

General Synod – Episcopal Standards (Child Protection) (Amendment) Canon 2022 Adopting Ordinance 2022

No 39, 2022

Long Title

An Ordinance to adopt Canon 9, 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 – Episcopal Standards (Child Protection) (Amendment) Canon 2022 Adopting Ordinance 2022.

2. Adoption of Canon No 9, 2022

The Synod adopts Canon No 9, 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 cited as the Episcopal Standards (Child Protection) (Amendment) Canon 2022.

Purpose

2. The purpose of this Canon is to amend the Episcopal Standards (Child Protection) Canon 2017 in order to implement certain recommendations of the Royal Commission into Institutional Responses to Child Sexual Abuse.

Action following risk assessment

3. The *Episcopal Standards (Child Protection) Canon 2017* is amended as follows:
 - (a) in section 13(1), for “At any time after the ESC has commenced or caused to be commenced an investigation of information under this Part in circumstances where it considers” substitute “Subject to section 14A, where at any time after the ESC has commenced or caused to be commenced an investigation of information under this Part it considers”;
 - (b) after section 14 insert:
 - “14A. This section applies if, at any time after it has commenced or caused to be commenced under this or any other Canon an investigation of a complaint, the ESC forms the opinion that –
 - (a) the complaint involves a sexual offence relating to a child by a person who is a Bishop; and
 - (b) the complaint is plausible.
 - 14B.
 - (1) If section 14A applies, the ESC must recommend to the President of the Board that the person be suspended from the duties of office.
 - (2) Where the ESC makes a recommendation under sub-section (1), the President of the Tribunal must suspend the person from the duties of office.
 - (3) A person suspended under sub-section (2) from the duties of a paid office, or a person to whom section 14A applies who voluntarily stands aside from performing the duties of office, is 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.

- 14C. (1) A person suspended from the duties of office under section 14B(2) remains suspended until –
- (a) the ESC decides to refrain from further investigation under one or both of –
 - (i) paragraphs (a), (b) or (c) of section 19 of the Special Tribunal Canon 2007; or
 - (ii) paragraphs (a), (b) or (c) of section 10 of this Canon—
- and there are no other investigations in relation to that person to which section 14A applies; or
- (b) the conclusion of an investigation or legal proceedings referred to in section 19(b) of the Special Tribunal Canon 2007 or section 10(b) of this Canon when there are no other investigations to which 14A applies; or
 - (c) the person has been deposed from Holy Orders, prohibited from functioning in an order of ministry, or relinquished the exercise of some or all Holy Orders under the Constitution or a canon of the General Synod; or
 - (d) the ESC brings a charge of a sexual offence relating to a child against the person –
whichever occurs first.”

(c) in section 15(1), for “section 13” substitute “sections 13 or 14A”.

Coming into force by adoption

4. The provisions of this Canon affect the order and good government of this Church within a diocese and do not come into force in a diocese unless and until the diocese adopts this canon by ordinance of the synod of the diocese.

Primate’s appointment when the canon shall come into force [SO63(19)]

I appoint the 9th May 2022 as the date on which this canon shall come into force.

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 13 September 2022.

D GLYNN
Secretary

I Assent to this Ordinance.

BISHOP CHRIS EDWARDS
Commissary for Archbishop of Sydney

26/09/2022