

**THE ANGLICAN CHURCH OF AUSTRALIA – DIOCESE OF NEWCASTLE**

**CANON CONCERNING CONFESSIONS (REVISION) CANON 2017 ADOPTION ORDINANCE 2017**

The Diocesan Council of the Diocese of the Newcastle in accordance with the Synod (Temporary Delegation of Powers) Ordinance 2017 ordains as follows

1. This Ordinance may be cited as the Canon Concerning Confessions (Revision) Canon 2017 Adoption Ordinance 2017.
2. The Canon Concerning Confessions (Revision) Canon 2017 is adopted in the Diocese of Newcastle.
3. The Canon shall come into effect on 1 November 2017.

This Ordinance was passed by the Diocesan Council at its meeting on 12 October 2017 and assented to by the Administrator of the Diocese on the same day.



Mrs Linda Wilson  
**Secretary, Diocesan Council**



Bishop Peter Stuart  
**Bishop of Newcastle**

# CANON CONCERNING CONFESSIONS (REVISION) CANON 2017

## Canon 16, 2017

The General Synod prescribes as follows:

### Title

1. This canon is the Canon Concerning Confessions (Revision) Canon 2017.

### Interpretation

2. In this canon, the principal canon is the Canon Concerning Confessions 1989 without any amendments made by the Canon Concerning Confessions 1989 (Amendment) Canon 2014.

### Insertion of preamble

3. In the principal canon before the enacting words insert:

“Whereas every confession to an ordained minister is heard in the context of the desire of the penitent to be reconciled to God, to the fellowship of the church, and to those who have been harmed by the penitent’s sin:”

### Exception to confidentiality

4. Section 2 of the principal canon is amended by:
  - (a) deleting the word “If” and substituting the words “Subject to section 2A, if”. and
  - (b) after section 2 of the principal canon, inserting:

“2A. (1) In this section –

**abuse** means sexual assault, sexual exploitation or physical abuse;

**child** means a person under the age of 18 years;

**child abuse** has the same meaning as in the National Register Canon 2007;

**Church authority** has the same meaning as in the National Register Canon 2007;

**church worker** has the same meaning as in the National Register Canon 2007;

**clergy** has the same meaning as in the National Register Canon 2007;

**Director of Professional Standards** has the same meaning as in the National Register Canon 2007;

**grave offence** means conduct that amounts to a criminal offence against the laws of the Commonwealth, a State or Territory, or another country which is equivalent to a criminal offence of the Commonwealth, a State or Territory involving child abuse:

**ordained minister** has the same meaning as **clergy**;

**penitent** means a person who makes a confession to an ordained minister;

**police** means the Australian Federal Police or the police service of a State or Territory of Australia;

- (2) Subject to subsection (3), where a penitent confesses to an ordained minister that he or she has or may have committed a grave offence, that ordained minister is obliged to keep confidential the grave offence so confessed only if he or she is reasonably satisfied that the penitent has reported the grave offence to the police and, if the person is a church worker or a member of the clergy, to the Director of Professional Standards or other relevant Church authority.
- (3) An ordained minister to whom a penitent has confessed that he or she has or may have committed a grave offence may, for the purpose of obtaining advice as to whether that conduct constitutes a grave offence, reveal the nature of that confession to a person nominated by the bishop of the diocese for the purpose of giving that advice.
- (4) It is a defence to a charge of breach of discipline or any offence brought against an ordained minister arising from his or her disclosure to any person of conduct confessed by a penitent that did not constitute a grave offence, that the ordained minister believed in good faith and on reasonable grounds that the conduct may have constituted a grave offence.

#### **Order and good government**

5. The provisions of this canon affect the order and good government of this Church within a diocese and shall not come into force in a diocese unless and until the diocese adopts the principal canon and this canon by ordinance.

#### **Repeal**

6. The Canon Concerning Confessions 1989 (Amendment) Canon 2014 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 7<sup>th</sup> day of September 2017.

Dated: 8 September 2017

(sgd) Katherine Bowyer

Clerical Secretary

(sgd) Timothy Reid

Lay Secretary

**Primate's appointment when the canon shall come into force [SO63(19)]**

I appoint the 7<sup>th</sup> day of September 2017 as the date on which this canon shall come into force.