

General Synod - Constitution Alteration (Suspension from Duties) Canon 2001 Assenting Ordinance 2002

No 55, 2002

An Ordinance to assent to Canon No 13, 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 (Suspension from Duties) Canon 2001 Assenting Ordinance 2002.

2. Assent to Canon No 13, 2001

The Synod assents to Canon No 13, 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 clarify the powers of suspension from duties.

The General Synod prescribes as follows:-

Name

1. This Canon may be cited as the "Constitution Alteration (Suspension from Duties) Canon 2001".

Amendments

2. Section 61 of the Constitution is amended by substituting "has been promoted" for "is pending".
3. Section 61 of the Constitution is further amended by classifying the existing provision as 61(1) and by adding the following:-
 - "(2) The bishop of a diocese may suspend a person referred to in Section 54(2) from the duties of his office where –
 - (a) the bishop or some other person authorised by ordinance proposes to promote a charge against the person;
 - (b) the charge will not allege a breach of faith, ritual or ceremonial; and
 - (c) the charge relates to an offence that is punishable by imprisonment for twelve months or upwards of which the person has been charged or convicted or in respect of which the bishop has received a report from a lay person qualified to be a member of the Appellate Tribunal stating that there is a

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prima facie case of the person having committed the offence.”

- “(3) Suspension under subsection (2) must be by written instrument signed by the bishop, served on the person to be suspended, and which states –
- (a) the intention of the bishop or any other authorised person to promote the charge;
 - (b) the conduct complained of; and
 - (c) the period of suspension.

The period of suspension may not exceed 28 days from the date of service on the person to be suspended. Where –

- (d) a person has been suspended under subsection (2);
- (e) the period of suspension has elapsed; and
- (f) a charge has not been promoted during the period of suspension;

no further suspension is possible under subsection (2) in relation to the conduct specified in the instrument.

- (4) If during the period of suspension referred to in subsection (2) the bishop or other authorised person promotes the charge the suspension of the person shall continue until the first meeting of the diocesan council thereafter;
 - (5) The bishop of a diocese may revoke the suspension of a person suspended by him under this section and may do so at any time during the period of suspension.
 - (6) Suspension of a person from the duties of office under this section does not deprive that person of the emoluments appertaining to that office.”
4. Canon 9 of 1998 is repealed.

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

PG KELL
Chairman of Committees

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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