

THE ANGLICAN CHURCH OF AUSTRALIA – DIOCESE OF NEWCASTLE

CLERGY DISCIPLINE ORDINANCE OF 1966 AMENDING ORDINANCE 2019

Explanatory Memorandum

This Bill amends the Clergy Discipline Ordinance of 1966. The amendments allow that a member of the clergy cannot be charged with an offence by choosing to participate or not participate in the blessing of a legally solemnised marriage of two persons of the same sex. The amendments further provide that the legal marriage of a member of the clergy to a person of the same sex, is not grounds for a charge of offence.

The Ordinance will only come into effect at such time as the Synod passes a resolution to that effect, and with the written support of the Bishop.

The Bill

Be it ordained by the Synod of the Diocese of Newcastle of the Anglican Church of Australia as follows –

1. This Ordinance may be cited as the Clergy Discipline Ordinance of 1966 Amending Ordinance 2019.
2. The principal ordinance is the Clergy Discipline Ordinance of 1966.
3. The principal ordinance is amended by the insertion of a new clause seven in Part II to read

Notwithstanding the provisions of clause 6 and clause 11. 1, no charge shall be referred to the Diocesan Tribunal and it shall not be proper for a Diocesan Tribunal to hear a charge which alleges an offence, breach or misconduct by a member of the clergy because that member of the clergy

- (a) has participated in a service, whether or not in a church building, in which they have pronounced the blessing of a marriage solemnised in accordance with the Marriage Act 1961 or similar Act in another jurisdiction in which the persons being married are of the same sex;
- (b) has declined to participate in a service, whether or not in a church building, or declined to pronounce a blessing of a marriage solemnised in accordance with the Marriage Act 1961 or similar act in

another jurisdiction in which the persons being married are of the same sex;

(c) is married to a person of the same sex where such marriage has been solemnised in accordance with the Marriage Act 1961 or similar Act in another jurisdiction;

4. This Ordinance shall come into effect at such time as the Synod passes a resolution declaring that this Ordinance shall come into effect and the Bishop indicates in writing his/her support for the Ordinance coming into effect. The Bishop shall indicate his decision within 30 days of the conclusion of an ordinary or special session of the Synod in which the resolution is considered.
5. No resolution declaring that this Ordinance shall come into effect may be considered by this Synod prior to the Fifty Third Synod being summoned by the Bishop.
6. The Synod may consider a resolution that this Ordinance comes into effect on more than one occasion.
7. This Synod confirms that any assent by the Bishop to this ordinance expresses nothing more than the Bishop assenting to the Synod's wish that it have a process for further deliberation.