

105

CONSTITUTION ALTERATION (SUSPENSION FROM DUTIES) CANON 2001

ASSENTING ORDINANCE NO. 05 OF 2003

AN ORDINANCE

To assent to the "Constitution Alteration (Suspension from Duties) Canon 2001 being a General Synod Canon to amend the Constitution with respect to the persons who may be present at and move motions before the General Synod.

PREAMBLE

WHEREAS it is desirable that the Constitution Alteration (Suspension from Duties) Canon 2001 of the General Synod of the Anglican Church of Australia should be assented to 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 (Suspension from Duties) Canon 2001, Assenting Ordinance 2003.

ASSENT

2. The Constitution Alteration (Suspension from Duties) Canon 2001 as set out in the Schedule hereto is hereby assented to.

- **SCHEDULE**

Canon No. 13, 2001

A Canon to clarify the powers of suspension from duties.

The General Synod prescribes as follows:-

Name

1. This Canon may be cited as the "Constitution Alteration (Suspension from Duties) Canon 2001".

Amendments

2. Section 61 of the Constitution is amended by substituting "has been promoted" for "is pending".
3. Section 61 of the Constitution is further amended by classifying the existing provision as 61(1) and by adding the following:-

"(2) The bishop of a diocese may suspend a person referred to in Section 54(2) from the duties of his office where –

- (a) the bishop or some other person authorised by ordinance proposes to promote a charge against the person;
- (b) the charge will not allege a breach of faith, ritual or ceremonial; and
- (c) the charge relates to an offence that is punishable by imprisonment for twelve months or upwards of which the person has been charged or convicted or in respect of which the bishop has received a report from a lay person qualified to be a member of the Appellate Tribunal stating that there is a prima facie case of the person having committed the offence."

- "(3) Suspension under subsection (2) must be by written instrument signed by the bishop, served on the person to be suspended, and which states –
- (a) the intention of the bishop or any other authorised person to promote the charge;
 - (b) the conduct complained of; and
 - (c) the period of suspension. The period of suspension may not exceed 28 days from the date of service on the person to be suspended. Where –
 - (d) a person has been suspended under subsection (2);
 - (e) the period of suspension has elapsed; and
 - (f) a charge has not been promoted during the period of suspension; no further suspension is possible under subsection (2) in relation to the conduct specified in the instrument.
- (4) If during the period of suspension referred to in subsection (2) the bishop or other authorised person promotes the charge the suspension of the person shall continue until the first meeting of the diocesan council thereafter;
- (5) The bishop of a diocese may revoke the suspension of a person suspended by him under this section and may do so at any time during the period of suspension.
- (6) Suspension of a person from the duties of office under this section does not deprive that person of the emoluments appertaining to that office.

4. Canon 9 of 1998 is repealed.

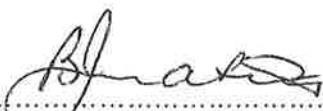
We certify that this bill was passed by the General Synod of The Anglican Church of Australia this twenty-seventh day of July 2001.

ANN SKAMP
B.J. GREAVES
Secretaries of Synod

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


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Chairman of Committees

I hereby certify that this Ordinance was passed by the Synod on the Twenty Fourth day of May, 2003.


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Registrar

I assent to this Ordinance.


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Administrator