

Offences Ordinance 1962

(Reprinted under the Interpretation Ordinance 1985.)

The Offences Ordinance 1962 as amended by the General Synod - Offences Amendment Canon 1981 Adopting Ordinance 1982, the General Synod - Special Procedure Canon 1992 Adopting Ordinance 1993, the Offences Ordinance 1962 Amendment Ordinance 1994, the General Synod - Offences Canon Amendment Canon 1998 Adopting Ordinance 1998, the Discipline Ordinance 2006 and the General Synod – Offences Canon Amendment Canon 2007 Adopting Ordinance 2009.

Table of Provisions

Clause	
1	Declaration of Opinion
2	Adoption of Canon
3	Specified offences
4	Repeal
5	Citation
Schedule	

* * * * *

Long Title

An Ordinance to adopt a certain canon of the Anglican Church of Australia entitled the “Offences Canon 1962” and for other purposes.

Preamble

Whereas a certain Canon was passed by the General Synod of the Anglican Church of Australia entitled the “Offences Canon 1962” a copy of which is contained in the Schedule to this ordinance And Whereas it is expedient that the said Canon should be adopted by the Church in this Diocese.

The Synod of the Diocese of Sydney declares ordains and rules as follows.

Declaration of Opinion

1. That in accordance with the provisions of the Constitution of the Anglican Church of Australia this Synod is of the opinion that the provisions of the said Canon affect or are deemed to affect the order and good government of the Church in this Diocese.

Adoption of Canon

2. That the provisions of the said Canon excepting so much thereof as relates to the original jurisdiction of the provincial tribunal shall be and is hereby adopted and shall so far as the same are applicable be applied to the management of the Church in this Diocese in like manner as if the said ordinance had been ordained and ruled by the Synod of this Diocese.

Specified offences

3. (1) The following are specified as offences for which a charge may be heard and determined by the Diocesan Tribunal (in addition to those specified by canon) –
- (a) Sexual abuse.
 - (b) Child abuse.
 - (c) Conviction in New South Wales of an offence which is punishable by penal servitude or imprisonment for 12 months or upwards or a conviction outside New South Wales of an offence which, if committed in New South Wales, would be an offence so punishable.

Notes:

- (1) Other offences for which a charge may be heard and determined by the Diocesan Tribunal are –
- an offence under Clause 5 of the Relinquishment of Holy Orders Ordinance 1994, and
 - an offence under clause 12 of the General Synod – Holy Orders, Relinquishment and Deposition Canon 2004 Adopting Ordinance 2005, and
 - an offence under clause 9 or 24 of the Discipline Ordinance 2006.
- (2) Section 54(2) of the 1961 Constitution provides that a charge in respect of a breach of faith ritual or ceremonial may be made against a person licensed by the Archbishop or any other person in holy orders resident in the Diocese.
- (3) Clause 3(3)(c) of the Church Ministry Ordinance 1993 makes the failure by a member of this Church (as provided in the 1902 Constitutions) to act in accordance with a provision of a Schedule to that Ordinance an offence. Clause 3(3)(b) of that Ordinance states that, for the purposes of section 54(2) of the 1961 Constitution, the provisions of each Schedule are each a matter of ritual, ceremonial or discipline (as the case may be).

(2) The following are specified as offences for which a charge may be heard and determined by the Disciplinary Tribunal –

- (a) Unchastity.
- (b) Drunkenness.
- (c) Habitual and wilful neglect of the duties of the person's position after written admonition in respect thereof by the appropriate church authority.
- (d) Wilful failure to pay just debts.
- (e) Conduct, whenever occurring –
 - (i) which would be disgraceful if committed by a person holding the position held by the person against whom the allegation is made or in which the person acts, and
 - (ii) which at the time the charge is preferred productive, or if known publicly would be productive, of scandal or evil report.
- (f) Sexual abuse.
- (g) Child abuse.
- (h) Conviction in New South Wales of an offence which is punishable by penal servitude or imprisonment for 12 months or upwards or a conviction outside New South Wales of an offence which, if committed in New South Wales, would be an offence so punishable.

Note: Other offences for which a charge may be heard and determined by the Disciplinary Tribunal are offences under clauses 9 and 24 of the Discipline Ordinance 2006.

(3) For the purposes of subclauses (1) and (2), "church authority", "Diocesan Tribunal", "Disciplinary Tribunal", "sexual abuse" and "child abuse" have the same meanings as in the Discipline Ordinance 2006.

Repeal

4. The ordinance of the Synod of this Diocese assented to on the sixth day of October 1904 for accepting and adopting a certain Ordinance passed by the Provincial Synod Session 1904 entitled "An ordinance to provide for the definition of the offences for which a Clergyman may be tried" is hereby repealed.

Citation

5. This Ordinance may be cited as the "Offences Ordinance 1962".

Schedule

A Canon to specify Offences under sections 54, 55, and 56 of the Constitution

The General Synod prescribes as follows –

1. A Diocesan Tribunal and a Provincial Tribunal in its original jurisdiction in addition to their respective powers under section 54(2) and section 55(3) of the Constitution may hear and determine charges made in respect of the following offences alleged to have been committed by a person who, at the time the charge is preferred, is licensed by the bishop of the diocese or is in holy orders resident in the diocese –

1. Unchastity.
 2. Drunkenness.
 3. Habitual and wilful neglect of ministerial duty after written admonition in respect thereof by the Bishop of the Diocese.
 4. Wilful failure to pay just debts.
 5. Conduct, whenever occurring,
 - (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.
 6. Any other offence prescribed by an Ordinance of the Synod of the Diocese.
2. The Special Tribunal in addition to its powers under section 56(6) of the Constitution may hear and determine charges against any person referred to in section 56(6) of the Constitution made in respect of the following offences –
1. Unchastity.
 2. Drunkenness.
 3. Wilful failure to pay just debts.
 4. Conduct, whenever occurring,
 - (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.
 5. Wilful violation of the Constitution or of the Canons made thereunder or of the Ordinances of the Provincial Synod or of this Diocesan Synod.
 6. Any conduct involving wilful and habitual disregard of his consecration vows.
3. This Canon may be cited as the “Offences Canon 1962-1981”.

Table of Amendments

Long Title	Amended under the Anglican Church of Australia Act 1976
Preamble	Amended under the Anglican Church of Australia Act 1976.
Clause 1	Amended under the Anglican Church of Australia Act 1976.
Clause 3	Inserted by Ordinance No 43, 1994 and amended by Ordinance No 32, 2006.
Schedule	Amended by Ordinances Nos 34, 1982; 36, 1993; 56, 1998 and 29, 2009.

STEVE LUCAS
Manager, Legal Services

ROBERT WICKS
Diocesan Secretary

10 November 2009