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**A BILL FOR THE
CONSTITUTION AMENDMENT (MANDATORY SUSPENSION)
CANON 2022**

10 The General Synod prescribes as follows.

Title

15 1. This Canon may be referred to as the "Constitution Amendment (Mandatory
Suspension) Canon 2022".

Mandatory suspension of a Bishop charged with sexual offence relating to a child

20 2. In section 61A of the Constitution—

(a) for "Where" substitute:

"(1) Subject to sub-section (2), where";

25 (b) after "some lesser time." insert—

"(2) Where a charge which involves a sexual offence relating to a child
has been promoted in the Special Tribunal against a person referred
to in section 56(6), the President of the Special Tribunal must
suspend the person from the duties of office until the determination
of the charge."; and

30 (c) for "If such suspension is made and is from" substitute "(3) If a person is
suspended under sub-section (1) or (2) and that suspension is from".

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Definition of "sexual offence relating to a child"

40 3. (1) Subject to sub-section (3)—

(a) in section 74 of the Constitution, after the definition of "Ceremonial"
insert—

' "child" means a person under the age of 18;'; and

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(b) there are repealed:

(i) the definition of "child" in section 2(1) of the Episcopal
Standards (Child Protection) Canon 2017; and

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(ii) the definition of "child" in the Third Schedule to the National
Register Canon 2007.

(2) In section 74 of the Constitution, after the definition of "See" insert—

55 ' "**sexual offence relating to a child** means —

(a) sexual activity by a person against, with or in the
presence of a child, or

- 5 (b) the possession, production or distribution by a person of
any form of child pornography—
- in respect of which—
- (c) the person has been convicted under the laws of the
Commonwealth, State or Territory; or
- 10 (d) a court, commission or tribunal of the Commonwealth, a
State or a Territory has made an adverse finding of fact
in relation to that person; or
- (e) the person has been convicted in some other country
under the laws of that country that are equivalent to a
15 law of the Commonwealth or of a State or Territory; or
- (f) the person has not been tried by a court of competent
jurisdiction and which if proved—
- (i) if alleged to have been committed within
20 Australia, would constitute a criminal offence in
the State or Territory in which it is alleged to
have occurred; and
- (ii) if alleged to have been committed in a country
other than Australia, would if committed in
25 Australia constitute a criminal offence under a
law of the Commonwealth or of a State or
Territory.”; and
- (b) there are repealed—
- (i) any definition of "sexual offence relating to a child" in section
30 2(1) of the Episcopal Standards (Child Protection) Canon 2017;
and
- (ii) any definition of "sexual offence relating to a child" in section 2
35 of the Special Tribunal Canon 2007.
- (3) Sub-section (1) has effect only if at the time when this Canon comes into
effect there is no definition of "child" in section 74 of the Constitution.

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Repeal of Constitution Amendment (Suspension of Bishops) Canon 2007

4. Canon No. 18 of 2007 is repealed.

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