
Offences Ordinance, 1962

No. 36, 1962.

AN ORDINANCE to adopt a certain canon of the Church of England in Australia entitled the "Offences Canon 1962" and for other purposes.

WHEREAS a certain canon was passed by the General Synod of the Church of England in Australia entitled the "Offences Canon 1962" a copy of which is contained in the Schedule to this ordinance AND WHEREAS it is expedient that the said Canon should be adopted by the Church in this Diocese. The Synod of the Diocese of Sydney declares ordains and rules as follows:-

1. That in accordance with the provisions of the Constitution of the Church of England in Australia this Synod is of the opinion that the provisions of the said Canon affect or are deemed to affect the order and good government of the Church in this Diocese.

2. That the provisions of the said canon excepting so much thereof as relates to the original jurisdiction of the provincial tribunal shall be and is hereby adopted and shall so far as the same are applicable be applied to the management of the Church in this Diocese in like manner as if the said ordinance had been ordained and ruled by the Synod of this Diocese.

3. The ordinance of the Synod of this Diocese assented to on the sixth day of October 1904 for accepting and adopting a certain Ordinance passed by the Provincial Synod Session 1904 entitled "An ordinance to provide for the definition of the offences for which a Clergyman may be tried" is hereby repealed.

4. This Ordinance may be cited as the "Offences Ordinance 1962."

SCHEDULE

No. 4, 1962.

A CANON TO SPECIFY OFFENCES UNDER SECTIONS
54, 55 AND 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

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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 persons licensed by the Bishop of the Diocese and by persons 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. Bankruptcy
5. Wilful failure to pay just debts
6. Conduct disgraceful in a clergyman and productive or likely to be productive of scandal or evil report.
7. Any offence punishable by law being a malum in se.
8. 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. Bankruptcy.
4. Wilful failure to pay just debts.
5. Conduct disgraceful in a clergyman and productive or likely to be productive of scandal or evil report.
6. Any offence punishable by law being a malum in se.
7. Wilful violation of the Constitution or of the Canons made thereunder or of the Ordinances of Provincial Synod or of his Diocesan Synod.
8. Any conduct involving wilful and habitual disregard of his consecration vows.

(2) Any charge shall be in writing and shall be lodged in the Registry of the Primate together with a short statement of the evidence in support thereof.

3. This Canon may be cited as the "Offences Canon 1962."

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I certify that the foregoing Canon is in accordance with the Canon as reported.

JOHN S. ARMIDALE,
Chairman of Committees.

We hereby certify that the foregoing Canon was passed by the General Synod of the Church of England in Australia this 11th day of May, 1962.

A. W. HARRIS }
W. L. J. HUTCHISON } Secretaries of Synod.

11th May, 1962.

HUGH SYDNEY,
Primate.

I certify that this Ordinance as printed is in accordance with the Ordinance as reported.

ATHOL RICHARDSON,
Chairman of Committees.

We certify that this Ordinance was passed this 11th day of October 1962.

K. N. SHELLEY }
W. L. J. HUTCHISON } Secretaries of Synod.

I assent to this Ordinance.

11/10/1962.

HUGH SYDNEY,
Archbishop of Sydney.