

**CONSTITUTION ALTERATION (CHAPTER IX) CANON 2004**

**ASSENTING AND ADOPTING ORDINANCE 2005**

**ORDINANCE NO/2OF 2005**

**AN ORDINANCE**

To assent to and adopt the *Constitution Alteration (Chapter IX) Canon 2004* being a General Synod Canon.

**PREAMBLE**

**WHEREAS** it is desirable that the *Constitution Alteration (Chapter IX) Canon 2004* of the General Synod of the Anglican Church of Australia should be assented to and 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 “*Constitution Alteration (Chapter IX) Canon 2004 Assenting and Adopting Ordinance 2005.*”

**ASSENT**

2. The *Constitution Alteration (Chapter IX) Canon 2004* as set out in the Schedule hereto is hereby assented to and adopted.

**DATE OF COMMENCEMENT**

3. The *Constitution Alteration (Chapter IX) Canon 2004* shall come into effect in the Diocese of Grafton on the date that the Primate declares the *Constitution Alteration (Chapter IX) Canon 2004* is in force.

## SCHEDULE

### CONSTITUTION ALTERATION (CHAPTER IX) CANON 2004

Canon No.13, 2004

#### **A canon to amend the constitution with respect to administrative bodies and appeals therefrom and for incidental matters**

The General Synod prescribes as follows:

- 1 This Canon may be cited as the “Constitution Alteration (Chapter IX) Canon 2004”.
- 2 In Chapter IX of the Constitution, after section 63 insert:
  - “63A (1) Despite anything to the contrary in this Constitution:
    - (a) a diocese may establish by ordinance any board or other body whose jurisdiction includes jurisdiction to inquire into the conduct of a person specified in such ordinance, including a person in respect of whom a diocesan tribunal may exercise jurisdiction;
    - (b) General Synod may establish by canon any board or other body which has jurisdiction to inquire into the conduct of a person:-
      - (i) in respect of whom the Special Tribunal may exercise jurisdiction; or
      - (ii) who holds a licence from the Primate in his capacity as Primate.
  - (2) A board or body referred to in subsection (1) may, in respect of whom it exercises jurisdiction, exercise such powers as may be specified in the ordinance or canon creating the board or body.
  - (3) The powers referred to in subsection (2) may include:
    - (a) the powers conferred on a tribunal by section 60 and subsections (2) and (3) of section 62 of this Constitution; and
    - (b) the power to suspend a person from the duties of office or employment pending the completion of any inquiry by such board or body into the conduct of such person upon such terms and conditions as may be prescribed by such ordinance or canon, as the case may be, but without deprivation of emoluments pertaining to the office or employment of the person.
  - (4) The powers referred to in subsection (3) may be exercised in respect of a person notwithstanding that the person is a person in respect of whom a diocesan tribunal or the Special Tribunal may exercise jurisdiction.
  - (5) A person authorised by ordinance of a diocese or by canon of General Synod as the case may require may give effect to any recommendation or determination of a board or body referred to in this section.

- (6) A board or body referred to in this section shall not have power to hear, determine or make recommendations concerning:
- (a) an alleged breach of faith, ritual or ceremonial; or
  - (b) any act or omission which is the subject of a charge before or a determination of a diocesan tribunal or the Special Tribunal.
- (7) Subject to subsection (8), an appeal shall lie to a Review Tribunal from any recommendation or determination, other than by way of an interlocutory order, of a board or body referred to in this section.
- (8) An appeal referred to in subsection (7) shall only lie by leave of the Review Tribunal and shall be by way of review of the recommendation or determination that is the subject of the appeal and not by way of re-hearing.
- (9) In this section a reference to a Review Tribunal is a reference:
- (a) to a Review Tribunal constituted and having such powers as are conferred on it by canon of General Synod; and
  - (b) in the absence of any such canon, to the Appellate Tribunal.
- (10) This section applies and shall be deemed always to have applied to a board or body created by ordinance of a diocese or by canon of General Synod having or purporting to have effect at the time when the Constitution Alteration (Chapter IX) Canon 2004 comes into effect.”

3 Section 67(1)(c) of the Constitution is amended by deleting the figure ‘63’ and by substituting therefore the figure ‘63A’.”

#### ASSENT

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



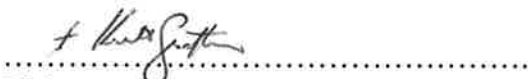
.....  
Chairman of Committees

I hereby certify that the Ordinance was passed by Synod on the twenty eighth day of May, 2005



.....  
Registrar

I assent to this Ordinance.



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Bishop