

Church Discipline Ordinance 1996 Amendment Ordinance 2000

No. 10, 2000

An Ordinance to amend the Church Discipline Ordinance 1996.

The Synod of the Diocese of Sydney Ordains -

1. Name

This Ordinance is the Church Discipline Ordinance 1996 Amendment Ordinance 2000.

2. Amendments

The Church Discipline Ordinance 1996 is amended as follows-

(a) in clause 2(1) -

(i) the following definition is inserted after the matter "In this ordinance -"

"Advisers' means such persons who are appointed by the Archbishop from time to time as his advisers for the purpose of clause 3(3)(h).";

(ii) paragraph (a) of the definition of "Unacceptable Behaviour" is amended as follows -

(A) the matter after the matter "Person -" becomes sub-paragraph (i);

(B) the word "or" is inserted at the end of sub-paragraph (i); and

(C) the following sub-paragraph is inserted after sub-paragraph (i) -

"(ii) sexual conduct prior to ordination which -

(A) if committed by a Christian minister would be regarded by right thinking members of the Church as disgraceful and inconsistent with the standards to be observed by a Christian minister; and

(B) at the time the Allegations are made is productive, or if known publicly would be productive, of scandal or evil report;";

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- (iii) paragraph (b) of the definition of "Unacceptable Behaviour" is amended as follows -
 - (A) the matter after the matter "ordained -" becomes subparagraph (i);
 - (B) the word "or" is substituted for the word "and" at the end of subparagraph (i); and 5
 - (C) the following subparagraph is inserted after subparagraph (i) -
 - "(ii) sexual conduct prior to holding a Position which - 10
 - (A) if committed by a Christian lay person holding such a Position would be regarded by right thinking members of the Church as disgraceful and inconsistent with the standards which should be observed by a Christian lay person holding that Position; and 15
 - (B) at the time the Allegations are made is productive, or if known publicly would be productive, of scandal or evil report; and"; 20
- (b) in clause 3(3) the word "The" is deleted and the matter "Subject to clause 3(5), the" is inserted instead;
- (c) the matter "." at the end of clause 3(3)(f) is deleted and the matter ";" is inserted instead; 30
- (d) after clause 3(3)(f) the following matter is inserted -
 - "(g) where there is insufficient evidence to warrant an investigation;
 - (h) where an alternative course of action has been endorsed by a meeting of at least 3 Advisers and the Archbishop and the Archbishop implements that course of action."; 35
- (e) after clause 3(3) the following matter is inserted -
 - "(4) For the purposes of clause 3(3)(h) an alternative course of action is to be taken to have been endorsed by a meeting of at least 3 Advisers and the Archbishop only if - 40
 - (a) the Advisers present at that meeting include - 45
 - (i) an Experienced Lawyer; and

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- (ii) at least one man and one woman; and
- (b) reasonable steps have been taken to consult -
 - (i) with each Injured Party, or where the Injured Party is a Disable Person a Representative of that Injured Party, whose address is known as to the proposed alternative course of action; and
 - (ii) with the Subject after notification of the nature of the Allegations as to the proposed alternative course of action.
- (5) Where the Archbishop has implemented an alternative course of action pursuant to clause 3(3)(h), at the conclusion of that course of action the Archbishop must promptly appoint a person or persons to investigate the Allegations or part of the Allegations if -
 - (a) none of the circumstances in clauses 3(3)(a) to (g) inclusive apply;
 - (b) the Injured Party, unless having had a reasonable excuse for not having done so, has fully participated in and complied with all requirements of that course of action; and
 - (c) the substance of the Allegations, or part, is disputed by the Subject."

3. Operation

The amendments to the Church Discipline Ordinance 1996 made by clause 2 apply in respect of conduct whether occurring before or after the date on which this ordinance receives assent.

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

Chairman of Committees

