

**CANON CONCERNING CONFESSIONS (VULNERABLE PERSONS)
CANON 2017 ADOPTING ORDINANCE 2018
Ordinance No. 6 of 2018**

The Canon Concerning Confessions (Vulnerable Persons) Canon 2017 was passed by the Seventeenth Session of General Synod to amend the Canon Concerning Confessions 1989 in addition to the amendments made by the Canon Concerning Confessions (Revision) Canon 2017 by expanding the definition of "grave offence" to include abuse of a vulnerable person and the exceptions to confidentiality to include non-criminal conduct that is reasonably believed to put a vulnerable person at risk of significant harm.

PREAMBLE

Whereas the Canon Concerning Confessions (Vulnerable Persons) 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 (Vulnerable Persons) 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 (Vulnerable Persons) 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 (Vulnerable Persons) Canon 2017 which was Canon 17, 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 (Vulnerable Persons) 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.

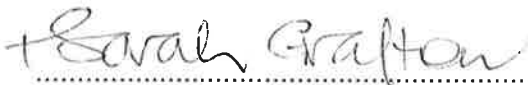


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Chair of Committees



.....
Registrar

I assent to this Ordinance.



.....
Bishop

3 February 2018

.....
Date

SCHEDULE

CANON CONCERNING CONFESSIONS (VULNERABLE PERSONS)

CANON 2017

Canon 17, 2017

The General Synod prescribes as follows:

Title

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

Interpretation

2. In this canon, the principal canon is the Canon Concerning Confessions 1989 as amended by the Canon Concerning Confessions (Revision) Canon 2017.

Amendments to the Principal Canon

3. Section 2A(1) of the principal canon is amended by
 - a. In the definition of "grave offence", replacing the words "child abuse." with a colon and adding the words
" (a) child abuse; or
 (b) abuse of a vulnerable person (other than a child);"
 - b. After the definition of "penitent", insert the following definition
"**other conduct** means conduct confessed by the penitent to an ordained minister which does not constitute a grave offence, but gives the ordained minister reasonable grounds to believe that a vulnerable person is at risk of significant harm;"
 - c. After the definition of "police", insert the following definition
"**vulnerable person** includes a person who by reason of an intellectual disability, mental illness or other impairment, age or circumstance, has reduced capacity, whether permanently or temporarily, to protect himself or herself from abuse."
4. Section 2A(2) of the principal canon is amended by
 - a. After the first occurrence of "grave offence" insert "or confesses to other conduct"
 - b. After the second occurrence of "grave offence" insert "or the other conduct"
 - c. After the third occurrence of "grave offence" insert "or the other conduct"

5. Section 2A(3) of the principal canon is amended by
 - a. After the first occurrence of "grave offence" insert "or has confessed to other conduct"
 - b. After the second occurrence of "grave offence" insert "or other conduct"

6. Section 2A(4) of the principal canon is amended by deleting 2A(4) and replacing with
 - "(4) It is a defence to a charge of breach of discipline or any offence brought against an ordained minister,
 - a. 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; or
 - b. arising from his or her disclosure to any person of other conduct that the ordained minister believed in good faith and on reasonable grounds that a vulnerable person was at risk of significant harm."

Order and good government

7. 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.

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