

**The Anglican Diocese of Bathurst  
Constitution Amendment (Mandatory Suspension) Canon 2022  
and  
Constitution Amendment (Mandatory Deposition) Canon 2022**

Diocesan assent (CONSTITUTION AMENDMENT (MANDATORY SUSPENSION) CANON 2022  
AND CONSTITUTION AMENDMENT (MANDATORY DEPOSITION) CANON 2022) Ordinance  
2022


An Ordinance to give assent to the CONSTITUTION AMENDMENT (MANDATORY  
SUSPENSION) CANON 2022 AND CONSTITUTION AMENDMENT (MANDATORY DEPOSITION)  
CANON 2022

1. This Ordinance may be cited as the Diocesan assent (Constitution Amendment (Mandatory Suspension) Canon 2022 and Constitution Amendment (Mandatory Deposition) Canon 2022) ordinance 2022
2. This Ordinance commences upon the assent of the Bishop to the Ordinance
3. In this Ordinance,
  - a. The Constitution Amendment (Mandatory Suspension) Canon 2022 means the Canon to amend the Constitution forwarded to the Diocese of Bathurst by the General Secretary to the General Synod because it requires the assent by the Diocesan Synod to come into effect.
  - b. The Constitution Amendment (Mandatory Deposition) Canon 2022 means the Canon to amend the Constitution forwarded to the Diocese of Bathurst by the General Secretary to the General Synod because it requires the assent by the Diocesan Synod to come into effect.
4. The Canon is attached to this Ordinance
5. The Diocese of Bathurst assents to this Canon

*Secretaries to Synod*

  
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*Chair of Committees*

  
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*I give my assent to this Ordinance*

  
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*The Right Rev'd Mark Calder  
Bishop of Bathurst*

Date *15/10/22*

## CONSTITUTION AMENDMENT (MANDATORY SUSPENSION) CANON 2022 Canon 7, 2022

The General Synod prescribes as follows.

### Title

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

### Mandatory suspension of a Bishop charged with sexual offence relating to a child

2. In section 61A of the Constitution—
  - (a) for "Where" substitute:  
"(1) Subject to sub-section (2), where";
  - (b) after "some lesser time." insert—  
"(2) Where a charge which involves a sexual offence relating to a child has been promoted in the Special Tribunal against a person referred to in section 56(6), the President of the Special Tribunal must suspend the person from the duties of office until the determination of the charge."; and
  - (c) for "If such suspension is made and is from" substitute "(3) If a person is suspended under sub-section (1) or (2) and that suspension is from".

### Definition of "sexual offence relating to a child"

3. (1) Subject to sub-section (3)—
  - (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) In section 74 of the Constitution, after the definition of "See" insert—  
' "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 by a person of any form of child pornography—  
in respect of which—
- (c) the person has been convicted under the laws of the Commonwealth, State or Territory; or
- (d) a court, commission or tribunal of the Commonwealth, a State or a Territory has made an adverse finding of fact in relation to that person; or
- (e) the person has been convicted in some other country under the laws of that country that are equivalent to a law of the Commonwealth or of a State or Territory; or
- (f) the person has not been tried by a court of competent jurisdiction and which if proved—
  - (i) if alleged to have been committed within Australia, would constitute a criminal offence in the State or Territory in which it is alleged to have occurred; and
  - (ii) if alleged to have been committed in a country other than Australia, would if committed in Australia constitute a criminal offence under a law of the Commonwealth or of a State or Territory.”; and
- (b) there are repealed—
  - (i) any definition of "sexual offence relating to a child" in section 2(1) of the Episcopal Standards (Child Protection) Canon 2017; and
  - (ii) any definition of "sexual offence relating to a child" in section 2 of the Special Tribunal Canon 2007.
- (3) 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.

**Repeal of Constitution Amendment (Suspension of Bishops) Canon 2007**

- 4. Canon No. 18 of 2007 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 9<sup>th</sup> day of May 2022.

Dated: 13 May 2022

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The Very Rev'd Katherine Bowyer  
Clerical Secretary

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Mr Timothy Reid  
Lay Secretary

## 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

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1. 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 9<sup>th</sup> day of May 2022.

Dated: 13 May 2022

\_\_\_\_\_  
The Very Rev'd Katherine Bowyer  
Clerical Secretary

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Mr Timothy Reid  
Lay Secretary