

**CONSTITUTIONAL AMENDMENT (SECTION 54A) CANON 2007  
ASSENTING ORDINANCE 2008**

**ORDINANCE NO 10 OF 2008**

**AN ORDINANCE**

To adopt the "*Constitutional Amendment (Section 54A) Canon 2007*" being a General Synod Canon.

**PREAMBLE**

**WHEREAS** it is desirable that the *Constitutional Amendment (Section 54A) Canon 2007* 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 in Synod assembled decree and enact as follows:

**SHORT TITLE**

1. This Ordinance may be cited as the "*Constitutional Amendment (Section 54A) Canon 2007 Assenting Ordinance 2008*."

**ADOPTION**

2. The *Constitutional Amendment (Section 54A) Canon 2007* as set out in the Schedule hereto is hereby adopted.

**DATE OF COMMENCEMENT**

3. This Ordinance shall come into effect on the date the Bishop assents to this Ordinance.

# SCHEDULE

## CANON No. 16, 2007

### CONSTITUTION AMENDMENT (SECTION 54A) CANON, 2007

**A canon to amend the Constitution in respect of persons licensed by the Primate in his capacity as Primate**

The General Synod prescribes as follows:

1. This Canon may be cited as the "Constitution Amendment (Section 54A) Canon 2007".
2. The Constitution is amended by inserting after section 54 the following new section:

**54A(1) For the purposes of this section:**

**"Primate's licensee"** means a person who holds or who has at any time held a licence from a Primate in the capacity as Primate, other than a bishop assistant to the Primate in the capacity as Primate;

**"professional standards matter"** means any information of whatever nature and from whatever source relating to the alleged misconduct or omission of a Primate's licensee wherever or whenever occurring, other than information concerning any alleged breach of faith, ritual or ceremonial.

- (2) In respect of a Primate's licensee either of the following tribunals shall have jurisdiction to hear and determine a charge referred to in subsections (2) or (2A) of section 54 whenever or wherever the event or events giving rise to the charge may have occurred:
  - (a) the diocesan tribunal of the diocese of the Primate at the time when the charge is brought; or
  - (b) the diocesan tribunal of a diocese nominated by the Primate at the time when the charge is brought.
- (3) Before nominating the tribunal of a diocese under subsection (2)(b) the Primate shall consult with the bishop of that diocese and with such other persons as may be prescribed by canon.
- (4) Subject to the provisions of this section, in respect of proceedings brought against a Primate's licensee in a diocesan tribunal:
  - (a) the provisions of this Part and of any relevant diocesan ordinance shall apply as if the person were licensed by the

bishop of the diocese in the tribunal of which the charge is brought and as if the Primate were the bishop;

- (b) only a person nominated by the Primate may promote a charge against a Primate's licensee;
  - (c) only the Primate may suspend a Primate's licensee from the duties of his or her office to the extent that these duties arise from the Primate's licence, and the consent of the diocesan council shall not be required;
  - (d) a recommendation of the tribunal shall be made to the Primate;
  - (e) no appeal shall lie to a provincial tribunal;
  - (f) any costs and expenses reasonably incurred by –
    - (i) the diocese in the tribunal of which the charge is brought, and
    - (ii) by or on behalf of the Primate in respect of such a chargeshall be paid out of funds under the control of the Synod and may be included in any assessment referred to in section 32.
- (5) In respect of a Primate's licensee also holding a licence from a diocesan bishop:
- (a) if the Primate suspends the Primate's licensee under sub-section (4)(c) the bishop may exercise the power of suspension referred to in sub-section 61(1) notwithstanding that no charge other than one under this section has been promoted against the Primate's licensee; and
  - (b) if the diocesan bishop suspends a Primate's licensee under section 61 the Primate may exercise the power of suspension referred to in sub-section (4)(a) notwithstanding that no charge has been promoted under this section.
- (6) The Primate or his nominee may refer any professional standards matter concerning a Primate's licensee to the appropriate person or body of either:
- (a) the diocese of the Primate; or
  - (b) a diocese nominated by the Primate.
- (7) Before nominating a diocese under subsection (5) the Primate shall consult with the bishop of that diocese and with such other persons as may be prescribed by canon.
- (8) Any professional standards matter referred under subsection (5) shall be dealt with in accordance with the provisions of any relevant ordinance of the diocesan synod or a rule or protocol in force in the diocese as if the Primate's licensee were licensed by the bishop of that diocese and as if the Primate were the bishop of that diocese.

- (9) Any costs and expenses reasonably incurred --
- (a) by the diocese to which a professional standards matter is referred under subsection (5), and
  - (b) by or on behalf of the Primate in respect of any such professional standards matter

shall be paid out of funds under the control of the Synod and may be included in any assessment referred to in section 32.

- (10) Nothing contained in this section shall prevent the operation of any other provision of this Chapter in a diocese in respect of a Primate's licensee, provided that a Primate's licensee cannot be the subject of proceedings in more than one diocesan tribunal for the same charge or for a charge based on the same conduct.
- (11) Nothing contained in this section shall prevent a Primate's licensee from being dealt with in respect of a professional standards matter in accordance with the provisions of any relevant ordinance of the diocesan synod of a diocese or a rule or protocol in force in that diocese.
- (12) The exercise of any power under this section by the Primate or by any person nominated by the Primate shall be subject to and in accordance with the provisions of any canon of the General Synod.

3. This canon shall not come into effect until after the General Synod by canon authorises the President to appoint a date on which this canon shall come into effect in accordance with section 67(2) of the Constitution.

#### ASSENT

I hereby certify that the Ordinance as printed is in accordance with the Ordinance as passed.

  
.....  
Chairman of Committees

I hereby certify that the Ordinance was passed by Synod on the                      May 2008

  
.....  
Registrar

I assent to this Ordinance

  
.....  
Bishop