

# **CONSTITUTION AMENDMENT (MANDATORY SUSPENSION) CANON 2022**

## **Canon 7, 2022**

The General Synod prescribes as follows.

### **Title**

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**

2. In section 61A of the Constitution—

- (a) for "Where" substitute:

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

- (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

- (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".

### **Definition of "sexual offence relating to a child"**

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

- (b) there are repealed:

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

(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—

' "sexual offence relating to a child" means —

- (a) sexual activity by a person against, with or in the presence of a child, or
- (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
- (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 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 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 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 2(1) of the Episcopal Standards (Child Protection) Canon 2017; and
- (ii) any definition of "sexual offence relating to a child" in section 2 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.

#### **Repeal of Constitution Amendment (Suspension of Bishops) Canon 2007**

4. Canon No. 18 of 2007 is repealed.

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**Secretaries' Certification of copy of Canon as passed [SO63(20)]**

We certify that the Canon above is a copy of the Canon as passed on the 9<sup>th</sup> day of May 2022.

Dated: 13 May 2022

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The Very Rev'd Katherine Bowyer  
Clerical Secretary

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Mr Timothy Reid  
Lay Secretary