR A RULE TO AMEND RULE I – STANDING ORDERS**EXPLANATORY MEMORANDUM**

This amendment is proposed to formalize the option of treating a number of bills as “cognate bills”. This means that leave can be sought and given for several bills to be moved at the same time, and all those bills then debated concurrently.

At the conclusion of that debate, however, each bill is then treated separately—that is, the question is put in relation to each bill that it be approved in principle, and then each bill that has been approved in principle is treated a separate bill for the purposes of the remaining stages (such as consideration in committee). However, the question that the bill be approved in principle must be put in relation to all those bills before the remaining stages commence in relation to any of them.

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A BILL FOR A RULE TO AMEND RULE I – STANDING ORDERS

The General Synod prescribes as follows:

10 In Rule I – Standing Orders–

(a) after rule 63(4) insert–

“(4A) At the time of moving a motion that a bill be approved in principle the mover may seek the leave of the Synod also to move forthwith one or more other motions that another bill or other bills be approved in principle.”;

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(b) in rule 63(7), after the words of that rule insert–

“Where leave has been given under subrule (4A), the general principle of all the bills or any of the bills the subject of a motion that a bill be approved in principle may be debated.”;

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(c) after rule 63(7) insert–

“(7A) Where the general principle of more than one bill has been debated in the same debate, the President must put separately in respect of each bill the question whether the bill be approved in principle, but that question must be put in relation to each of those bills before the next stages commence in relation to any of them.”; and

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(d) in rule 63(9), before “the President” insert “but subject to subrule (7A),”.



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