

ADOPTING ORDINANCE 1974AN ORDINANCE

TO adopt the Tribunals Procedures Canon 1962

PREAMBLE

WHEREAS it is desirable that the Tribunals Procedures Canon 1962 of General Synod of the Church of England in Australia should be adopted by the Diocese of Grafton

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

SHORT TITLE

1. This Ordinance may be cited as the "Tribunals Procedures Canon 1962 Adopting Ordinance 1974".

ADOPTION

2. The Tribunals Procedures Canon 1962 which is set out in the Schedule hereto is hereby adopted and shall apply within the Diocese of Grafton as an Ordinance of the Synod of the Diocese of Grafton.

THE SCHEDULENo. 6, 1962

**A CANON PRESCRIBING MATTERS INCIDENTAL TO THE
EXERCISE OF JURISDICTION BY THE SPECIAL
TRIBUNAL AND THE APPELLATE TRIBUNAL**

(Section 59 of the Constitution)

The General Synod prescribes as follows:--

Special Tribunal

1. Any charge made by a member of this Church against a member of the House of Bishops shall be in writing sent by certified mail to the Primate at his registry together with a short statement of the evidence in support of the charge. The Special Tribunal may require such particulars as it sees fit.
2. A copy of the charge made against a member of the House of Bishops and the particulars if any shall be sent to him by certified mail by the President of the Special Tribunal, and he may require further particulars.
3. Within sixty days after the day of posting such copy, the Bishop charged may by writing sent by certified mail to the President set forth his grounds of defence to such charge.
4. A copy of such grounds of defence shall be sent by the President by certified mail to the person or persons making such charge. The Tribunal may allow any further grounds of defence at the hearing.
5. After the expiration of the time mentioned in clause 3 hereof and within seven days thereafter the President may by a notice giving not less than thirty days sent by certified mail to the members convene the Tribunal to meet at a specified place for the purpose of hearing and determining the charge made against a Bishop and shall by like notice notify the Bishop concerned and the person or persons making such charge.
6. An application for an adjournment of such hearing may be made in writing addressed to the President and sent by certified mail to him not less than fourteen days before the day appointed for the hearing of the charge and the President may and upon obtaining the consent of the other party or parties to the hearing shall adjourn the hearing to another day and to the same or another place as the matter may require and notify the parties accordingly by certified mail provided that not less than fourteen days shall expire between the posting of such notification and the adjourned date of hearing.

7. At the hearing of the charge no adjournment shall be allowed unless the Tribunal is satisfied that it could not have been the subject of a previous application or that the interest of justice require it and if allowed such adjournment may be on such terms as to payment of the costs and expenses of the day of hearing as the Tribunal may impose.

8. At the hearing the person or persons making the charge and the Bishop against whom the charge is made may appear by counsel or solicitor and the Tribunal may order its own method of procedure on the hearing.

9. The hearing shall be in camera provided however that the Tribunal may and on the application of the Bishop charged shall direct that the hearing be in public.

Appellate Tribunal

10. An appeal to the Appellate Tribunal from the Special Tribunal, a Provincial Tribunal or a Diocesan Tribunal may be lodged in the Registry of the Primate within twenty-eight days after the pronouncement of Sentence or within such further time as the President may in writing allow and in such form as the Appellate Tribunal shall prescribe.

11. The Appellate Tribunal may regulate procedure on the hearing of any appeal before it and a copy of any rules of procedure made by it shall be lodged in the registry of the Primate.

12. The appellant and any other party to the appeal may appear on the hearing of the appeal by counsel or solicitor.

13. The Appellate Tribunal may make orders for the payment of costs of the parties before it and, in order to ensure that any such order as it may make will be satisfied, may require the appellant to lodge with it security for a sum of money to abide any order as to costs as it may see fit to make as a term and condition of hearing the appeal.

14. The Appellate Tribunal on hearing a reference of any matter or a question referred to it for determination may direct how the costs occasioned by the determination of the reference or question should be provided and if the said direction shall impose a burden of costs on any diocese or member or members of General Synod such diocese, member or members shall pay the same in accordance with the direction, and Standing Committee may take into consideration such direction in estimating the costs to be provided by the Dioceses for the sittings of the Appellate Tribunal.

15. This Canon may be cited as the "Tribunals Procedure Canon, 1962."