

**CANON CONCERNING CONFESSIONS (REVISION) CANON 2017  
ADOPTING ORDINANCE 2018  
Ordinance No. 5 of 2018**

The Canon Concerning Confessions (Revision) Canon 2017 was passed by the Seventeenth Session of General Synod to amend the Canon Concerning Confessions 1989 to create an exception to the principle of confidentiality in relation to child abuse.

**PREAMBLE**

**Whereas** the Canon Concerning Confessions (Revision) 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 Canon Concerning Confessions (Revision) 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 Canon Concerning Confessions 1989 was assented to as an Ordinance by the Synod of the Diocese of Grafton in 1990 and whereas the amendments passed by the General Synod in 2014 have not been considered by the Diocese of Grafton; and

**Whereas** it is desirable that the Canon Concerning Confessions (Revision) 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 Canon Concerning Confessions (Revision) Canon 2017 which was Canon 16, 2017 of the Seventeenth Session of the General Synod of the Anglican Church of Australia and set out in the Schedule hereto and thereby the amended Canon Concerning Confessions 1989 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 Canon Concerning Confessions (Revision) Canon 2017 Adopting Ordinance 2018.


**ASSENT BY THE BISHOP OF GRAFTON**

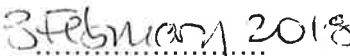
We hereby certify that this Ordinance was passed by Synod on the 3rd day of February, 2018 and that the Ordinance as printed is in accordance with the Ordinance as passed.

  
.....  
Chair of Committees

  
.....  
Registrar

I assent to this Ordinance.

  
.....  
Bishop

  
.....  
Date

## SCHEDULE

### CANON CONCERNING CONFESSIONS (REVISION) CANON 2017 Canon 16, 2017

The General Synod prescribes as follows:

#### Title

1. This canon is the Canon Concerning Confessions (Revision) Canon 2017.

#### Interpretation

2. In this canon, the principal canon is the Canon Concerning Confessions 1989 without any amendments made by the Canon Concerning Confessions 1989 (Amendment) Canon 2014.

#### Insertion of preamble

3. In the principal canon before the enacting words insert:

“Whereas every confession to an ordained minister is heard in the context of the desire of the penitent to be reconciled to God, to the fellowship of the church, and to those who have been harmed by the penitent’s sin:”

#### Exception to confidentiality

4. Section 2 of the principal canon is amended by:
  - (a) deleting the word “If” and substituting the words “Subject to section 2A, if”. and
  - (b) after section 2 of the principal canon, inserting:

“2A. (1) In this section –

**abuse** means sexual assault, sexual exploitation or physical abuse;

**child** means a person under the age of 18 years;

**child abuse** has the same meaning as in the National Register Canon 2007;

**Church authority** has the same meaning as in the National Register Canon 2007;

**church worker** has the same meaning as in the National Register Canon 2007;

**clergy** has the same meaning as in the National Register Canon 2007;

**Director of Professional Standards** has the same meaning as in the National Register Canon 2007;

**grave offence** means conduct that amounts to a criminal offence against the laws of the Commonwealth, a State or Territory, or another country which is equivalent to a criminal offence of the Commonwealth, a State or Territory involving child abuse:

**ordained minister** has the same meaning as **clergy**;

**penitent** means a person who makes a confession to an ordained minister;

**police** means the Australian Federal Police or the police service of a State or Territory of Australia;

- (2) Subject to subsection (3), where a penitent confesses to an ordained minister that he or she has or may have committed a grave offence, that ordained minister is obliged to keep confidential the grave offence so confessed only if he or she is reasonably satisfied that the penitent has reported the grave offence to the police and, if the person is a church worker or a member of the clergy, to the Director of Professional Standards or other relevant Church authority.
- (3) An ordained minister to whom a penitent has confessed that he or she has or may have committed a grave offence may, for the purpose of obtaining advice as to whether that conduct constitutes a grave offence, reveal the nature of that confession to a person nominated by the bishop of the diocese for the purpose of giving that advice.
- (4) It is a defence to a charge of breach of discipline or any offence brought against an ordained minister arising from his or her disclosure to any person of conduct confessed by a penitent that did not constitute a grave offence, that the ordained minister believed in good faith and on reasonable grounds that the conduct may have constituted a grave offence.

### **Order and good government**

5. The provisions of this canon affect the order and good government of this Church within a diocese and shall not come into force in a diocese unless and until the diocese adopts the principal canon and this canon by ordinance.

### **Repeal**

6. The Canon Concerning Confessions 1989 (Amendment) Canon 2014 is repealed.

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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 7<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 7<sup>th</sup> day of September 2017 as the date on which this canon shall come into force.