
Offences Ordinance 2007

An Ordinance to confirm, for the avoidance of doubt, the adoption in the Diocese of the Offences Canon 1962 and for related purposes.

BISHOP-IN-COUNCIL ON BEHALF OF THE SYNOD OF THE DIOCESE OF BATHURST ORDAINS AS FOLLOWS:

1. This Ordinance may be cited as the Offences Ordinance 2007.

SCHEDULES

2. The following documents are contained as schedules to this Ordinance.

Schedule A: Offences Canon 1962

ADOPTION OF CANON

3. For the avoidance of doubt, the “Offences Canon 1962” of the General Synod of the Anglican Church of Australia is expressly adopted within the Diocese and the provisions of that Canon shall have force and effect within the Diocese as if the Canon had been ordained by the Synod of this Diocese.

SPECIFIED OFFENCES

4. The following are specified as offences for which a charge may be heard and determined by the Diocesan Tribunal (in addition to those specified by Canon);
 - (a) sexual abuse
 - (b) child abuse
 - (c) conviction in New South Wales of an offence which is punishable by imprisonment for 12 months or upwards or a conviction outside New South Wales of an offence which, if committed in New South Wales, would be an offence so punishable.

Notes

1. Other offences for which a charge may be heard and determined by the Diocesan Tribunal are:
An offence under section 12 of the Holy Orders Relinquishment and Deposition Canon 2004
An offence under section 9 or 24 of the Professional Standards Ordinance 2007
2. *Section 54(2) of the 1961 Constitution provides that a charge in respect of a breach of faith ritual or ceremonial may be made against a person licensed by the Bishop or any other person in Holy Orders resident in the Diocese.*
3. *Section 54(2A) of the 1961 Constitution provides that the Diocesan Tribunal shall have jurisdiction to hear a charge relating to unchastity, sexual misconduct or criminal conduct against a member of clergy regardless of where the person resides if the act occurred in the Diocese or if the member of clergy has been licensed or resident in the Diocese within 2 years of the charge, regardless of where the alleged conduct occurred.*

5. The following are specified as offences for which a charge may be heard and determined by the Disciplinary Tribunal
- (a) Unchastity
 - (b) Drunkenness
 - (c) Habitual and willful neglect of the duties of the person's position after written admonition in respect thereof by the appropriate Church Authority
 - (d) Wilful failure to pay just debts
 - (e) Conduct, whenever occurring
 - (i) which would be disgraceful if committed by a person holding the position held by the person against whom the allegation is made or in which the person acts, and
 - (ii) what at the time the charge is preferred is productive or, if known publicly would be productive, of scandal or evil report.
 - (f) Sexual abuse
 - (g) Child abuse
 - (h) Conviction in New South Wales of an offence which is punishable by imprisonment for 12 months or upwards or a conviction outside New South Wales of an offence which, if committed in New South Wales, would be an offence so punishable.

Note: *Other offences for which a charge may be heard and determined by the Disciplinary Tribunal are offences under section 9 and 24 of the Professional Standards Ordinance 2007.*

6. For the purposes of sections 4 and 5, "church authority", "Diocesan Tribunal", "Disciplinary Tribunal", "sexual abuse" and "child abuse" have the same meanings as in the Professional Standards Ordinance 2007.

NOTES

7. (1) Notes in this Ordinance are for explanatory purposes only and do not form part of this Ordinance.
- (2) The Registrar is authorised to update the notes in this Ordinance when reprinting this Ordinance.

SCHEDULE A

OFFENCES CANON 1962-1981 (-1998)

Canon 4, 1962
 Canon 7, 1981
 Canon 12, 1992
 Canon 20, 1998

A canon to specify offences under sections 54, 55 & 56 of the Constitution

The General Synod prescribes as follows:

1. A diocesan tribunal and a provincial tribunal in its original jurisdiction in addition to their respective powers under section 54(2) and section 55(3) of the Constitution may hear and determine charges made in respect of the following offences alleged to have been committed by a person who, at the time the charge is preferred, is licensed by the bishop of the diocese or is in holy orders resident in the diocese:
 1. Unchastity.
 2. Drunkenness.
 3. Habitual and wilful neglect of ministerial duty after written admonition in respect thereof by the bishop of the diocese.
 4. Wilful failure to pay just debts.
 5. Conduct, whenever occurring,
 - (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.
 6. Any other offence prescribed by an ordinance of the synod of the diocese.
2. (1) The Special Tribunal in addition to its powers under section 56(2) of the Constitution may hear and determine charges against any member of the House of Bishops made in respect of the following offences:
 1. Unchastity.
 2. Drunkenness.
 3. Wilful failure to pay just debts.
 4. Conduct, whenever occurring,
 - (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.

5. Wilful violation of the Constitution or of the canons made thereunder or of the ordinances of provincial synod or of his diocesan synod.
 6. Any conduct involving wilful and habitual disregard of his consecration vows.
3. This canon may be cited as the "Offences Canon 1962".