

**CONSTITUTION ALTERATION (TRIBUNALS) CANON 1998
ASSENTING ORDINANCE 1999**

No. 10 of 1999

AN ORDINANCE

To assent to the "Constitution Alteration (Tribunals) Canon 1998" being a General Synod Canon to alter the Constitution to clarify the jurisdiction of Diocesan Tribunals.

PREAMBLE

WHEREAS it is desirable that the Constitution Alteration (Tribunals) Canon 1998 of the General Synod of the Anglican Church of Australia should be assented to by the Diocese of Grafton.

THEREFORE the Bishop, Clergy and Laity of the Diocese of Grafton in Synod assembled decree and enact as follows:

SHORT TITLE

1. This Ordinance may be cited as the "Constitution Alteration (Tribunals) Canon 1998, Assenting Ordinance 1999."

ASSENT

2. The Constitution Alteration (Tribunals) Canon 1998 as set out in the Schedule hereto is hereby assented to.

THE SCHEDULE

CONSTITUTION ALTERATION (TRIBUNALS) CANON 1998

Canon No. 10, 1998

A Canon to amend the Constitution to clarify the jurisdiction of Diocesan Tribunals.

The General Synod prescribes as follows:

1. This Canon may be cited as the "Constitution Alteration (Tribunals) Canon 1998."
2. There shall be added as a new final sub-paragraph of section 54(2) of the Constitution the following:

"A diocesan tribunal shall also have and always be deemed to have had jurisdiction to hear charges in respect of a member of clergy if:

 - (a) the act of the member of clergy which gave rise to the charge occurred in the diocese;
 - (b) the member of clergy was licensed by the bishop of the diocese or was resident in the diocese within two years before the charge was laid; or

(c) the member of clergy is in prison as a convicted person at the time the charge was laid, but within two years before such imprisonment was licensed by the bishop of the diocese or was ordinarily resident therein."

3. Section 62 of the Constitution is renumbered 62(1) and the following new sub-sections are added:

"(2) In any proceeding before a tribunal, the tribunal shall admit as evidence that a person charged has been convicted of an offence, and proof of such conviction shall be evidence of the facts giving rise to such conviction. This provision shall not apply if such conviction has been quashed or set aside or in respect of which a pardon has been given.

(3) In any proceedings before a tribunal, the transcript of any criminal proceedings in which the member of clergy the subject of a charge before the tribunal was a party shall be admitted as evidence in the same way as if the persons whose evidence appears in the transcript had given evidence in person before the tribunal. Provided that, the tribunal may exclude the whole or any part of such evidence should it consider that admission of the same would be likely to cause a serious injustice to the member of clergy charged."

I certify that the bill as printed is in accordance with the bill as reported.

D J BLEBY
Chairman

We certify that this bill was passed by the General Synod of The Anglican Church of Australia this seventeenth day of February 1998.

ANN SKAMP
B J GREAVES
Secretaries of Synod

I hereby certify that the Ordinance as printed is in accordance with the Ordinance as passed.


.....
Chairman of Committees

I hereby certify that the Ordinance was passed by Synod on the fifteenth day of May, 1999.


.....
Registrar

I assent to this Ordinance.


.....
Bishop