

THE CONSTITUTION AMENDMENT (MANDATORY DEPOSITION) CANON 2022
ASSENTING ORDINANCE 2022
Ordinance No. 11 of 2022

The Constitution Amendment (Mandatory Deposition) Canon 2022 was passed by the Eighteenth Session of General Synod to amend the Constitution of the Anglican Church of Australia regarding a person convicted of a sexual offence relating to a child.

PREAMBLE

Whereas The Constitution Amendment (Mandatory Deposition) Canon 2022 as set out in the Schedule hereto was passed by the Eighteenth Session of the General Synod; and

Whereas it is desirable that The Constitution Amendment (Mandatory Deposition) Canon 2022 of the General Synod of the Anglican Church of Australia be assented to by the Diocese of Grafton;

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

ASSENT

The Diocese of Grafton assents to The Constitution Amendment (Mandatory Deposition) Canon 2022 which was Canon 8, 2022 of the Eighteenth Session of the General Synod of the Anglican Church of Australia and set out in the Schedule hereto.

COMMENCEMENT

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

SHORT TITLE

This Ordinance may be cited as the Constitution Amendment (Mandatory Deposition) Assenting Ordinance 2022.

ASSENT

We hereby certify that this Ordinance was passed by Synod on the 18th day of June, 2022 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

CONSTITUTION AMENDMENT (MANDATORY DEPOSITION) CANON 2022

Canon 8, 2022

The General Synod prescribes as follows.

Title

1. This Canon may be referred to as the "Constitution Amendment (Mandatory Deposition) Canon 2022".

Mandatory deposition of a person convicted of a sexual offence relating to a child

2. In section 60 of the Constitution—
 - (a) in sub-section (1), for "A tribunal" substitute "Subject to sub-section (1A), a tribunal":
 - (b) after sub-section (1) insert—
 - "(1A) Where the tribunal is satisfied that the person so charged has been convicted under the laws of the Commonwealth, State or Territory or under the laws of some other country that are equivalent to a law of the Commonwealth or of a State or Territory of a sexual offence relating to a child committed while a member of the clergy, it must recommend a sentence of deposition from orders.
 - (1B) For the purposes only of sub-section (1A), "**sexual offence relating to a child**" means —
 - (a) sexual activity by a person against, with or in the presence of a child, or
 - (b) the possession, production or distribution of any form of child pornography."
 - (c) in sub-section (2), after "is recommended," insert "other than a sentence of deposition from orders recommended under sub-section (1A),"; and
 - (d) in sub-section (4), for "The provisions" substitute "Subject to sub-section (1A), the provisions".

Definitions

3. (1) Subject to sub-section (2)—
- (a) in section 74 of the Constitution, after the definition of "Ceremonial" insert—
' "**child**" means a person under the age of 18;'; and
 - (b) there are repealed:
 - (i) the definition of "child" in section 2(1) of the Episcopal Standards (Child Protection) Canon 2017; and
 - (ii) the definition of "child" in the Third Schedule to the National Register Canon 2007.
- (2) Sub-section (1) has effect only if at the time when this Canon comes into effect there is no definition of "child" in section 74 of the Constitution.
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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 9th day of May 2022.

Dated: 13 May 2022

The Very Rev'd Katherine Bowyer
Clerical Secretary

Mr Timothy Reid
Lay Secretary