SPECIAL TRIBUNAL CANON 2007

Canon 13, 2007 as amended by
Canon 11, 2010
Canon 14, 2010
Canon 3, 2014
Canon 8, 2014
Canon 11, 2017
Canon 12, 2017
Canon 18, 2017
Canon 7, 2022
Canon 10, 2022
Canon 11, 2022
Canon 15, 2026

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

The General Synod prescribes as follows:

PART 1 - PRELIMINARY

1. This Canon may be cited as the "Special Tribunal Canon 2007".

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

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

"**bishop**" means a person in bishop's orders.

"**child abuse**"[2] has the same meaning as in the National Register Canon 2007;

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

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

"**Commonwealth**" means the Commonwealth of Australia;

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1 Amended by Canon 11, 2022.
2 Added by Canon 11, 2022.

"**complaint**" means a complaint against a Bishop alleging a breach of faith, ritual, ceremonial or discipline or alleging an offence as may be specified by Canon;

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

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

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

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

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

"**protocol**" means the protocol approved under Part 3 of the Episcopal Standards Canon 2004;

"**relevant Metropolitan**", means:

(a) in relation to the bishop of a diocese:

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

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

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

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

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

"**respondent**" means a bishop whose alleged conduct or omission is the subject of a complaint;

…[3]

"**Subsection 43(2) Exclusion**"[4] means an ordinance made by the synod of a diocese under subsection 43(2) which:

(a) declares that paragraph (a) of subsection 43(1) shall have no effect in respect of the Bishop of that diocese; and

(b) has not been revoked by that synod.

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3 Definition of 'sexual offence relating to a child' repealed by Canon 7, 2022 which came into effect on 10 March 2025.

4 Added by Canon 11, 2010.

"**Tribunal**" means the Special Tribunal.

(2)[5] For the purposes of this Canon, a person has a conflict of interest when their responsibilities arising from their role may be influenced or affected, or may be perceived as being influenced or affected, by—

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

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

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

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

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

2A.[6] (1) The ESC has no powers or duties under this canon, apart from the duty imposed by subsection (2), in relation to a diocese or the Bishop thereof while there is a Subsection 43(2) Exclusion in effect in relation to that diocese.

(2) If the ESC receives a complaint in relation to the Bishop of a diocese while there is a Subsection 43(2) Exclusion in effect in relation to that diocese, the ESC must refer the complainant and the complaint:

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

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

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

PART 2 – EPISCOPAL STANDARDS COMMISSION

3. There shall be an Episcopal Standards Commission.

4. (1) The ESC shall have at least three members.

(2) The membership of the ESC shall be constituted so as collectively to provide:

(a) experience in law;

(b)[7] a person in bishops' orders who is not a Bishop; and

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

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5 Added by Canon 11, 2022.
6 Added by Canon 11, 2010.
7 Amended by Canon 14, 2010.

(3) The ESC so far as is reasonably practicable shall have an equal number of men and women.

5.[8] (1) The members of the ESC shall be appointed by the Standing Committee.

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

(3) Notwithstanding the provisions of this Canon (other than section 5A) or of any other canon, the members of the ESC holding office immediately before the Special Tribunal Canon 2007 Amendment Canon 2010 comes into force, will cease to hold office at the conclusion of the second meeting of the Standing Committee following the 15th General Synod.

(4) 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.

5A.[9] A member of the ESC shall cease to hold office upon:

(a) death of the member;

(b) resignation of the member;

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

(d) the member ceasing to reside permanently in Australia;

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

(f) the member becoming a Bishop;

(g)[10] the member reaching the age of 75 years; or

(h) the passing of a resolution –

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

(ii) by 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.

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8 Amended by Canon 14, 2010.
9 Added by Canon 14, 2010.
10 Amended by Canon 11, 2017.

6. (1) The convenor of the ESC shall be appointed by the Standing Committee.

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

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

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

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

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

7. 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.

8. Subject to the provisions of this Canon, the Director, a member of the ESC and a person employed or engaged on work related to the affairs of the ESC must not divulge information that comes to his or her knowledge by virtue of that office or position except:

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

(b) as may be authorised by or under this 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.

9. Subject to section 51, the ESC may release to the public such material as it may determine with respect to any complaint.

10. (1) Without disclosing the identity of any complainant or the respondent, the ESC shall report annually to the Standing Committee on its activities for that calendar year.

(2) Notwithstanding subsection (1), the report of the ESC pursuant to that subsection may identify a respondent who has been exonerated from an allegation the subject of a complaint or who has been the subject of a determination or recommendation by the Tribunal.

(3) Subject to sub-section (4) the ESC shall, in respect of every matter with which it is dealing, report either orally or in writing to the Primate with such frequency and as fully as the Primate may reasonably require.

(4) If the matter relates to the conduct of the Primate, such reports shall be made to and at the direction of the senior Metropolitan at the time in Australia who is not the Primate.

11. (1) Subject to sub-section (2), the ESC may delegate, upon such terms and conditions as the ESC may approve, any of its powers or functions under this Canon to any person.

(2) The ESC cannot delegate:

(a) its powers under subsection (1);

(b) its powers under section 12(1)(g); or

(c) its powers under section 22.

(3) A delegation under this section must be made by instrument in writing signed by a member of the ESC.

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

(a) to receive complaints;

(b) to investigate the subject matter of complaint in a timely and appropriate manner;

(c) where appropriate to arrange for the conciliation and mediation of any complaint;

(d) 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 its 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;

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

(f) subject to any limit imposed by the Standing Committee to authorise such expenditure on behalf of the General Synod as may be necessary to implement, in a particular case, the provisions of this Canon;

(g) to promote a charge against a Bishop before the Tribunal.

(2) In exercising its powers under this Canon the ESC may, where it considers it to be appropriate, adopt the provisions of the protocol.

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

(2) For the purposes of this section a complaint will be deemed to have been received by the ESC when 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.

PART 3 – DIRECTOR OF EPISCOPAL STANDARDS COMMISSION

14. (1) There shall be a Director of the Episcopal Standards Commission.

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

15. The Director shall have the following 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 shall otherwise determine;

(c) such other functions and duties as may be prescribed by this or any other Canon or as may be determined by the Standing Committee or the ESC.

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

PART 4 – COMPLAINTS

17. A person may make a complaint against a Bishop by writing signed by the person making the complaint.

18. Subject to this Canon, when the ESC receives a complaint it shall investigate the allegations contained in the complaint.

18A. [11] When the ESC has commenced an investigation of information under this Part, it must conduct an initial assessment to identify any risks to children and must take whatever steps are reasonably available and practicable to minimise risks identified.

19. The ESC may refrain from further investigation of the allegations if:

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

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11 Added by Canon 11, 2022.

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

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

(d) in its opinion there is insufficient reliable evidence to warrant an investigation or further investigation.

20. For the purpose of an investigation the ESC or an investigator shall endeavour to obtain such statutory declarations, written statements, recorded conversations, reports, documents and other material as the ESC or its delegate considers necessary or desirable.

21. (1) The ESC must by notice in writing allow the respondent to provide a detailed report to the ESC within the time specified in the notice in relation to any matter relevant to the investigation, and must provide a summary of the complaint including the substance of the allegations and the name of the complainant.

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

22. At any time after the commencement of an investigation into a complaint against a Bishop under this Part the ESC may:

(a) if it considers on reasonable grounds that the Bishop may be incapable, report the matter in writing to the relevant Metropolitan, and such report shall be 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 pursuant to that section;

(b) subject to section 43, institute proceedings by way of charge against a bishop before the Tribunal; or

(c) in the event that the bishop whose conduct is under investigation ceases to be a Bishop, refer the matter, together with such information as it shall have received, to the bishop of the diocese in which the former Bishop then resides.

23. (1) The fact that the subject matter of a complaint may be settled or resolved in whole or in part between the parties affected thereby does not prevent the ESC from taking any of the steps referred to in section 22 in respect of the subject matter of the complaint.

(2) Any term of settlement or resolution referred to in sub-section (1) which purports to prevent or to limit the institution of proceedings by way of charge against a bishop shall be of no effect.

(3) [12] Proceedings shall not be instituted or maintained in the Tribunal where the bishop concerned has relinquished or has been deposed from Holy Orders in accordance with the Holy Orders (Removal from Exercise of Ministry) Canon 2017.

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12 Amended by Canon 18, 2017.

24. If:

(a) following the receipt of a complaint, the ESC, under section 19, refrains from further investigation of the allegations contained in the complaint;

(b) the ESC does not arrange for the conciliation and mediation of the complaint, or

(c) following an investigation, under this Part, of the allegations contained in a complaint, the ESC does not bring a charge, under section 43, against the bishop in respect of whom the complaint is made, or

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

PART 5 – THE SPECIAL TRIBUNAL

25. (1) The members of the Tribunal shall be appointed from a panel comprising:

(a) A senior presidential member and another presidential member each of whom is qualified to be a lay member of the Appellate Tribunal;

(b) three Bishops; and

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

elected by General Synod in accordance with any Rule of General Synod for the conduct of elections.

(2) In the event that a presidential member is nominated for election as the senior presidential member or that an election is otherwise required for the two presidential members, an election for both presidential members shall be held at the same time and the person with the highest number of votes shall be the senior presidential member and the person with the next highest number of votes shall be the other presidential member.

26. (1) Subject to sub-section (2), a member of the panel shall cease to hold office upon:

(a) death;

(b) resignation;

(c) [13] declaration by any competent court or tribunal that the member is incapable of managing his or her affairs;

(d) ceasing to reside permanently in Australia;

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

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

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13 Amended by Canon 14, 2010.

(g)[14] in the case of a priest, on becoming a bishop;

(ga)[15] the conclusion of the third ordinary session of the General Synod at which the person was elected, but may be re-elected, in which case, for the purposes of this paragraph, the date of election shall instead be the date of re-election; and

(h)[16] in any event at the commencement of the ordinary session of General Synod which shall take place next after the member attains the age of 75 years.

(1A)[17] For the purposes of sub-section 1 (ga), a person who is a member of the panel at the time that sub-section commences and to whom that sub-section would otherwise apply, except for the operation of this sub-section, will cease to hold office at the conclusion of the ordinary session General Synod held immediately next after the date on which sub-section 1 (ga) commences.

(2)[18] A member of the panel who is a member of the Tribunal for particular proceedings of the Tribunal shall continue to hold office until the completion of the proceedings notwithstanding that the member may cease to be a Bishop or may otherwise cease to be a member of the panel by virtue of age or the operation of sub-section 1 (ga).

27.[19] Any Bishop who vacates office upon ceasing to be a Bishop, having accepted appointment to a different office of Bishop, shall, upon installation as Bishop in the different office, be automatically re-appointed to the panel or the Tribunal as the case may be and, in the case of such a re-appointment, sub-section 26 (1) (ga) shall operate from the date of election or most recent re-election whether or not to the earlier office of a Bishop, without reference to that re-appointment.

28.[20] If any 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 shall cause the General Secretary to notify the members of the General Synod that such vacancy is to be filled, to invite the submission of names of candidates for nomination, and to notify them of the date fixed by the Primate, being a date not less than six weeks after posting such notification, by which names should be submitted. If no more names are received than the number of vacant positions to be filled, the General Secretary shall declare the persons named to be elected to the panel. Otherwise, the General Secretary shall conduct a postal ballot of the members of General Synod to determine the person or persons to be elected, such ballot to 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 shall 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. Upon the Secretary declaring a person to be elected to the panel, the person or persons shall become a member or

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14 Amended by Canon 10, 2022.
15 Added by Canon 10, 2022.
16 Amended by Canon 11, 2017.
17 Added by Canon 10, 2022.
18 Amended by Canon 10, 2022.
19 Amended by Canon 10, 2022.
20 Amended by Canon 10, 2022.

members of the panel. For the purposes of sub-section 26 (1) (ga), the person or persons shall be deemed to have been elected at the ordinary session General Synod held immediately next after the appointment of the person or persons under this sub-section.

29. Any vacancy not filled pursuant to section 27 or section 28 shall be filled at the next ordinary session of the General Synod by the election by the General Synod of a person qualified to fill the vacancy.

30. The members of the panel to be convened for any sitting of the Tribunal shall be appointed by the senior presidential member or, if he or she is unwilling or unable to act, or if there is a vacancy in the office of senior presidential member, by the other presidential member.

30A.[21] A member of the panel must without delay disclose to the senior presidential member, or if there is a vacancy in the office of senior presidential member to the other presidential member, any conflict of interest that the member has in relation to a matter before the Tribunal.

30B.[22] Where—

(a) a member of the panel has disclosed a conflict of interest under section 30A; or

(b) in the opinion of the senior presidential member, or if there is a vacancy in the office of senior presidential member in the opinion of the other presidential member, a member of the panel has a conflict of interest in relation to a matter before the Tribunal—

that member is disqualified from participating in the matter.

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

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

32. 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.

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

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21 Added by Canon 11, 2022.

22 Added by Canon 11, 2022.

34. The Registrar of the Tribunal shall be the General Secretary of the General Synod.

35. (1) The place and time of sitting of the Tribunal shall be as determined by the President of the Tribunal.

(2) In any proceedings of the Tribunal where the Tribunal is constituted by two or more members:

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

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

(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.

(4) 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.

(5) Without limiting the meaning and effect of sub-section (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

(6) 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.

36. The Tribunal must give 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.

37. 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.

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

39. At any time during the course of a hearing the Tribunal may, if it sees fit, obtain the opinion of the Board of Assessors of the Appellate Tribunal.

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

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

(2) A bishop who is the subject of a charge before the Tribunal may apply to the Standing Committee for the provision of legal assistance.

(3) The Standing Committee may grant legal assistance to the bishop on such terms and subject to such conditions as it shall determine.

42. (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 relevant rules, the practice and procedure of the Tribunal will be as directed by the President of the Tribunal.

PART 6 – PROMOTION OF A CHARGE BEFORE THE SPECIAL TRIBUNAL

43. (1)[23] Subject to this section, a charge against a Bishop in the Tribunal may be brought:

(a) by the ESC;

(b) by another Bishop; or

(c) in respect of a Bishop holding office or a licence in a diocese, in accordance with the provisions of an ordinance of the synod of that diocese.

[24]***

(2)[25] Subject to subsection (3), the synod of a diocese may by ordinance declare that paragraph (a) of subsection (1) shall have no effect in respect of the Bishop of that diocese, in which case paragraph (a) of subsection (1) will not apply to that Bishop.

(3)[26] Despite subsection (2), a declaration under subsection (2) –

(a) shall not affect any proceedings in respect of a charge brought before such ordinance takes effect; and

(aa)[27] does not limit the powers of the ESC to investigate an allegation or complaint or to bring a charge in relation to a matter that would constitute examinable conduct under the Episcopal Standards (Child Protection) Canon 2017; 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) In respect of a charge brought pursuant to paragraph (c) of subsection (1) against the Bishop of a diocese in respect of whom there is in force a declaration under subsection (2), the General Synod shall not be responsible for the costs of bringing such a charge.

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23 Amended by Canon 11, 2022 and amended by Canon 15, 2026.
24 Subsection (1A) inserted by Canon 11, 2022 was repealed by Canon 15, 2026.
25 Amended by Canon 15, 2026.
26 Amended by Canon 15, 2026.
27 Added by Canon 15, 2026.

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

(a) paragraph (b) of subsection (1), or

(b) paragraph (c) of subsection (1) where there is no declaration under subsection (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 will indemnify such person or body accordingly.

44. (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 shall 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 which instituted it.

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

PART 7 – PROCEEDINGS BEFORE THE SPECIAL TRIBUNAL

45. (1) Upon lodgement of a charge with the Registrar, the presidential member referred to in section 30 shall as soon as possible appoint the members of the Tribunal for the purpose of hearing the charge.

(2) The President of the Tribunal shall thereupon cause to be convened a directions hearing presided over by a member of the Tribunal.

(3) The person or body bringing the charge and the bishop shall comply with the rules of the Tribunal and with any directions given by a member of the Tribunal at a directions hearing.

46. (1) The Tribunal shall deal with any charge as expeditiously as possible.

(2) The Tribunal may, if it sees fit, proceed with the hearing of a charge notwithstanding that there may be mediation or conciliation proceedings relating to the subject matter of the charge being conducted by the ESC and notwithstanding that there may be criminal or other proceedings being taken against the bishop.

(3) Subject to section 23(3) the Tribunal may make a recommendation notwithstanding that the bishop the subject of the charge has ceased, after lodgement of the charge with the Registrar, to be a Bishop.

47. (1) Subject to sub-section (2), the Tribunal must give the following persons reasonable notice of the time and place of a sitting of the Tribunal:

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

(b) the respondent; and

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

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

48. (1) Subject to sub-section (2), a sitting of the Tribunal on a reference before the Tribunal is an open sitting.

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

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

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

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

(d) the person or members of the body bringing the charge or their representatives;

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

49. The Tribunal may make a determination in any proceedings in the absence of a person affected by the determination if satisfied that reasonable efforts were made to give that person an opportunity to appear.

50. In making any determination the Tribunal shall 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.

51. (1) 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.

(2) 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 shall direct or approve.

52.[28] 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, shall be entered on the National Register together with a record of any action taken consequent upon the recommendation.

53. Any appeal to the Appellate Tribunal from the Tribunal, other than in respect of a breach of faith, ritual or ceremonial, shall be by leave of the Appellate Tribunal.

PART 8 – DEPOSITION FROM ORDERS

54. (1) The deposition of a bishop from Holy Orders by the Primate pursuant to the recommendation of the Tribunal shall 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 bishop of the diocese or dioceses in which the former Bishop who is the subject of the Instrument was ordained priest and bishop;

(c) if the former Bishop 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.

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[28] Amended by Canon 8, 2014.

PART 9 – TRANSITIONAL

55. The persons named hereunder shall hold the respective offices until their successors are appointed or elected in accordance with the provisions of this Canon:

Episcopal Standards Commission
Convenor: Mr Geoffrey Spring
Members: Ms Margaret Fuller, OAM; The Right Rev'd Ronald Stone.

Director of the Episcopal Standards Commission:
Ms Rena Sofroniou

Special Tribunal Panel

Senior Presidential Member:	Sir Robert Woods, CBE.
Presidential Member:	The Hon Justice Debra Mullins
Diocesan Bishops:	The Most Rev'd Jeffrey Driver
	The Most Rev'd Philip Freier
	The Right Rev'd John Harrower
Priests:	The Rev'd Canon Dr Colleen O'Reilly
	The Ven. Dr Chris R Jones
	The Very Rev'd Andrew J Sempell

FIRST SCHEDULE

(Section 13(1))

1 Any breach of faith, ritual or ceremonial;

2 Drunkenness;

3 Wilful failure to pay just debts.

4[29] [30] [deleted]

SECOND SCHEDULE

TO

I, PRIMATE/ARCHBISHOP of
do hereby 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

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[29] Amended by Canon 3, 2014.
[30] Deleted by Canon 12, 2017.