

## **General Synod - Constitution Alteration (Special Tribunal) Canon 2001 Assenting Ordinance 2002**

No 57, 2002

An Ordinance to assent to Canon No 14, 2001 of the General Synod of the Anglican Church of Australia.

The Synod of the Diocese of Sydney Ordains -

### **1. Name of Ordinance**

This Ordinance is the General Synod - Constitution Alteration (Special Tribunal) Canon 2001 Assenting Ordinance 2002.

### **2. Assent to Canon No 14, 2001**

The Synod assents to Canon No 14, 2001 of the General Synod of the Anglican Church of Australia, the text of which is set out in the Schedule.

### **Schedule**

A Canon to amend the Constitution with respect to the Special Tribunal.

The General Synod prescribes as follows:

1. This canon may be cited as the "Constitution Alteration (Special Tribunal) Canon 2001".
2. Section 56 of the Constitution is amended as follows:-
  - (a) by substituting the following for subsections (1) and (2):
    - "(1) Subject to this section, the Special Tribunal shall consist of three persons being:
      - (a) a person qualified to be a lay member of the Appellate Tribunal who shall be the President of the Special Tribunal;
      - (b) a diocesan bishop; and
      - (c) a priest of at least seven years' standing.
    - (2) No person by or against whom proceedings in the Tribunal are brought shall be a member of the Special Tribunal.
    - (3) Members of the Special Tribunal shall be elected by or shall be appointed from a panel of persons elected by General Synod as prescribed by canon.
    - (4) The period of office of members of the Tribunal shall be as prescribed by canon.
    - (5) Until the Synod shall by canon otherwise prescribe:

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- (a) the members of the Special Tribunal shall be appointed by the Primate on the nomination of the Standing Committee to hold office for up to five years;
  - (b) in the absence of a member from Australia or in the event of the inability of a member to act, the Primate may appoint a person eligible to be appointed as that member to act in place of that member during the absence or inability. Such acting member shall continue to act in respect of any charge whose hearing commences whilst he or she is Acting President or member.”;
- (6) The Special Tribunal shall have jurisdiction to hear and determine charges against:
- (a) any member of the House of Bishops; and
  - (b) any bishop assistant to the Primate in his capacity as Primate of breaches of faith, ritual, ceremonial or discipline and of such offences as may be specified by canon.”
- (b) by deleting subsection (3);
  - (c) by renumbering subsection (4) as subsection (7) and by adding at the end:  
“, subject to any limitation as may be prescribed by canon.”.
3. Section 60 of the Constitution is amended as follows:
- (a) by deleting from the first paragraph of subsection (1) all the words after “following” and by inserting in lieu thereof a colon and the following:  
“(a) deposition from orders;  
(b) prohibition from functioning;  
(c) removal from office;  
(d) rebuke.”
  - (b) by inserting in the last paragraph of subsection (1) immediately after the word “appeal” second occurring the words “or is disqualified from acting or considers that he should disqualify himself from acting”.
4. Section 61 of the Constitution is amended by adding after the word “charge” where secondly occurring, the words “or for some lesser time”.
5. A new section 61A is inserted in the Constitution as follows:

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“61A Where a charge has been promoted against the bishop of a diocese, the President of the Special Tribunal with the concurrence of the Diocesan Council, meeting when the bishop is not present, may, after considering any submission from the bishop, suspend the bishop from the duties of office until the determination of such charge or for some lesser time. If such suspension is made and is from a paid office, or if the person voluntarily stands aside from performing the duties of office, the person shall be 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.”

6. Section 56 of the Constitution is further amended by inserting the following additional subsection:

“(8) The provisions of this section and of sections 60 and 61 as in force before the date of the coming into effect of the Constitution Alteration (Special Tribunal) Canon 2001 shall continue to apply to any proceedings commenced in the Special Tribunal before that date.”

I Certify that the Ordinance as printed is in accordance with the Ordinance as reported.

PG KELL  
Chairman of Committees

We Certify that this Ordinance was passed by the Synod of the Diocese of Sydney on 22 October 2002.

CJ MORONEY  
MA PAYNE  
Secretaries of Synod

I Assent to this Ordinance.

PETER F JENSEN  
Archbishop of Sydney  
23/10/2002