

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, the General Synod – Offences Canon Amendment Canon 2007 Adopting Ordinance 2009, the Discipline Amendment Ordinance 2014 and the General Synod – Offences Amendment Canon 2017 Adopting Ordinance 2017.

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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”.

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.

2A. The text of the said Canon incorporating amendments adopted by the Church in this Diocese is set out in the Schedule.

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) ...
- (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.
- (d) Grooming.
- (e) Inappropriate pastoral conduct involving a child.
- (f) Possession, production or distribution of child exploitation material.

Notes:

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.

(2) For the purposes of subclause (1), “church authority”, “Diocesan Tribunal”, “sexual abuse”, “grooming”, “inappropriate pastoral conduct involving a child” and “child exploitation material” have the same meanings as in the Ministry Standards Ordinance 2017.

Notes

4. (1) Notes in this Ordinance are for explanatory purposes only and do not form part of the Ordinance.

(2) The Diocesan Secretary is authorised to update the notes when reprinting this Ordinance under clause 8 of the Interpretation Ordinance 1985.

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.
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. 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 paragraphs (a) and (b) of 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.
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.

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.

3. This Canon may be cited as the "Offences Canon 1962-1981".

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.

Notes

1. The offences added to the Schedule by the *Offences Amendment Canon 2017* (Ordinance No. 35, 2017) apply to conduct committed after the date that Canon was passed by the General Synod, namely 5 September 2017.
2. By subclause 3(3) of Ordinance No. 35, 2017 the amendments in subclause 3(2) of that Ordinance 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*.
3. By subclause 3(4) of Ordinance No. 35, 2017, and despite the amendments in subclause 3(2) of that Ordinance, 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.

Table of Amendments

Long Title	Amended under the Anglican Church of Australia Act 1976.
Preamble	Amended under the Anglican Church of Australia Act 1976 and amended by Ordinance No 35, 2017.
Clause 1	Amended under the Anglican Church of Australia Act 1976.
Clause 2A	Inserted by Ordinance No 35, 2017.
Clause 3	Inserted by Ordinance No 43, 1994 and amended by Ordinances Nos 32, 2006, 33, 2014 and 35, 2017.
Clause 4	Amended by Ordinance No 35, 2017.
Schedule	Amended by Ordinances Nos 34, 1982; 36, 1993; 56, 1998, 29, 2009 and 35, 2017.

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