

General Synod – Offences Amendment Canon 2017 Adopting Ordinance 2017

No 35, 2017

Long Title

An Ordinance to adopt Canon No 7, 2017 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 – Offences Amendment Canon 2017 Adopting Ordinance 2017*.

2. Adoption of Canon No 7, 2017

The Synod adopts Canon No 7, 2017 of the General Synod of the Anglican Church of Australia, the text of which is set out in the Schedule.

3. Amendments to the Offences Ordinance 1962

- (1) The *Offences Ordinance 1962* is amended by –
 - (a) deleting the words “a copy of which is contained in the Schedule to this ordinance” in the Preamble,
 - (b) inserting a new clause 2A as follows –

“Text of the Canon

2A. The text of the said Canon incorporating amendments adopted by the Church in this Diocese is set out in the Schedule.”
 - (c) substituting the following for clause 4 –

“Notes

4.(1) Notes in this Ordinance are for explanatory purposes only and do not form part of the Ordinance.
4.(2) The Diocesan Secretary is authorised to update the notes when reprinting this Ordinance under clause 8 of the Interpretation Ordinance 1985.”, and
 - (d) amending the text of the Schedule to incorporate the amendments made to the *Offences Canon 1962* by the *Offences Amendment Canon 2017*.
- (2) Subject to subclauses (3) and (4), the *Offences Ordinance 1962* is further amended by –
 - (a) deleting paragraph 3(1)(b) and the matter “‘child abuse’,’ in subclause 3(3),
 - (b) deleting the second and third dot points in note (1) immediately after subclause 3(1),
 - (c) deleting subclause 3(2) and the accompanying note (and renumbering subclause 3(3) as 3(2)),
 - (d) in the renumbered subclause 3(2) –
 - (i) substituting the matter “subclause (1)” for the matter “subclauses (1) and (2)”, and
 - (ii) deleting the matter “‘Disciplinary Tribunal’,’ and
 - (iii) substituting the matter “‘Ministry Standards Ordinance 2017’” for the matter “‘Discipline Ordinance 2006’”,
- (3) The amendments in subclause (2) are taken not to have been made in respect of complaints made under the *Discipline Ordinance 2006* prior to the commencement of the *Ministry Standards Ordinance 2017*.
- (4) Despite the amendments in subclause (2), a charge for the offence of child abuse under clause 3(1)(b) of the form of the *Offences Ordinance 1962* immediately before the commencement of this Ordinance may be heard and determined by the Diocesan Tribunal but only –
 - (a) in respect of complaints made under the *Discipline Ordinance 2006* prior to the commencement of the *Ministry Standards Ordinance 2017*, or
 - (b) where the conduct alleged to constitute child abuse was committed before 5 September 2017.

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Schedule

The General Synod prescribes as follows:

Title

1. This canon is the Offences Amendment Canon 2017.

Interpretation

2. In this canon principal canon means the Offences Canon 1962.

Additional offences

3. (1) Insert at the conclusion of section 1 of the principal canon:
 - “7. Child abuse.
 8. Failure without reasonable excuse to comply with the laws of the Commonwealth or a State or Territory requiring the reporting of child abuse to the police or other authority.”
- (2) Insert at the conclusion of section 2 of the principal canon:
 - “7. Child abuse.
 8. Failure without reasonable excuse to comply with the laws of the Commonwealth or a State or Territory requiring the reporting of child abuse to the police or other authority.
 9. Failure to comply with a direction of the Episcopal Standards Board established under the Episcopal Standards Canon 2007 or the Episcopal Standards (Child Protection) Canon 2017 or any other Board established under an ordinance of a provincial synod or diocesan synod for dealing with the fitness of a bishop to hold office or to be or remain in Holy Orders.”

Special Tribunal’s jurisdiction in respect of current bishops

4. Insert “paragraphs (a) and (b) of” before “section 56(6)” where it occurs second in section 2 of the principal canon.

Special Tribunal’s jurisdiction in respect of former bishops

5. Insert after section 2 of the principal canon:
 - “2A. The Special Tribunal may hear and determine charges against any person referred to in paragraph (c) of section 56(6) of the Constitution made in respect of the following offences committed while a member of the House of Bishops or assistant to the Primate:
 1. Wilful violation of the constitution or of the canons made thereunder or of the ordinances of provincial synod or of the bishop’s diocesan synod relating to child abuse.
 2. Child abuse.
 3. Failure without reasonable excuse to comply with the laws of the Commonwealth or a State or Territory requiring the reporting of child abuse to the police or other authority.
 4. Conduct relating to child abuse (whenever the child abuse occurred),
 - (a) which would be disgraceful if committed by a member of the clergy, and
 - (b) which at the time the charge is preferred is productive, or if known publicly would be productive, of scandal or evil report.
 - 2B. In this canon, unless the context otherwise requires, child abuse has the same meaning as in the National Register Canon 2007.”

Application of offences inserted by the Offences Amendment Canon 2017

6. Insert after section 3 of the principal canon:
 - “4. The offences added to this canon by the Offences Amendment Canon 2017 apply to conduct committed after the date the Offences Amendment Canon 2017 was passed by the General Synod.”

Order and good government

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

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

P COLGAN
Deputy Chair of Committees

I Certify that this Ordinance was passed by the Synod of the Diocese of Sydney on 11 October 2017.

R WICKS
Secretary

I Assent to this Ordinance.

GN DAVIES
Archbishop of Sydney
19/10/2017