

## Tribunal Ordinance 1962 Amendment Ordinance 2000

No. 10, 2000

An Ordinance to amend the Tribunal Ordinance 1962.

The Synod of the Diocese of Sydney Ordains -

### 1. Name

This Ordinance is the Tribunal Ordinance 1962 Amendment Ordinance 2000.

### 2. Amendment of the Tribunal Ordinance 1962

5

The following is inserted after clause 5 -

#### "Exclusion of Other Bodies

5A. Other than the Diocesan Tribunal and the Board of Enquiry, no other body shall be competent to hear or determine a matter relating to a charge or complaint in respect of a person licensed by the Archbishop or any other person in Holy Orders resident in the Diocese, until-

10

(a) either the Board of Enquiry has determined whether the charge is a charge proper to be heard or the Tribunal has dealt with the matter to finality; and

15

(b) if appropriate, the Archbishop has given effect to the Tribunal's recommendation relating to the charge.

20

3. Clause 14 of the Tribunal Ordinance 1962 is deleted and the following is inserted instead -

#### "Report of the Board of Enquiry

14. (1) If a majority of the Board of Enquiry are of the opinion that a prima facie case has been established against the Respondent, it shall forward a written report of that opinion to the Registrar and the Registrar shall forward the report and all papers connected therewith to the Chancellor.

25

(2) Notwithstanding the provisions of Clause 14(1), it is competent for the Board of Enquiry to find that while a prima facie case has been established, it is of the opinion that the Tribunal would not on all the evidence before it find the Respondent guilty.

30

(3) In the event that the Board of Enquiry finds either -

35

## 212 Report of Standing Committee & Other Reports & Papers

- (a) that a prima facie case has not been established; or
- (b) that the matter falls within the provisions of clause 14(2),
- the Board of Enquiry shall report to that effect in writing giving their reasons and a copy of such reasons shall be forwarded to the Registrar and to the parties interested and no further proceedings shall be taken on such charge. 5
4. Clause 16 of the Tribunal Ordinance 1962 is amended by adding after the word "office" where it last appears the words "and such arrangements for the suspended person". 10
5. Clause 23 of the Tribunal Ordinance 1962 is amended by adding the after the word "Tribunal" the words "and the Board of Enquiry". 15
6. The following is inserted after clause 23 -
- "Assistant Advocate of the Diocese**
- 23A. Two officers to be styled "Assistant Advocate of the Diocese" shall be appointed and are liable to be removed from office on the same basis as the Advocate and in accordance with the same terms as apply in clause 23. Either of the Assistant Advocates shall be appointed by the Registrar to act in a particular case when the Advocate is unable to act for any of the following reasons- 20
- (a) illness; 25
- (b) the Respondent holds office in the parish of which the Advocate-
- (i) is a current member; 30
- (ii) was a member during the preceding 5 years; or
- (iii) has been a member during the incumbency of the Respondent; or
- (c) because the Advocate deems it appropriate to stand aside, 35
- but shall not be appointed to a particular case if the provisions of clause 23A(a), 23A(b) or 23A(c) apply to the Assistant Advocate.

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

Chairman of Committees

**Tribunal Ordinance 1962 Amendment Ordinance 2000 213**

---

We Certify that this Ordinance was passed by the Synod of the  
Diocese of Sydney on October 2000.

Secretaries of Synod

I Assent to this Ordinance.

Archbishop of Sydney  
/10/2000