

**OFFENCES AMENDMENT CANON 2017 ADOPTING ORDINANCE 2018**  
**Ordinance No. 4 of 2018**

The Offences Amendment Canon 2017 was passed by the Seventeenth Session of General Synod to amend the Offences Canon 1962 to specifically include the offence of child abuse and an offence of failure to comply with laws for the reporting of child abuse. The Offences Canon 1962 was also amended relative to its operation with the Special Tribunal Canon 2007, the Episcopal Standards Canon 2007 and the Episcopal Standards (Child Protection) Canon 2017.

**PREAMBLE**

**Whereas** the Offences Amendment Canon 2017 as set out in the Schedule hereto was passed by the Seventeenth Session of the General Synod; and

**Whereas** the Seventeenth Session of the General Synod resolved by sufficient majority in each house that the Bill for the Offences Amendment Canon 2017 not be subject to the Special Bill provisions of section 28 of the Constitution of the Anglican Church of Australia; and

**Whereas** the Offences Canon 1962 was adopted as an Ordinance by the Synod of the Diocese of Grafton in 1974 and whereas the amendments passed by the General Synod in 1981, 1992, 1998 and 2007 have come into force in the Diocese of Grafton; and

**Whereas** it is desirable that the Offences Amendment Canon 2017 of the General Synod of the Anglican Church of Australia should be adopted by the Diocese of Grafton;

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

**ADOPTION BY THE SYNOD OF GRAFTON**

1. The Diocese of Grafton adopts the Offences Amendment Canon 2017 which was Canon 7, 2017 of the Seventeenth Session of the General Synod of the Anglican Church of Australia and set out in the Schedule hereto and consequently the amended Offences Canon 1962 becomes an Ordinance of the Diocese of Grafton.

**COMMENCEMENT**

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

**SHORT TITLE**

3. This Ordinance may be cited as Offences Amendment Canon 2017 Adopting Ordinance 2018.

**ASSENT BY THE BISHOP OF GRAFTON**

We hereby certify that this Ordinance was passed by Synod on the 3rd day of February, 2018 and that the Ordinance as printed is in accordance with the Ordinance as passed.

*Leary Shorten*

Chair of Committees

*[Signature]*

Registrar

I assent to this Ordinance.

*Beulah Grafton*

Bishop

*3 February 2018*

Date

## **SCHEDULE**

### **OFFENCES AMENDMENT CANON 2017 Canon 7, 2017**

The General Synod prescribes as follows:

#### **Title**

1. This canon is the Offences Amendment Canon 2017.

#### **Interpretation**

2. In this canon principal canon means the Offences Canon 1962.

#### **Additional offences**

3. (1) Insert at the conclusion of section 1 of the principal canon:

- “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) Insert at the conclusion of section 2 of the principal canon:

- “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.”

#### **Special Tribunal’s jurisdiction in respect of current bishops**

4. Insert “paragraphs (a) and (b) of” before “section 56(6)” where it occurs second in section 2 of the principal canon.

#### **Special Tribunal’s jurisdiction in respect of former bishops**

5. Insert after section 2 of the principal canon:

“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."

#### **Application of offences inserted by the Offences Amendment Canon 2017**

6. Insert after section 3 of the principal canon:

"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."

#### **Order and good government**

7. The provisions of this canon affect the order and good government of the church within a diocese and do not come into force in a diocese unless and until the diocese by ordinance adopts the canon.

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#### **Secretaries' Certification of copy of Canon as passed [SO63(20)]**

We certify that the Canon above is a copy of the Canon as passed on the 5<sup>th</sup> day of September 2017.

Dated: 8 September 2017

(sgd) Katherine Bowyer

Clerical Secretary

(sgd) Timothy Reid

Lay Secretary

#### **Primate's appointment when the canon shall come into force [SO63(19)]**

I appoint the 5<sup>th</sup> day of September 2017 as the date on which this canon shall come into force.