



Report of the ACNA Governance Task Force

*PROPOSED CANONICAL AMENDMENTS TO
PROVINCIAL COUNCIL 2023*

THE REV CANON DR PHIL ASHEY, CHAIR

Title I Definitions: *Amendment of the term “days”*

It was proposed that we add the following:

Days - The term “days” shall refer to calendar days.

▶ ***The addition was moved and seconded and the vote was unanimous in favor of the motion.***

Responding to Accusations: Where to begin?

*“To present at Provincial Council (PC) 2023 a proposal, **anchored in Title I, Canon 5 Of Dioceses**, of processes and mechanisms to receive and respond to allegations of misconduct with certain minimum requirements for dioceses that may include an officer appointed to receive allegations as well as a team of persons designated to respond to allegations, including an advisor or other person designated by the bishop to advise the complainant about the relevant processes and mechanisms, and to make sure that appropriate pastoral care is provided. The diocese is responsible to make its process public. Wardens and clergy are responsible to report all allegations of clergy misconduct to the bishop. If at any point there is reasonable cause to believe an offence has been committed under Title IV, Canon 2, it shall be referred to the disciplinary processes under Title IV. Such proposals are to be presented by the GTF to PC 2023 for initial response and review with a view towards final canonical amendments being drafted by January 2024.”*

Canon 1.6.8: Concerning Annual Reports- to include canonical changes

Section 8 - Concerning Annual Reports

- ▶ On or before March 1 of each year every congregation shall prepare and forward to the Bishop and to the Provincial Office a report, in a form specified from time to time by the Executive Committee, reflecting the status and growth of the congregation in terms of ASA, tithes and offerings, baptisms, confirmations and receptions, marriages, burials, and other important categories of information concerning the preceding calendar year, including new initiatives for mission and ministry. ~~The Bishop shall be responsible for preparing a composite report of all such reports received and forward the same to the Executive Committee of the Province no later than May 1 of each year.~~ On or before March 1 of each year, the Bishop shall ensure that the diocese forwards to the Executive Committee any changes to the Diocesan Constitution and Canons since its last report. The Executive Committee shall cause to be prepared a report to the Archbishop on the status and growth of the Province.

Canon III.2.1: Concerning the General Requirements of those to be ordained

Section 1 – Concerning General Requirements

- ▶ Every Bishop shall take care that he admit no person into Holy Orders but such as he knows either by himself, or by sufficient testimony, to have been baptized and confirmed, to be sufficiently instructed in Holy Scripture and in the doctrine, discipline and worship of this Church, as defined by this Province, to be empowered by the Holy Spirit and to be a wholesome example and pattern to the entire flock of Christ. A diocese may require candidates for ordination to meet additional standards not inconsistent with this canon.
- ▶ ***A motion was made to take into account uniform codes of clergy conduct such as “Faithfulness in Service” as resources that dioceses can use in reviewing and responding to allegations.***
- ▶ ***After discussion, the motion was not seconded.***

Canon IV.2.10:

Concerning the term “Habitual”

Section 1 - Concerning Charges

- ▶ 10. Grave and Habitual neglect of the duties of ~~such clergy's~~ he charged or accused Bishop, Presbyter or Deacon's member of the clergy's office;
- ▶ 11. Habitual neglect of public worship, and the Holy Communion, according to the order and use of this Church;

Canon IV.4.1 Concerning Requirements for Presentment of a Bishop

Section 1 – Concerning Requirements for Presentment

- ▶ A Bishop may be charged under Canon IV.2 by three Bishops of this Church with jurisdiction, or by not fewer than ten Presbyters, Deacons, or adult baptized members of this Church in good standing, of whom at least two shall be Presbyters. One Presbyter and not fewer than six lay persons shall belong either to the Diocese in which the alleged offense was committed or to the Diocese in which the Bishop is canonically resident. Such charges shall be in writing, signed and sworn to by all the accusers and shall be presented to the Archbishop, or the Archbishop's delegate, ~~or the College of Bishops~~. The grounds of accusation must be set forth with reasonable certainty of time, place and circumstance. The charges shall promptly be referred to ~~the~~ a Board of Inquiry, and when such referral is made, the Archbishop or his delegate shall inform the presented Bishop of the nature of the charges and the sections under Canon IV.2 with which he has been charged, and the identity of those making the Presentment.

Canon IV.4.3: Concerning the Board of Inquiry

Section 3 - Concerning the Board of Inquiry

The Archbishop upon receipt of a presentment under Section 1 or of a demand under Section 2 shall select a Board of Inquiry of five Presbyters and five adult baptized members in good standing, none of whom shall belong to the Diocese of the accused, of whom eight shall form a quorum, and refer the matter to it. The Archbishop may appoint a legal advisor to the Board of Inquiry.

Canon IV.4.4: Concerning the Process of Inquiry

Section 4 – Concerning the Process of Inquiry

The Board of Inquiry shall investigate such rumors, reports, or charges, as the case may be. In conducting the investigation, the Board shall hear the accusations and such proof as the accusers may produce, and shall determine whether, upon matters of law and fact, as presented to them, there are reasonable grounds to put the accused to trial. If the Board of Inquiry does so determine to put the accused to trial, it shall immediately disclose to the accused Bishop the contents of the approved Presentment.

Canon IV.4.6: Concerning the Findings of the Board of Inquiry

Section 6 - Concerning the Findings of the Board of Inquiry

- ▶ If in the judgment of two-thirds of the Board of Inquiry there is probable cause to present the accused Bishop for trial for violation of Canon 2 of this Title, it shall (a) cause to be amended, if necessary, the Presentment to reflect its findings and (b) promptly transmit the approved Presentment to the Court for the Trial of a Bishop. Upon notice that the Court for the Trial of a Bishop has served the accused Bishop with the approved Presentment, the Board of Inquiry shall make a public declaration that there is probable cause to present the accused Bishop for trial. ~~make a public declaration to that effect.~~

Canon IV.9.4: *Of Inhibitions:* *Concerning uniformity of language in this Canon*

In the interest of clarity, it was proposed to eliminate the phrase “By unanimous vote of a panel” from Canon IV.9.4.2. The same changes were proposed for Canon IV.9.3.2. Please note that the items in red are changes approved by Provincial Council but not yet ratified by Provincial Assembly.

Canon IV.9.3 Concerning Inhibition of a Bishop

2. ~~By unanimous vote of a panel~~ With the written consent of four of the five senior active diocesan members of the College of Bishops by date of ~~consecration~~ admission (exclusive of the Archbishop, the Bishop who is the subject of the Inhibition, and any Bishop who may recuse himself), any Inhibition of a Bishop may be extended until the Archbishop lifts the Inhibition (with notice to the Standing Committee of the Diocese of the Bishop inhibited and the panel of Bishops which who authorized an extension of the Inhibition), any charges arising from a presentment are such charge is dropped, action is taken by a Court for the Trial of a Bishop, or the accused voluntarily submits to the discipline of the Church.

Canon IV.9.4: *Of Inhibitions: Concerning uniformity of language in this Canon, cont.*

Canon IV.9.4 Concerning Inhibition of the Archbishop

2. ~~By unanimous vote of a panel~~ With the written consent of four of the five senior active diocesan members of the College of Bishops by date of **consecration admission** (exclusive of the Archbishop, the Dean of the Province, and any Bishop who may recuse himself), any Inhibition of the Archbishop may be extended until the Dean of the Province lifts the Inhibition (with the notice to the Standing Committee of the Archbishop's Diocese and the panel of Bishops which who authorized an extension of the Inhibition), any charges arising from a presentment are such charge ~~is~~ dropped, action is taken by a Court for the Trial of a Bishop, or the accused voluntarily submits to the discipline of the Church.