

CLERGY DISCIPLINE ORDINANCE 1966
AMENDING ORDINANCE 2017
Ordinance No. 9 of 2017

An Ordinance to make various amendments to the Clergy Discipline Ordinance 1966.

PREAMBLE

Whereas provisions for matters involving the diocesan tribunal and discipline of clergy are contained in the Clergy Discipline Ordinance 1966; and

Whereas it is desirable to have the Ordinance amended to correct a missing provision in relation to the appointment of the Board of Enquiry and to update the language for gender inclusion and other changes since the passing of the original Ordinance;

Therefore, the Bishop-in-Council in pursuance of powers provided in clause 48.2 of the Diocesan Governance Ordinance 2008 hereby decrees and enacts as follows:

AMENDMENTS

Forming The Board of Enquiry

1. Replace clause 10 (3) with the following.

- “(a) At the first ordinary session of each term of the Synod, the Synod shall elect from among its members two clergy by the members then present of the House of Clergy and two laypersons by the members then present of the House of Laity to be members of the Board.
- (b) Following the first ordinary session of each term of the Synod, the Bishop shall appoint one person to be the chair of the Board and one member of the clergy and one layperson to be members of the Board.”

Vacancies in Panel of Triers

2. Amend clause 19 (6) by deleting all words following the first instance of the word “Synod” and adding a new clause (7) as follows.

- “(7) Where there is a vacancy or vacancies occurring in the Panel of Triers such that a diocesan tribunal cannot be duly constituted for a trial which in the opinion of the Bishop should be commenced before the next session of the Synod, the vacancy may be filled by Bishop-in-Council for the balance of the term of the Synod where only the members of the House corresponding with the vacancy participate in the election.”

Contemporary Terminology

- 3. Wherever occurring replace “Church of England in Australia” with “Anglican Church of Australia”.
- 4. In clause 39, replace “appellate tribunal” with “Appellate Tribunal of the Anglican Church of Australia”.
- 5. In the definition of “parish” replace “Parochial Ordinance of the Diocese” with “Grafton Diocesan Governance Ordinance 2008”.
- 6. Wherever occurring replace “twenty-one years” with “eighteen years”.

Gender Inclusive Language

7. Wherever occurring replace “clergymen” with “clergy”.
8. Wherever occurring replace “laymen” with “laypersons”.
9. Wherever occurring replace “chairman” with “chair”.
10. Wherever occurring replace “the Bishop of his own mere motion” with “the Bishop’s own mere motion”.
11. In clause 3 (1) in the definition of “member of the Church” replace the words “that he is a” with “to be”.
12. In clause 8 (2) replace the first instance of “he” with “, the Bishop”.
13. In clause 15 (1) replace “he” with “the accused”.
14. In clause 15 (2) replace “himself” with “oneself”.
15. In clause 16 (3) replace each instance of “his” with “the Bishop”.
16. In clause 16 (4) replace “he” with “the Bishop”.
17. In clause 19 (5) replace each instance of “his” with “this”.
18. In clause 20 (4) delete the words “he is”.
19. In clauses 21 (3) and 21 (4) replace each instance of “his absence” with “the absence of the accused”.
20. In clause 21 (5) replace the second instance of “he” with “the accused”.
21. In clause 21 (6) replace each instance of “his” with “the accused’s”.
22. In clause 23 (1) replace “him” with “the witness”.
23. In clause 28 replace “he” with “the President”.
24. In clause 31 replace “his vote as a member have a casting vote” with “voting as a member has a casting vote”.
25. In clause 32 replace “him” with “the Bishop”.
26. In clause 33 replace the first instance of “he” with “the Bishop”.
27. In clause 34 (2) replace “his” with “the Bishop” and the first instance of “he” with “the accused”.
28. In clauses 35 and 36 (1) replace “his” with “the Bishop’s”.
29. In clause 42 replace “in his absolute discretion give” with “exercise absolute discretion to give”.
30. In clauses 46 (1) and 46 (2) replace each instance of “him” with “the person”.
31. In clause 46 (3) replace “him” with “the accused”.
32. In clause 1 of Schedule A add “(or she)” immediately following “he”.
33. Subsequent to the amendments listed in 6 to 32 above, replace all instances of “his” with “his or her”, all instances of “he” with “he or she”, and all instances of “him” with “him or her”.

Corrections

34. In the definition “the Board” replace “Board on Enquiry” with “Board of Enquiry”.
35. In clause 20 (6) replace “be” with “by”.

- 36. In clause 22 replace "Association" with "Accusation".
- 37. In clause 23 (4) remove the semicolon following the second instance of "tribunal" and join the following text into that clause.
- 38. In clause 29 add a comma after "monition".
- 39. In clause 41 (1) replace "contained" with "container".
- 40. In clause 46 (3) delete the second instance of "including any matters therein stated".
- 41. In clause 19 (6) delete the word "following".

COMMENCEMENT

42. This Ordinance shall come into effect upon receiving the assent of the Bishop.

SHORT TITLE

43. This Ordinance may be cited as the Clergy Discipline Ordinance Amending Ordinance 2017.

ASSENT

We hereby certify that this Ordinance was passed by Bishop-in-Council on the Twentieth day of July, 2017 and that the Ordinance as printed is in accordance with the Ordinance as passed.

 Chair of Committees	 Registrar
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I assent to this Ordinance.

 Bishop	 Date
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