

PROFESSIONAL STANDARDS ORDINANCE 2012

In the matter of the Reverend Christopher Charles Bird SSC

DECISION PURSUANT TO CLAUSE 83 OF THE PROFESSIONAL STANDARDS ORDINANCE 2012

1. I am the Church Authority in accordance with the *Professional Standards Ordinance 2012* (**the Ordinance**) in the matter of the Professional Standards Committee (**PSC**) vs the Reverend Christopher Charles Bird SSC (**Father Bird**).
2. Father Bird is subject to a determination and recommendation concerning his fitness to hold office.
3. I must consider the recommendation of the Professional Standards Board (**PSB**) in accordance with the Ordinance.
4. I must also consider the requirements of the *Holy Orders (Removal from Exercise of Ministry) Canon 2017* (**the Canon**).
5. I rely on the decisions of the PSB referred to as *The Reverend Chris Bird Determination Part 1* (**Part 1**) and *The Reverend Chris Bird Determination Part 2*.
6. I also rely on the decision of the Professional Standards Review Board (**PSRB**) known as *The Reverend Chris Bird Review Board Decision* (**Part 2**).

Key Dates

7. On 14 August 2020, I suspended Father Bird from all ministries, on the recommendation of the PSC.
8. On 13 April 2022, the PSB made findings against Father Bird. The conduct under review is detailed in Part 1.
9. On 3 June 2022 Father Bird requested a meeting with me to discuss the Professional Standards matter. I declined the meeting because the matters were still under consideration by the Board.
10. The PSB sought submissions from all parties prior to making its Determination and Recommendations to me. Having received these submissions, the PSB issued its decision on 17 August 2022: Part 2.
11. On 27 August 2022, I advised Father Bird that I accepted the determination and recommendation.
12. On 9 September 2022, Father Bird sought a review of the PSB decisions. That served as a stay of Determination and Recommendation.

13. On 15 March 2023, the PSRB dismissed the review on all grounds.
14. I invited Father Bird to make submissions following the PSRB's dismissal of the review.
15. Father Bird did so on 24 March 2023. In his response, Father Bird repeated his issues with the Professional Standards process that dealt with his conduct. He purported to resign from the Parish of Adamstown and from the Anglican Church of Australia with immediate effect indicating he would leave the Rectory no later than 30 June 2023.

Status of the matter

16. The status of this matter is:
 - (a) the PSB determined that Father Bird is temporarily unfit to hold office and exercise ministry and he remains suspended from all duties; and
 - (b) in the absence of any other order, he has (as a result of dismissal of the PSRB review) until 15 September 2023 to satisfy the PSC that his suspension should be lifted with or without further conditions or restrictions. If he has not satisfied the PSC by that date then the recommendation of the PSB is that he be considered permanently unfit to remain in holy orders.

Key considerations

17. Father Bird, with the benefit of counsel, exercised the opportunity to have the PSB decisions reviewed.
18. The grounds for review were –
 - (a) a breach of the rules of natural justice happened in relation to the making of the reviewable decision which materially affected the decision;
 - (b) the availability of fresh and compelling evidence or further and compelling evidence which, if available at the time, would be likely to have materially affected the Board's decision;
 - (c) that the Board seriously misdirected itself as to the applicable law; or
 - (d) that in the light of the evidence and submissions, the recommendation is manifestly excessive.
19. The PSRB dismissed each of these grounds. I rely on the decision of the PSRB and consequentially on the decision of the PSB.
20. The intent of the PSB President in Part 2 was that Father Bird had the opportunity for rehabilitation and that, at the end of the six month period, either the PSC or PSB could certify to the Bishop that he done so satisfactorily.
21. It is evident from Father Bird's submission received on 24 March 2023 that he has no intention of participating in the rehabilitation process contemplated by the PSB President. Rather, he has expressed no confidence in the institution of the Church, including the PSB, and has purported to resign from the parish of St Stephens and the Anglican Church. The submission contains no indication that Father Bird accepts the PSB's findings relating to the conduct examined by the PSB or the serious impact of that conduct on others and the Church more broadly. Compellingly, there is no evidence of contrition or insight into that conduct or its impacts on others.

22. Without Father Bird expressing a willingness to engage in a process of rehabilitation, I would have the responsibility to issue an order of Deposition in accordance with the Canon on or after 15 September 2023 on the basis that Father Bird was considered permanently unfit to remain in holy orders, as recommended by the PSB.
23. This responsibility is not diverted by Father Bird's purported decision to resign from his ministry and the Anglican Church of Australia.
24. Father Bird's purported decision to resign his ministry enlivens the provisions of section 3 of the Canon. Section 3(2) of the Canon directs that the Bishop cannot consent to the relinquishment of ministry whilst the relevant person is the subject of information, complaint or charge. That provision envisages that the process of discipline must continue through to conclusion before such consent can be contemplated.

The obligations on the Bishop

25. It is my responsibility to balance the interests of all parties in making my decision.
26. I must be cognisant of adverse impacts of my decision on Father Bird having in mind the *Briginshaw* principles.
27. The Bishop has the responsibility to be mindful of the class of faithful deacons and priests who presently and previously have undertaken ministry. The failures by one deacon or priest reflect on all deacons and priests.
28. The decision of the Bishop must be such that clergy, parishioners, and the wider community can have confidence in the function of the ordained ministry and those in the ordained ministry can have confidence in themselves.
29. Further, the decision of the Bishop is made public so that the Church can see the care and attention given to such matters by the Bishop and that the people of God, especially the clergy, might reflect on what is expected of them.
30. It has been observed that a wide circle of people take a close interest in our disciplinary and fitness proceedings.

My decision

31. Having reviewed all the circumstances including particularly the matters set out in Father Bird's submissions dated 24 March 2023, and in the interests of clarity and certainty for all parties, I have resolved to exercise the prerogative provided by section 83(c) of the Ordinance to make an alternative order to that proposed by the PSB. It is my view that all parties will be served by a clear and final decision now.
32. I have determined as follows:
 - (a) **Father Bird is removed, with immediate effect, from the office of Incumbent of the Parish of Adamstown;**
 - (b) **Father Bird is removed, with immediate effect, from any position of responsibility within the Diocese including his membership of the Synod;**

- (c) I hereby depose Father Bird from Holy Orders; and
- (d) I prohibit Father Bird from seeking paid or voluntary work or role in any parish or institution or agency or school within the Diocese without the written permission of the Bishop of Newcastle.

33. I must also attend to administrative arrangements under the Clerical Ministry Ordinance 2009:

- (a) Father Bird's entitlement to stipend and benefits conclude at 5pm today. He is entitled to his annual leave and long service leave entitlements.
- (b) The Clerical Ministry Ordinance 2009 (section 173(f)) limits the annual leave accrual for Father Bird to six weeks. In the circumstances, I have determined that this should be ten weeks.
- (c) The Clerical Ministry Ordinance 2009 (section 148(h)) stipulates that Father Bird must vacate the Rectory by 5pm on 30 April 2023, being one month from this decision. In the circumstances, I have determined that this should be two months (31 May 2023).
- (d) I direct that the Diocese make payment of all entitlements to Father Bird by 15 June 2023 less the cost of any amounts owing to the parish or to the Diocese and less any costs for rectifying the Rectory, if those costs are necessary.

Effect of this decision

34. The effect of my decision is that Christopher Charles Bird:

- (a) may not:
 - (i) officiate or act in any manner as a priest or deacon of this Church; or
 - (ii) accept or hold any office in this Church capable of being held only by a person in Holy Orders;
- (b) ceases to have any right, privilege or advantage attached to the office of priest or deacon;
- (c) shall not hold himself out to be a member of the clergy;
- (d) may not hold an office in a diocese of the Anglican Church which may be held by a lay person without the consent of the bishop of that diocese;
- (e) shall be considered to be a lay person for the purposes of all laws, canons, rules, ordinances and regulations of the Anglican Church of Australia except for any provision enacted under Chapter IX of the Constitution.

35. This decision will be recorded on the National Register of the Anglican Church of Australia.

DATED: 31 March 2023