

Ministry Standards Ordinance 2017 Amendment Ordinance 2023

No 34, 2023

Long Title

An Ordinance to amend the *Ministry Standards Ordinance 2017*.

The Synod of the Diocese of Sydney Ordains as follows.

1. Name

This Ordinance is the Ministry Standards Ordinance 2017 Amendment Ordinance 2023.

2. Amendment

The *Ministry Standards Ordinance 2017* is amended as follows –

- (a) delete the definition of “doctrine” in subclause 4(1),
- (b) insert the following new definition in subclause 4(1) –
“**sexual offence relating to a child**” means —
 - (i) sexual activity by a person against, with or in the presence of a child, or
 - (ii) the possession, production or distribution of any form of child pornography.’,
- (c) in clause 19 –
 - (i) number the text of the clause as subclause (1),
 - (ii) delete subclause 19(c), and
 - (iii) insert a new subclause 19(2) as follows –
 - ‘(2) The Director must recommend that the respondent is suspended if, after giving the respondent the opportunity to be heard under subclause 19(1)(a), the Director is satisfied that –
 - (a) the respondent 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, or
 - (b) the complaint involves allegations of serious child-related conduct, and –
 - (i) the Director considers the complaint is plausible, and
 - (ii) there is a risk that the respondent may come into contact with children in the course of their functions as a church worker.’,
- (d) insert the following words at the end of subclause 20(a) before the semi-colon –
‘and must give effect to the recommendation if the recommendation was mandatory under subclause 19(2)’,
- (e) in subclause 41(1)(f) substitute the words “request relinquishment of holy orders or request voluntary deposition from holy orders” with the following –
‘resign clerical licences and appointments, execute an instrument of relinquishment in accordance with the *Holy Orders (Removal from Exercise of Ministry) Canon 2017* or consent to deposition from holy orders’,
- (f) insert a new subclause 41(3) as follows –
‘(3) If a recommendation is made under subclause 41(1)(f) and the respondent consents to deposition from Holy Orders, the MSC’s recommendation is a recommendation of deposition of a person by a bishop for the purposes of clause 6 of the *Holy Orders (Removal from Exercise of Ministry) Canon 2017* and the MSC has power to make that recommendation.’,
- (g) insert a new clause 41A as follows –
‘41A. Mandatory deposition – MSC
Where the MSC is satisfied that a church worker who is a member of clergy 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

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or of a State or Territory of a sexual offence relating to a child committed while an adult, the MSC must make a recommendation under subclause 41(1)(f) that the church worker consent to deposition from Holy Orders.’, and

- (h) insert a new clause 49A as follows –

‘49A. Mandatory deposition – Board

Where the Board is satisfied that a church worker who is a member of clergy 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 an adult, the Board must make a recommendation under subclause 49(1)(m) that the church worker be deposed from Holy Orders.’.

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