

General Synod – Constitution Amendment (Mandatory Deposition) Canon 2022 Assenting Ordinance 2023

No 32, 2023

Long Title

An Ordinance to assent to Canon No 8, 2022 of the General Synod of the Anglican Church of Australia.

The Synod of the Diocese of Sydney Ordains as follows.

1. Name

This Ordinance is the General Synod – Constitution Amendment (Mandatory Deposition) Canon 2022 Assenting Ordinance 2023.

2. Assent to Canon No 8, 2022

The Synod assents to Canon No 8, 2022 of the General Synod of the Anglican Church of Australia, the text of which is set out in the Schedule.

Schedule

The General Synod prescribes as follows.

Title

1. This Canon may be referred to as the “Constitution Amendment (Mandatory Deposition) Canon 2022”.

Mandatory deposition of a person convicted of a sexual offence relating to a child

2. In section 60 of the Constitution—

- (a) in sub-section (1), for "A tribunal" substitute "Subject to sub-section (1A), a tribunal";
- (b) after sub-section (1) insert—

"(1A) Where the tribunal is satisfied that the person so charged has been convicted under the laws of the Commonwealth, State or Territory or under the laws of some other country that are equivalent to a law of the Commonwealth or of a State or Territory of a sexual offence relating to a child committed while a member of the clergy, it must recommend a sentence of deposition from orders.

(1B) For the purposes only of sub-section (1A), “**sexual offence relating to a child**” means —

- (a) sexual activity by a person against, with or in the presence of a child, or
- (b) the possession, production or distribution of any form of child pornography.”;
- (c) in sub-section (2), after "is recommended," insert "other than a sentence of deposition from orders recommended under sub-section (1A),"; and
- (d) in sub-section (4), for “The provisions” substitute “Subject to sub-section (1A), the provisions”.

Definitions

3. (1) Subject to sub-section (2)—

- (a) in section 74 of the Constitution, after the definition of "Ceremonial" insert—

’ “**child**” means a person under the age of 18;’; and

- (b) there are repealed:

- (i) the definition of "child" in section 2(1) of the Episcopal Standards (Child Protection) Canon 2017; and

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- (ii) the definition of "child" in the Third Schedule to the National Register Canon 2007.
- (2) Sub-section (1) has effect only if at the time when this Canon comes into effect there is no definition of "child" in section 74 of the Constitution.

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

P COLGAN
Chair of Committee

I Certify that this Ordinance was passed by the Synod of the Diocese of Sydney on 11 September 2023.

B BOUNDS
Secretary

I Assent to this Ordinance.

KANISHKA RAFFEL
Archbishop of Sydney

19/09/2023