

The Anglican Church of Australia  
**DIOCESE OF RIVERINA**

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The Protocol for investigating an alleged serious breach of  
Diocesan Canons and Ordinances active and in effect  
within the Diocese (the Diocesan Discipline Protocol).

The Diocese of Riverina is committed to providing a safe environment for everyone. This means that Diocesan parishes, ministries and entities should be abuse-free and harm-free, person-valuing and respectful environments for ministry to God's glory. Accordingly, we are concerned to respond appropriately to concerns that church workers are not fit for service.

The Anglican Diocese of Riverina affirms as the Church's *Safe Ministry Policy Statement*:

*The Anglican Church of Australia is committed to the physical, emotional and spiritual welfare and safety of all people, particularly within its own community. The Church will:*

- Carefully recruit and train its clergy and church workers;
- Adopt and encourage safe ministry practices by its clergy and lay church workers;
- Respond promptly to each concern raised about the behaviour of its clergy and lay church workers; and
- Offer and provide pastoral support to any person who has suffered from the misbehavior of its clergy and lay church workers.

This protocol describes the process to be followed when there is information, concerns or disclosures in relation to *misconduct* that is:

- . Alleged to have been committed by a church worker (ordained and lay, paid and voluntary, licensed and unlicensed) who is, or was associated with the ministry of the Anglican Church in the Diocese of Riverina
- . Current and/or historical.
- . And is a serious breach of the Canons and Ordinances active and in effect within the Diocese of Riverina .

However, this Protocol is not applicable where:

- . Information or allegations concern matters of abuse (in any form including physical, emotional, sexual, physical, spiritual). In such cases refer to the *Professional Standards Ordinance (PSO)* and the *Professional Standards Protocol*.

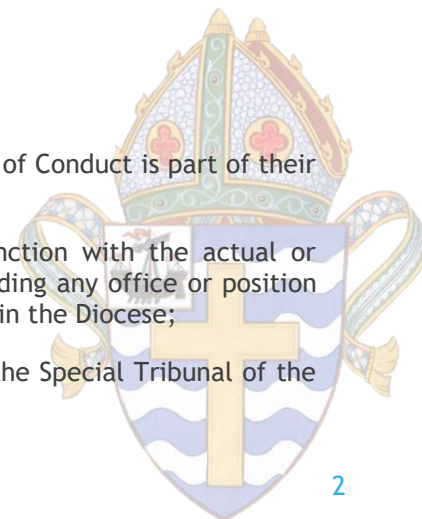
## DEFINITIONS

All definitions in this protocol are set out in the *Diocesan Discipline Ordinance* and the following definitions apply:

**“Complainant”** means a person who makes a Charge, and where more than one person makes a Charge the Complainant means each of the Complainants;

**“Church Worker”** means a Member of the Clergy or layperson:

- (a) Who is Licensed or authorised by the bishop of a diocese; and/or
- (b) Who is employed by a Church Body in respect of whom the Code of Conduct is part of their employment contract; or
- (c) Who, for payment or not, holds a position or performs a function with the actual or apparent authority of a Church Authority or Church Body: including any office or position within the Anglican community recognized to have standing within the Diocese;
- (d) Does not include a Bishop who is subject to the jurisdiction of the Special Tribunal of the Church;





**“Excluded Conduct”**: for the purposes of this Protocol, is any matter of abuse or criminal conduct that falls within the purview of the *Professional Standards Ordinance*.

**“Information”**: for the purposes of this protocol means information of whatever nature and from whatever source, whether about current or historical events, relating to:

- a) Offences by church workers
- b) Intention or attempt to engage in *misconduct* by church workers;
- c) Concerns about whether an *offence* has occurred

**“Offence”** in this Protocol, is in relation to a Church worker means:

- a) A breach of Faith Ritual Ceremonial or Discipline;
- b) A wilful breach of Canons or *Ordinances* active within the Diocese including:
  - Unchastity;
  - Drunkenness;
  - Habitual or wilful neglect of ministerial duty after written admonition in respect thereof by the Bishop;
  - Wilful failure to pay just debts;
  - Conduct, whenever occurring:
    - Which would be disgraceful if committed by a Member of the Clergy, and;
    - Which at the time the Charge is preferred is productive or, if known publicly would be productive, of scandal or evil report;
- c) Failure of the Church to adequately respond to any misconduct by a church worker

These provisions do not affect the operation of the Canon Concerning Confessions 1989 of General Synod or any

## 1. INTRODUCTION

The Anglican Diocese of Riverina lives, works, and ministers in an increasingly complex and dynamic environment. It is critical to the continued success of the Anglican Diocese of Riverina that the institution maintains the confidence and trust of the community in which it serves.

Central to the confidence and trust placed in the Anglican Diocese of Riverina is the integrity and professionalism of its appointees and the ability of the institution to prevent any wrongdoing and corruption.

As such, the Synod or the *Diocesan Council* shall from time to time, approve a sets of standards for observance by Clergy and Church Workers in the Diocese.

## 2. INFORMAL RESOLUTION OF COMPLAINTS & PROCEDURAL FAIRNESS

2.1 No Tribunal or Investigative body within the Diocese is not a licensed law enforcement agency. Any crime reported to any Diocesan agency must be recorded and handed over to the relevant law enforcement agency or agencies.

2.2 In matters that are referred to Conciliation or Mediation, the Diocese endeavours to provide Complainants and Respondents with a process that is fair, reasonable, and efficient in the resolution of concerns, via mutual agreement and a shared understanding of how to avoid problems in the future. <sup>[1]</sup><sub>[SEP]</sub>

2.3 In matters that are referred to Hearing and/or Appeal Panels, the Diocese endeavours to maintain principles of procedural fairness in its management of complaints cases:

- **Without undue delay:** Acting as quickly as possible demonstrates a genuine recognition of the seriousness of any allegation. Care should be taken to avoid delays.
- **Clear Communication:** All parties should be fully and speedily informed during the process Including but not restricted to the process itself, particularly if there is any delay decisions made, and the reasons for the decisions. This ensures transparency in the process.
- **Non-bias manner:** Any complaint will be managed, assessed, conciliated, and facilitated by persons who have no relationship (biological or other) or bias to any of the parties involved. By limiting possible bias a more just outcome will be determined
- **Conflict of interest:** Any complaint will be managed, assessed, conciliated, and facilitated by persons who will not derive any positive or negative benefit that could be attained as a result of any particular outcome of the case.
- **Evidence based:** All disputed facts are to be duly assessed in order that no question can be raised as to the legitimacy of any findings.

2.4 Following the principles of procedural fairness:

- Any appropriate office holders hearing a complaint shall act fairly, in good faith, and without bias.
- The person/s subject to the allegation/s shall be given the particulars of the allegation in writing.

- Each party will have the opportunity to respond to statements made by the other.
- Each party will have the opportunity of adequately stating their case and correcting or contradicting any relevant statement prejudicial to the person's case.
- Each party will be offered pastoral support by the Diocese, even if this support needs to come from outside the structure.

### 3. PRIVACY

3.1 When the Archdeacon reports to office holders they will focus on the needs of: the person/s bringing the complaint, any family; the person/s subject of the allegation/s; and the congregation/agency.

#### 3.2 Confidentiality

- Wherever it is practical and just, the Board of Enquiry, Diocesan Tribunal, Investigations Committee, Reviewer, and Bishop will seek to preserve confidentiality.
- During the course of an investigation, examination or hearing of a Charge under this *Ordinance*, neither the Complainant nor Respondent or if more than one any of the persons, may make any disclosure of the nature or details of the Charge that would be prejudicial to procedural fairness or natural justice.
- In making any disclosure under subsection 69(2), the person disclosing the nature or details of the Charge must use their best efforts to prevent the person or persons to whom the disclosure is made further disclosing the nature or details of the Charge.
- Neither the Complainant nor Respondent or if more than one any of them, must contact or attempt to contact the other regarding the Charge, either personally or through a third party unless permitted or directed by the Archdeacon, Board of Enquiry, Tribunal, Investigations Committee, Appellant Tribunal or Reviewer.
- Neither the Complainant nor Respondent or if more than one any of them, must contact or attempt to contact the Archdeacon, Board of Enquiry, Tribunal, Investigations Committee, Appellant Tribunal or Reviewer regarding the Charge, either personally or through a third party other than as permitted under this Ordinance or Protocol.
- The failure by a party to comply with this Section may be taken into account when considering the Charge.

Nothing in this Section prevents any person disclosing

Jesus uncompromisingly told the truth in love and called for open and forgiving hearts. So watch yourselves: "If your brother or sister sins against you, rebuke them; and if they repent, forgive them. Even if they sin against you seven times in a day and seven times come back to you saying 'I repent,' you must forgive them" (Lk 17:3).

At the end of the day, we are to let go of wrongs that people desire to amend and need to guard our heart, for everything we do flows from it (Prov 4:23) in order that we do not become cold and unforgiving.

the existence, nature or details of the Information to any Professional Standards Body, law enforcement agency, court, tribunal or as required to or compelled by law

- There shall be a Board of Enquiry composed of the Archdeacons, the Dean, and a clerical member of the Professional Standards Committee.
- The chairperson of the Board shall be the Archdeacon when present, or in their absence some other member of the Board elected for the purpose.
- The Diocesan Tribunal shall be constituted to hear matters relating to charges of breach of Faith, Ritual, or Ceremonial and consists of:
  - A President; and
  - Two persons in Holy Orders;
  - Two persons not in Holy Orders (but are required to have training in training in theology and/or canon law).

The President is appointed by the Bishop and shall be a person:

- Qualified to be a lay representative of a diocese at General Synod, and;
- Is or has been a Justice of the High Court of Australia, a Justice of the Supreme Court of a State or Territory of Australia or a Justice or Judge of a Court prescribed by canon of the General Synod or is or has been a practicing barrister or solicitor, of at least ten years' standing of the Supreme Court of a State or Territory.

For matters covered by the *Diocesan Discipline Protocol*

that are not related to Faith, Ritual, or Ceremony, and for which a formal investigation is deemed necessary, then an Investigations Committee shall be formed that will have at least three members, of whom one shall be the chair and convenor. Its membership shall be constituted, so as to collectively provide:

- a) Experience in law;
- b) Experience in the ordained Ministry;
- c) Experience and appropriate qualifications in counselling or psychology.

### 3.5 Suspension from office

The Bishop shall have power to suspend a member of clergy to whom this ordinance applies from the duties of their office where it appears to the Bishop that such suspension is for the good of the Diocese or of any Parish or organisation within the Diocese, provided that:

- a) Except in cases of extreme urgency such suspension shall not be made unless the Bishop has informed the Chancellor and The Registrar of the intention so to do and has taken into account their counsel on the proposed actions;
- b) Provision is made for the member so suspended to receive:
  - i. Adequate income and allowances; and
  - ii. Accommodation for themselves and their family during such suspension.

The Bishop may revoke the suspension of a person suspended by them under this section and may do so at any time during the period of suspension.

## 4. MAKING A COMPLAINT

A Charge that an Offence has been committed may be made within two years after that Offence has been committed.

4.1 A Charge of breach of Faith Ritual or Ceremonial may be made:

- a) Against an incumbent of a parish, with reference to an Offence alleged to have been committed within that parish, only by:
  - I. a person appointed by the Bishop, or
  - II. any five adult communicant members

of the Church who are both resident within the Diocese and also bona fide Parishioners of that parish;

- b) In any other case, only by:
  - I. A person appointed by the Bishop; or
  - II. Any five adult communicant members of the Church who are resident within the Diocese.

A Charge of an Offence other than breach of Faith Ritual or Ceremonial may be made by:

- I. The Bishop's own motion; or
- II. A person appointed by the Bishop; or
- III. Any other adult Member of the Church resident within the Diocese.

## 5. PROCESS

### 5.1 Receiving Complaint/s

A complaint may be made either orally or in writing, or partly orally and partly in writing.

5.2 Upon receiving information, the Professional Standards Director determines the nature of the complaint.

- 1. Where it is deemed that the matter may be abuse or may constitute risk of harm the Professional Standards Director shall apply the *Professional Standards Ordinance* and its related Protocol.
- 2. If the Professional Standards Director deems that the matter may be a potential breach of the *Diocesan Discipline Ordinance* the matter will be handed over to the Archdeacon who will oversee the matter

5.3 The Archdeacon together with the Dean, and a clerical member of the Professional Standards Committee, shall undertake an initial investigation of the Charge and shall determine whether the Charge:

- a) Relates to a breach of Faith Ritual Ceremonial or Discipline; or
- b) Some other Offence.

5.4 Should they determine that the complaint is sincere and has some merit of potential concern, steps or a process of care may be put in place to prevent or mitigate the behaviour at the centre of the complaint before it becomes a serious concern. This may include, but is not limited to:

- iii. A Pastoral phone call
- iv. Mediation
- v. Leave
- vi. Mentoring or support program
- vii. Counselling
- viii. Rebuke or monition
- ix. A visit to the Place of Ministry to assess and initiate frameworks for healthy and safe community engagement.
- x. A process of reconciliation with the Complainant.

5.5 Matters which they believe to be a significant breach and require further investigation are then presented (together with all documents attached thereto) by the Archdeacon to the Bishop.

5.6 If the matter is determined to be a breach of Faith, Ritual, or Ceremonial, then the Bishop may see fit to convene a Diocesan Tribunal to hear the matter.

#### 5.7 The Diocesan Tribunal

1. The Diocesan Tribunal shall convene at the time and place appointed. The trial shall then be commenced by the President causing the Respondent to be summoned to appear before the Tribunal.
2. The Respondent may appear in person or by a counsel or solicitor or, as they are charged with breach of Faith, Ritual, or Ceremonial, by a person in Holy Orders. If the Respondent does not appear, the trial may, upon proof of due service of the citation upon the Respondent, proceed in the absence of the Respondent to hearing and decision and the Bishop may pronounce sentence.
3. If the Respondent appears or if the trial proceeds as aforesaid in the absence of the Respondent the President shall then read or cause to be read the Articles of Accusation.
4. If the Respondent appears they shall then be called upon to plead to each Article and their plea or pleas shall be recorded. If the Respondent neglects or refuses to plead to any Article, a plea of not guilty to that Article shall be entered on their behalf. If the Respondent does not appear and the trial proceeds as aforesaid in the Respondent's absence a plea of not guilty to each Article shall be entered on the Respondent's behalf and the trial shall proceed as far as possible in the same manner as if the Respondent had appeared and had so pleaded.
5. The Diocesan Tribunal may during the trial permit amendment of the Articles of Accusation upon such terms (if any) as it thinks fit, provided that if the Respondent should claim they have been taken by surprise or prejudiced they shall be entitled to an adjournment.
6. Witnesses shall be examined on oath or affirmation, and each before giving evidence shall make the declaration on oath or affirmation. The evidence of each witness shall be reduced to writing and signed by the witness.
7. The Diocesan Tribunal is bound by the rules of natural justice and procedural fairness and 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 as

it thinks fit.

8. Evidence that the Respondent has been convicted of an Offence shall be admissible before the Diocesan Tribunal and proof of such conviction shall be evidence of the facts giving rise to such conviction, provided that this provision shall not apply if a conviction has been quashed or set aside or in respect of which a pardon has been given. The transcript of any criminal proceedings in which the Respondent was a party, shall be admitted as evidence in the same way as if the person whose evidence appears in the transcript had been given in person before the Diocesan Tribunal provided that the Diocesan Tribunal may exclude the whole or any part of such evidence should it consider that admission of the same would be likely to cause a serious injustice to the Respondent.
9. After due examination and hearing of the case and after due deliberation the Diocesan Tribunal shall decide the issue as to each Offence alleged. Each member of the Diocesan Tribunal shall have one vote as to its decision. If the votes of the Tribunal on an issue are equally divided, the issue shall be deemed to have been decided in favour of the Respondent. A recommendation made by the Diocesan Tribunal shall be that recommendation (if any) which is supported by the greatest number of votes of members.
10. If the Diocesan Tribunal decides that the Respondent is guilty of any Offence it shall make such recommendation as it thinks just in the circumstances, but shall not recommend any sentence other than one or more of the following:
  - a) Deposition from orders;
  - b) Prohibition from functioning;
  - c) Removal from office;
  - d) Rebuke.
11. The President shall forthwith give the Bishop notice in writing of the decision and the recommendation (if any) of the Diocesan Tribunal.
12. If the Tribunal makes no recommendation as to sentence the Bishop shall pronounce such sentence as they think fit and may, in the exercise of the Bishop's prerogative of mercy suspend the operation of a sentence.
13. The Bishop shall give effect to any recommendation made by the Tribunal, provided that if a sentence is recommended, they may consult with the Diocesan Tribunal and in the exercise of the Bishop's prerogative of mercy:
  - a) Mitigate the sentence, or
  - b) Suspend its operation, or
  - c) Mitigate the sentence and suspend its operation.
14. If the operation of a sentence or mitigated sentence has been suspended and remains suspended for a period of two years that sentence or mitigated sentence shall thereafter have no operation.
15. If within two (2) years from the date on which a sentence is pronounced, a further Offence, is proven the original sentence that was suspended comes immediately into effect.
16. Every sentence or mitigated sentence shall, if its operation is not suspended, commence to operate immediately it is pronounced.



## 5.8 Other Matters

For matters covered by the *Diocesan Discipline Protocol* that are not related to Faith, Ritual, or Ceremony, and for which a formal investigation is deemed necessary, then an Investigations Committee (IC) shall be formed that will have at least three members, of whom one shall be the chair and convenor.

1. The members of the IC shall be appointed and shall hold office on such terms as may be determined by the Diocesan Council.
2. The membership of the IC shall include so far as reasonably practicable an equal number of men and women. Members may be appointed from outside the membership of the Anglican Church.
3. Members of the *Professional Standards Committee* (PSC) are eligible to be appointed to the IC.

## 5.9 Pathway Recommendation

Once the IC has undertaken the initial investigation, the Chair of the Investigations Committee will convene a meeting of the Investigations Committee in order to determine:

- a) The best pathway or pathways for responding;
- b) The resources that would be required.

The IC shall meet act as expeditiously as possible in coming to a recommendation, and may conduct its business by telephone or electronic communication.

1. The investigation by the IC will be undertaken as soon as practicable and within 30 days in order to resolve the matter and to avoid further harm, loss or damage to persons or parishes through the continuation of any alleged Offence.
2. The IC may by notice in writing to a Respondent require the Respondent to provide a detailed report to the IC within the time specified in the notice in relation to any matter relevant to the investigation. It is the obligation of a Respondent to:
  - a) Truthfully to answer any question relevant to the matters raised in the complaint, put by or on behalf of the Investigations Committee in the exercise of powers conferred by this Ordinance;
  - b) Not to mislead the Investigations Committee or a member or delegate of the Investigations Committee;
  - c) Not unreasonably to delay or obstruct the Investigations Committee or a member or delegate of the Investigations Committee in the exercise of powers conferred by this Ordinance.
  - d) If the 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.
3. At any time after the IC has commenced, or caused to be commenced, an investigation of a Charge, it may, after giving the Respondent an opportunity to be heard, recommend to, or counsel, the Respondent, or the Bishop ways to correct, mitigate, or repair any perceived breach of Canons or Ordinances which led to an investigation being commenced and may include one or more of the

following:

- a) That the Respondent should be suspended from the duties, office, or employment by a Church Body;
- b) That a Prohibition Order be made against the Respondent;
- c) Such other recommendation as it sees fit, including disciplinary action or dismissal of the complaint.

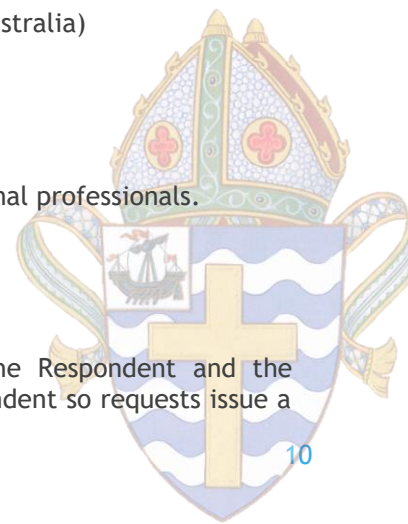
Before making a recommendation the Investigations Committee shall take into account:

- a) The seriousness of the conduct alleged in the Charge;
  - b) The nature of the material to support or negate the allegations;
  - c) Whether any person is at risk of harm;
  - d) Any other allegation of similar Offence previously made to the Diocese or to an Equivalent Body within the previous ten years.
4. The Chair of the IC shall forthwith give the Bishop notice in writing of the decision and the recommendation (if any) of its deliberations and findings. The Bishop is authorised to consider and give effect to a recommendation where the Bishop sees it appropriate to do so, or may substitute another determination and give effect to such other determination. In determining the appropriate response, the Bishop will also give due consideration to whether involved parties are employed, stipendiary or volunteer Church Workers, and to the resources required for the best response, including assessment of where funding responsibilities for the response will lie.
5. Possible responses that may be implemented include, but are not limited to:
- I. A determination to take no further action
  - II. Counselling
  - III. Conciliation
  - IV. Mediation
  - V. Arbitration
  - VI. Implementation and/or referral to another relevant Diocesan Protocol or Ordinance
  - VII. Loss of Licence
  - VIII. Referral or report to other Dioceses or Churches (both inside or outside Australia)
  - IX. Referral to law enforcement or other agencies.

Responses may be implemented through internal Diocesan process, or by reference to external professionals.

6. Upon making a decision and or recommendation (if any), the Bishop shall forthwith:

- a. If every issue has been decided in favour of the Respondent cause the Respondent and the Complainant to be given notice in writing of the decision; and if the Respondent so requests issue a



certificate in an appropriate form under their hand and seal.

- b. In every other case - cause the Respondent and the Complainant to be given notice in writing of the decision and the recommendation (if any) of the Investigations Committee and that:
  - a) The Bishop intends to pronounce sentence at the time and place specified in the notice
  - b) All persons who so desire may then be present
  - c) The Respondent will then if they so desire be heard in mitigation of sentence before sentence is pronounced and may in the meantime make to the Bishop written representations in mitigation of sentence.

## 6. Sentencing

6.1 Subject to the Bishop hearing the Respondent at the time and place specified in the notice if the Respondent wishes to be heard in mitigation of sentence, the Bishop shall pronounce sentence either then and there or subsequently at a time and place of which they shall cause the Respondent and the Complainant to be given notice beforehand orally or in writing.

6.2 The Bishop may consult with the IC and in the exercise of the Bishop's prerogative of mercy:

- a) Mitigate the sentence, or
- b) Suspend its operation, or
- c) Mitigate the sentence and suspend its operation.

6.3 If the Investigations Committee makes no recommendation as to sentence the Bishop shall pronounce such sentence as they think fit and may in the exercise of the Bishop's prerogative of mercy suspend the operation of a sentence. When the Bishop passes sentence or makes a determination the Bishop shall state when provision of any stipend, allowance or housing is to cease.

### 6.4 Suspension of Sentence

1. If the operation of a sentence or mitigated sentence has been suspended and remains suspended for a period of two years that sentence or mitigated sentence shall thereafter have no operation.
2. If within two (2) years from the date on which a sentence is pronounced, a further Offence, is proven the original sentence that was suspended comes immediately into effect.
3. Every sentence or mitigated sentence shall, if its operation is not suspended, commence to operate immediately it is pronounced.

## 7. Implementation and Communication

7.1 Once the response pathway has been decided upon, the Bishop, (or their delegate), will communicate the steps or outcomes to all parties, and authorise implementation of the response steps.

7.2 The Bishop, (or their delegate), will monitor the situation to ensure that the response has been adequate and that resolution of all issues is underway. This may include communication to indirectly affected persons, if appropriate, such as communication to the parish where a

whole church has been affected.

#### 8. Matters of a criminal nature.

1. If at any time during the hearing of a complaint or investigation it becomes clear that this is a child protection or criminal matter the Director will assist the person/s bringing the complaint/s taking the matter to the appropriate authorities. As a Mandatory Reporter the Diocese is required to report matters of child abuse and this will be undertaken irrespective of the action of the Complainant.
2. No investigative agency of the Diocese is a licensed law enforcement agency. Any crime reported must be recorded and handed over to the relevant law enforcement agency or agencies. A finding by such agencies will be viewed as a determination of any Diocesan investigative agency and use the findings to make recommendations regarding appropriate action for determination by the Bishop.
3. During police and or child protection proceedings the church worker/s subject to the allegations will for risk management reasons, be required to step aside or be suspended from duties, and temporary arrangements put in place.
4. The Director, or Archdeacon as the case may be, will notify the Bishop, as to the nature of the complaint. They will also notify other relevant parties, including insurers if relevant.

#### APPEAL

9.1 An appeal shall lie in every case to the Appellate Tribunal of the Anglican Church of Australia but an appeal may initially be made within the Diocese.

9.2 An appeal may be brought by the Respondent by application to the Director of Professional Standards. The appeal shall be commenced by lodging with the Director, a notice of appeal which sets out the name of the appellant and the respondent, the finding or recommendation from which the appeal challenges and the grounds of the appeal. Any appeal under this section must be lodged within 21 days of the date on which the notice of a decision of the Bishop was received by the appellant as the case may be, or any additional time granted by the Reviewer as the case may be.

9.3 An appeal may be brought on one or more of the following grounds:

1. That a breach of the rules of natural justice occurred in relation to the making of the decision which materially affected the decision;
2. That procedures that were required by the Ordinance to be observed in relation to the making of a decision were not observed, and the non-observance materially affected the decision;
3. That they did not have jurisdiction to make the decision;
4. That the decision was so devoid of any plausible justification that no reasonable tribunal could have made it;
5. The availability of fresh and compelling evidence or further and compelling evidence which, if available at the time, would have been likely to have materially affected the decision;
6. That the Diocesan Tribunal or Investigations Committee seriously misdirected itself as to the applicable law;

7. That in light of the evidence and submissions, the recommendation is manifestly excessive.

9.4 The Review Panel shall comprise of one or more members, appointed by the Diocesan Council, who is or has been a judge of the High Court of Australia, of a Supreme or District Court of a State or Territory, of the Federal Court of Australia or of the Family Court of Australia or a barrister who has been appointed as Senior Counsel and, in each case, who is a member of this Church;

- a) The Reviewer shall conduct the appeal as a rehearing and may give such directions and conduct the appeal in such ways as they consider, subject to the rules of natural justice, necessary or desirable for a fair and expeditious determination of the appeal.
- b) The Diocese shall bear the costs of the reviewer in undertaking the appeal.

9.5 If the Reviewer upholds the appeal, then the recommendation of the Reviewer shall be dealt with under this Ordinance as if it were a recommendation of the Diocesan Tribunal or Investigations Committee.

9.6 Nothing in this document, however, affects the power of a Church Authority to take any action against a Respondent that would be open to a Church authority apart from its powers under the *Diocesan Discipline Ordinance*.



All clergy hold license at the Bishops' leisure. The Bishop may approve, amend, or remove such license as they deem fit.

The lack or removal of said license does not necessarily infer a misconduct or disciplinary action, only that the license given may longer be required.



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