

*Offences Act 1963*

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No. 6 of 1963

Serial No. 75

Reprinted as at 1 December 2021 incorporating amendments up to No. 3/2021<sup>2</sup>

## **Offences Act 1963**

### **AN ACT**

To adopt the canon of the Church of England in Australia entitled the "Offences Canon 1962" and for other purposes.

WHEREAS a canon was passed by the General Synod of the Church of England in Australia entitled the "Offences Canon 1962" AND WHEREAS it is expedient that the said canon should be adopted by the Church in the Diocese of Melbourne.

BE IT ENACTED by the Archbishop the Clergy and the Laity of the Church of England in Australia within the Diocese of Melbourne in Victoria duly met in Synod according to Law as follows:

#### *Title*

1. This Act may be cited as the "Offences Act 1963".

#### *Order and Good Government*

2. In accordance with the provisions of the Constitution of the Church of England in Australia this Synod is of the opinion that the provisions of the Offences Canon 1962 passed by the General Synod of the Church of England in Australia a copy of which is contained in the Schedule here to affect or are deemed to affect the order and good government of the Church in the Diocese of Melbourne.

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3. The provisions of the said canon except those provisions which relate to the original jurisdiction of the provincial tribunal as amended by any Canon of the General Synod that is adopted by this Synod are adopted.

*Repeal*

4. The Clergy Discipline Act No. 1 of 1935 is hereby repealed.

SCHEDULE

No. 4, 1962

A CANON TO SPECIFY OFFENCES UNDER SECTIONS 54, 55  
AND 56 OF THE CONSTITUTION

The General Synod prescribes as follows:-

*Offences Clerical*

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 of the following offences alleged to have been committed by a person who, at the time the charge is preferred, is licensed 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. Bankruptcy
5. Wilful failure to pay just debts.

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6. Conduct disgraceful in a clergyman and productive or likely to be productive of scandal or evil report.
7. Any offence punishable by law being a malum in se.
8. Any other offence prescribed by an Ordinance of the Synod of the Diocese.

2. (1) The Special Tribunal in addition to its powers under section 56(2) of the Constitution may hear and determine charges against any member of the House of Bishops made in respect of the following offences:

1. Unchastity.
2. Drunkenness.
3. Bankruptcy
4. Wilful failure to pay just debts.
5. Conduct disgraceful in a clergyman and productive or likely to be productive of scandal or evil report.
6. Any offence punishable by law being a malum in se.
7. Wilful violation of the Constitution or of the canons made thereunder or of the Ordinances of Provincial Synod or of his Diocesan Synod.
8. Any conduct involving wilful and habitual disregard of his consecration vows.

(2) Any charge shall be in writing and shall be lodged in the Registry of the Primate together with a short statement of the evidence in support thereof.

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

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CONSOLIDATED ACTS OF THE SYNOD OF THE ANGLICAN DIOCESE OF MELBOURNE  
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NOTES

<sup>1</sup> The **Offences Act 1963** was passed on 10 October 1963 and was assented to and came into operation on 21 November 1963.

<sup>2</sup> This reprint incorporates the amendments made to the **Offences Act 1963** by the following Act:

<b>Name</b>	<b>No.</b>	<b>Date of Assent</b>	<b>Date of Commencement</b>
<i>Diocesan Tribunal Act 2021</i>	3/3021	13 October 2021	4 November 2021