

OFFENCES CANON 1962

Canon 4, 1962 as amended by
Canon 7, 1981
Canon 12, 1992
Canon 20, 1998
Canon 5, 2007
Canon 7, 2017
Canon 11, 2022

A canon to specify offences under sections 54, 55 & 56 of the Constitution.

The General Synod prescribes as follows:

- 1.¹ A diocesan tribunal and a provincial tribunal in its original jurisdiction in addition to their respective powers under section 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 a person who, at the time the charge is preferred, is authorised to function by the bishop of the diocese or is 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. Wilful failure to pay just debts.
 5. Conduct, whenever occurring,
 - (a) which would be disgraceful if committed by a member of the clergy, and
 - (b) which at the time the charge is preferred is productive, or if known publicly would be productive, of scandal or evil report.
 6. Any other offence prescribed by an ordinance of the synod of the diocese.
- 7.² Child abuse.

¹ Amended by Canon 7, 1981; amended by Canon 20, 1998 and Canon 11, 2022.

² Added by Canon 7, 2017.

- 8.³ Failure without reasonable excuse to comply with the laws of the Commonwealth or a State or Territory requiring the reporting of child abuse to the police or other authority.
- 9.⁴ Authorising to function a member of the clergy or permitting to function a church worker contrary to, or in the absence of, a recommendation of a screening authority, or with actual knowledge or reasonable grounds for suspecting that the screening authority may not have properly discharged its statutory functions in making its relevant recommendation.
- 2.⁵ The Special Tribunal in addition to its powers under section 56(6) of the constitution may hear and determine charges against any person referred to in paragraphs (a) and (b) of section 56(6) of the constitution made in respect of the following offences:
1. Unchastity.
 2. Drunkenness.
 3. Wilful failure to pay just debts.
 4. Conduct, whenever occurring,
 - (a) which would be disgraceful if committed by a member of the clergy, and
 - (b) which at the time the charge is preferred is productive, or if known publicly would be productive, of scandal or evil report.
 5. Wilful violation of the constitution or of the canons made thereunder or of the ordinances of provincial synod or of his diocesan synod.
 6. Any conduct involving wilful and habitual disregard of his consecration vows.
 - 7.⁶ Child abuse.
 - 8.⁷ Failure without reasonable excuse to comply with the laws of the Commonwealth or a State or Territory requiring the reporting of child abuse to the police or other authority.
 - 9.⁸ Failure to comply with a direction of the Episcopal Standards Board established under the Episcopal Standards Canon 2007 or the Episcopal Standards (Child Protection) Canon 2017 or any other Board established under

³ Added by Canon 7, 2017.

⁴ Added by Canon 11, 2022.

⁵ Amended by Canon 7, 1981; sub-section (2) repealed by Canon 12, 1992, amended by Canon 20, 1998; further amended by Canon 5, 2007, amended by Canon 7, 2017.

⁶ Added by Canon 7, 2017.

⁷ Added by Canon 7, 2017.

⁸ Added by Canon 7, 2017.

an ordinance of a provincial synod or diocesan synod for dealing with the fitness of a bishop to hold office or to be or remain in Holy Orders.

- 10.⁹ Subject to section 60(2) of the Constitution, failure without reasonable excuse to give effect to a recommendation given to the person under section 53 of the Constitution or by a Board established by or under an ordinance of a provincial synod or diocesan synod for dealing with the fitness of a member of the clergy or church worker to be or to remain in Holy Orders or in other ministry.
 - 11.¹⁰ Ordaining or authorising to function a member of the clergy or permitting to function a church worker contrary to, or in the absence of, a recommendation of a screening authority, or with actual knowledge or reasonable grounds for suspecting that the screening authority may not have properly discharged its statutory functions in making its relevant recommendation.
 - 12.¹¹ Ordaining or authorising to function a member of the clergy, or permitting to function a church worker, who poses a serious risk to the safety of children with actual knowledge or reasonable grounds for suspecting that the person poses that risk.
- 2A.¹² The Special Tribunal may hear and determine charges against any person referred to in paragraph (c) of section 56(6) of the Constitution made in respect of the following offences committed while a member of the House of Bishops or assistant to the Primate:
1. Wilful violation of the constitution or of the canons made thereunder or of the ordinances of provincial synod or of the bishop's diocesan synod relating to child abuse.
 2. Child abuse.
 3. Failure without reasonable excuse to comply with the laws of the Commonwealth or a State or Territory requiring the reporting of child abuse to the police or other authority.
 4. Conduct relating to child abuse (whenever the child abuse occurred),
 - (a) which would be disgraceful if committed by a member of the clergy, and
 - (b) which at the time the charge is preferred is productive, or if known publicly would be productive, of scandal or evil report.
- 5.¹³ Subject to section 60(2) of the Constitution, failure without reasonable excuse to give effect to a recommendation given to the person under section 53 of the

⁹ Added by Canon 11, 2022.

¹⁰ Added by Canon 11, 2022.

¹¹ Added by Canon 11, 2022.

¹² Added by Canon 7, 2017.

¹³ Added by Canon 11, 2022.

Constitution or by a Board established by or under an ordinance of a provincial synod or diocesan synod for dealing with the fitness of a member of the clergy or church worker to be or to remain in Holy Orders or in other ministry.

6.¹⁴ Ordaining or authorising to function a member of the clergy or permitting to function a church worker contrary to, or in the absence of, a recommendation of a screening authority, or with actual knowledge or reasonable grounds for suspecting that the screening authority may not have properly discharged its statutory functions in making its relevant recommendation.

7.¹⁵ Ordaining or authorising to function a member of the clergy, or permitting to function a church worker, who poses a serious risk to the safety of children with actual knowledge or reasonable grounds for suspecting that the person poses that risk.

2B.¹⁶ In this canon, unless the context otherwise requires, **child abuse** has the same meaning as in the National Register Canon 2007.

actual knowledge¹⁷ includes-

- (a) wilfully shutting one's eyes to the obvious; or
- (b) wilfully and recklessly failing to make such inquiries as an honest and reasonable person would make;

authorisation to function¹⁸ means a licence or any written instrument by which a member of the clergy is appointed, authorised, permitted or sanctioned to exercise ministry as a member of the clergy and **authorising to function** and **authorised to function** have a corresponding meaning;

child¹⁹ has the same meaning as in the National Register Canon 2007;

church worker²⁰ means a person who is not a member of the clergy and who –

- (a) is permitted to function by the Bishop of a diocese;
- (b) is employed by a Church body; or
- (c) whether for payment or not, holds a position or performs a function with the actual or apparent authority of a Church authority or a Church body.

¹⁴ Added by Canon 11, 2022.

¹⁵ Added by Canon 11, 2022.

¹⁶ Added by Canon 7, 2017.

¹⁷ Added by Canon 11, 2022.

¹⁸ Added by Canon 11, 2022.

¹⁹ Added by Canon 11, 2022.

²⁰ Added by Canon 11, 2022.

member of the clergy²¹ means a person who is a bishop, priest or deacon in the Church.

permission to function²² means a licence or any written instrument by which a person who is not a member of the clergy is appointed, authorised, permitted or sanctioned to exercise ministry and **permitting to function** and **permitted to function** have a corresponding meaning;

recommendation²³ includes a recommendation validly varied or modified pursuant to a diocesan ordinance;

standard of screening²⁴ means —

- (a) in a diocese in which the Safe Ministry to Children Canon 2017 is in force, a standard of screening applying under Part 3 of that Canon; or
- (b) in a diocese in which the Safe Ministry to Children Canon 2017 is not in force, the standard of screening applying in that diocese.

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

4.²⁵ The offences added to this canon by the Offences Amendment Canon 2017 apply to conduct committed after the date the Offences Amendment Canon 2017 was passed by the General Synod.

5.²⁶ The offences in Item 9 of section 1, Items 10, 11 and 12 of section 2 and Items 5, 6 and 7 of section 2A apply only to conduct occurring after Part 4 of the Safe Ministry Legislation Amendments Canon 2022 has been adopted in the diocese in which the offences allegedly have occurred.

²¹ Added by Canon 11, 2022.
²² Added by Canon 11, 2022.
²³ Added by Canon 11, 2022.
²⁴ Added by Canon 11, 2022.
²⁵ Added by Canon 7, 2017.
²⁶ Added by Canon 11, 2022.