

General Synod – Constitution (Jurisdiction of Special Tribunal) Amendment Canon 2017 Assenting Ordinance 2017

Explanatory Statement

Purpose of the bill

1. The purpose of the bill for the *General Synod – Constitution (Jurisdiction of Special Tribunal) Amendment Canon 2017 Assenting Ordinance 2017* (“the Bill”) is to amend the Constitution set out in the schedule to the *Anglican Church of Australia Constitution Act 1961* to confer jurisdiction on the Special Tribunal for offences that may be specified by canon in respect of the conduct of a former member of the House of Bishops or assistant to the Primate, while a member of the House of Bishops or assistant to the Primate.

Recommendations

2. That Synod receive this report.
3. That Synod pass the Bill as an ordinance of the Synod.

Evidence Given

4. The evidence for this Bill is set out in the explanatory memorandum that was provided to the General Synod. The Explanatory Memorandum is included as an Appendix to this report.
5. The Canon amends the Constitution and will not come into effect unless and until at least three-quarters of the diocesan synods, including all the metropolitan sees, have assented to the canon by ordinance and all such assents are in force at the same time.

For and on behalf of the Standing Committee

ROBERT WICKS
Diocesan Secretary

18 September 2017

Constitution (Jurisdiction of Special Tribunal) Amendment Canon 2017

Explanatory Memorandum

General Background

1. This bill should be read with the proposed amendment to the Offences Canon 1962 to insert a new section 2A that lists the offences that can apply to a former member of the House of Bishops or bishop assistant to the Primate in the Primate's capacity as Primate (assistant to the Primate) and be dealt with by the Special Tribunal.
2. This bill amends the Constitution to confer jurisdiction on the Special Tribunal for offences that may be specified by canon in respect of the conduct of a former member of the House of Bishops or assistant to the Primate, while a member of the House of Bishops or assistant to the Primate.
3. Section 67(1)(c) of the Constitution applies to this Bill which must be passed by a vote of a majority of the members of each House and the canon will not come into effect unless and until at least three-quarters of the diocesan synods, including all the metropolitan sees, have assented to the canon by ordinance and all such assents are in force at the same time.

Notes on Clauses

- Clause 1 contains the title of the canon.
- Clause 2 inserts a new paragraph (c) in section 56(6) of the Constitution that will give the Special Tribunal jurisdiction in respect of a former member of the House of Bishops or assistant to the Primate for offences that are proposed to be specified in the Offences Canon 1962 and apply to the conduct of the bishop while a member of the House of Bishops or assistant to the Primate.