

**BILL 10A****A BILL FOR THE CANON CONCERNING CONFESSIONS (REVISION)  
CANON 2017****BILL 10B****A BILL FOR THE CANON CONCERNING CONFESSIONS  
(VULNERABLE PERSONS) CANON 2017****EXPLANATORY MEMORANDUM****General Background**

1. The Canon Concerning Confessions 1989 (Amendment) Canon 2014 (the 2014 canon) was passed at the Sixteenth Session of General Synod. After the Sixteenth Session of General Synod concerns were raised about the validity of the 2014 canon on the basis that the procedure for a special bill should have been followed. To address those concerns, the Standing Committee appointed a Confessions Working Group (comprising the chairs of the Church Law Commission, Doctrine Commission and the Professional Standards Commission, the Archbishop of Sydney and the Bishops of Ballarat and the Murray). A report was prepared by the Church Law Commission on the legal issues that concluded, by reference to section 2A(4) inserted by the 2014 canon, that the bill for the 2014 canon should have followed the procedure for a special bill.
2. The Standing Committee resolved (SC2015/1/20) to refer the subject matter of the 2014 canon to the House of Bishops to consider all liturgical and theological issues raised by the subject matter of 2014 for advice on how the primary purpose of the 2014 canon could be achieved.
3. At their meeting in March 2016, the national Bishops resolved:

“That this Bishops’ meeting recommends to the Standing Committee that a new form of the Canon Concerning Confessions Amendment Bill be promoted as a special bill at the 2017 session of General Synod, which addresses the concerns raised in relation to the 2014 Amendment Canon and takes into account subsequent discussions and the following recommendations. We recommend that the special bill be drafted in such a way as to give expression to the following key principles.

- The context in which every confession is heard is the desire of the penitent to be reconciled to God, to the church, and to those who have been harmed by their sin. We are therefore dealing with matters of eternal salvation.
  - Priests are required to keep all matters disclosed in the context of a confession strictly confidential, except in cases of **grave criminal offences involving the abuse of a vulnerable person or persons**. After appropriate consideration, the strong imperative of confidentiality may be overridden in these exceptional circumstances.
  - The decision as to what constitutes a **grave criminal offence involving the abuse of a vulnerable person** rests with the judgment of the priest who has heard the confession. If a priest is uncertain as to whether disclosure is permissible or appropriate, they should seek counsel from the bishop or a person appointed by the bishop for this purpose. This may be in the form of general advice, without the disclosure of identity or other particulars.
  - The canon should be permissive ('may reveal'), not coercive ('must reveal') – e.g. ... that priest **may** reveal the contents of a confession to the civil and/or church authorities.”
4. Subsequent to the Bishops’ meeting, the Doctrine Commission prepared a report dated March 2016 that supports the March 2016 resolution of the national Bishops. A copy of the Doctrine Commission report is attached to this Explanatory Memorandum.
  5. At the 2017 Bishops’ meeting, the Bishops favoured a further exception to confidentiality where the conduct confessed by the penitent to an ordained minister did not constitute a criminal offence of the type specified to justify an exception to confidentiality, but gives the ordained minister reasonable grounds to believe that a vulnerable person is at risk of significant harm.
  6. The object of the Bill is to repeal the 2014 canon and to re-enact the amendment, taking into account the further consideration which has been given to the subject matter of the 2014 canon since the 16th General Synod. A copy of the Canon Concerning Confessions 1989 without any amendments made by the Canon Concerning Confessions 1989 (Amendment) Canon 2014 is attached to this Explanatory Memorandum.
  7. In light of the emphasis on principle in the Doctrine Commission’s report that also underlined the national Bishops’ advice on how to proceed with a canon to replace the 2014 canon, it is proposed to insert a recital in the Canon Concerning Confessions 1989 to remind all of the principle of confession.
  8. Consistent with the approach of the national Bishops, the application of the exception to confidentiality is confined to criminal offending in the categories of child abuse and abuse of a vulnerable person (other than a child) and other conduct which is defined to

mean conduct confessed by the penitent to an ordained minister which does not constitute a defined criminal offence, but gives the ordained minister reasonable grounds to believe that a vulnerable person is at risk of significant harm.

9. Feedback from the national Bishops indicates that all dioceses are likely to support a modification to the Canon Concerning Confessions to provide a limited exception to confidentiality in relation to a confession of child abuse, and that most – but not all – dioceses are likely to support a further exception for confessions of non-criminal conduct that puts “a vulnerable person at risk of significant harm”. It is for this reason that the proposed amendments are being promoted in two separate bills.
  - A Bill for the Canon Concerning Confessions (Revision) Canon 2017 amends the principal Canon to create an exception to the principle of confidentiality in relation to a “grave offence”, and defines a grave offence to mean “child abuse” (as defined in the National Register Canon 2007).
  - A Bill for the Canon Concerning Confessions (Vulnerable Persons) Canon 2017 expands the definition of “grave offence” to include abuse of a vulnerable person, and expands the exceptions to confidentiality to include non-criminal conduct that is reasonably believed to put a vulnerable person at risk of significant harm.
10. It is anticipated that all dioceses will adopt the first Canon, and most will adopt the second. This two-stage approach allows the Anglican Church of Australia to have a nationally consistent approach in relation to confessions of child abuse and to allow those dioceses that so wish to extend the exception further, while at the same time respecting a (minority?) view that the exception should not be extended further.
11. Schedule A is a marked-up version of the Canon Concerning Confessions 1989 applying the amendments of the Canon Concerning Confessions (Revision) Canon 2017.
12. Schedule B is a marked-up version of the Canon Concerning Confessions 1989 as already amended by the “Revision” Canon, showing the further amendments made by the Canon Concerning Confessions (Vulnerable Persons) Canon 2017.
13. A diocese which did adopt the 2014 canon is advised to exclude the 2014 canon by ordinance pursuant to section 30(d) of the Constitution. This is prudent, even though clause 6 repeals the 2014 canon.
14. The special bill procedure set out in section 28 of the Constitution must be followed in relation to this bill, unless Synod by votes of at least three-fourths of the members present in each house decides that it need not proceed as a special bill.

**SCHEDULE A**  
**CANON CONCERNING CONFESSIONS 1989**

as amended by the Canon Concerning Confessions (Revision) Canon 2017

**A canon concerning confessions.**

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:

The General Synod prescribes as follows:

1. This canon may be cited as "Canon concerning confessions 1989".
2. Subject to section 2A, if any person confess his or her secret and hidden sins to an ordained minister for the unburdening of conscience and to receive spiritual consolation and ease of mind, such minister shall not at any time reveal or make known any crime or offence or sin so confessed and committed to trust and secrecy by that person without the consent of that person.

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 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.

3. The proviso to canon numbered 113 of the Canons of 1603, and any other law of this Church concerning the making of confessions to an ordained minister, in so far as the same may have any force, shall have no operation or effect in this Church.
4. 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 this canon by ordinance of the synod of the diocese.

## SCHEDULE B CANON CONCERNING CONFESSIONS 1989

as amended by the Canon Concerning Confessions (Revision) Canon 2017 and further  
amended by the Canon Concerning Confessions (Vulnerable Persons) Canon 2017

### A canon concerning confessions.

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:

The General Synod prescribes as follows:

1. This canon may be cited as "Canon concerning confessions 1989".
2. Subject to section 2A, if any person confess his or her secret and hidden sins to an ordained minister for the unburdening of conscience and to receive spiritual consolation and ease of mind, such minister shall not at any time reveal or make known any crime or offence or sin so confessed and committed to trust and secrecy by that person without the consent of that person.

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~~;

(a) child abuse; or

(b) abuse of a vulnerable person (other than a child);

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

**other conduct** means conduct confessed by the penitent to an ordained minister which does not constitute a grave offence, but gives the ordained minister reasonable grounds to believe that a vulnerable person is at risk of significant harm;

**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;

**vulnerable person** includes a person who by reason of an intellectual disability, mental illness or other impairment, age or circumstance, has reduced capacity, whether permanently or temporarily, to protect himself or herself from abuse.

- (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 or confesses to other conduct, that ordained minister is obliged to keep confidential the grave offence or the other conduct so confessed if he or she is reasonably satisfied that the penitent has reported the grave offence or the other conduct 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 or has confessed to other conduct may, for the purpose of obtaining advice as to whether that conduct constitutes a grave offence or other conduct, 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.~~
- (4) It is a defence to a charge of breach of discipline or any offence brought against an ordained minister,
- (a) 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; or
- (b) arising from his or her disclosure to any person of other conduct that the ordained minister believed in good faith and on reasonable grounds that a vulnerable person was at risk of significant harm.
5. The proviso to canon numbered 113 of the Canons of 1603, and any other law of this Church concerning the making of confessions to an ordained minister, in so far as the same may have any force, shall have no operation or effect in this Church.
6. 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 this canon by ordinance of the synod of the diocese.

### Notes on Clauses – Bill 10A

- Clause 1 contains the title of the canon.
- Clause 2 provides that the principal canon is the Canon Concerning Confessions 1989 without any amendments made by the Canon Concerning Confessions 1989 (Amendment) Canon 2014.
- Clause 3 inserts a preamble before the enacting words of the principal canon.
- Clause 4 provides for the amendment of section 2 of the principal canon by making the obligation of confidentiality of the ordained minister subject to section 2A and inserts the new section 2A which is based on section 2A that was inserted by the 2014 canon, but has been refined by the further consideration given to the extent of the exception to the obligation of confidentiality by the national Bishops and Doctrine Commission. The definition of **child exploitation material** that was inserted in subsection (1) of section 2A by the 2014 canon has been omitted, as the definition of **child abuse** extends to the possession, production or distribution of child exploitation material.
- Clause 5 provides that this canon affects the order and good government of the 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.
- Clause 6 repeals the 2014 canon.

### Notes on Clauses – Bill 10B

- Clause 1 contains the title of the canon.
- Clause 2 provides that the principal canon is the Canon Concerning Confessions 1989 as amended by the Canon Concerning Confessions (Revision) Canon 2017.
- Clauses 3-6 provides for the various amendments to the section 2A of the principal canon, including extending the definition of **grave abuse** and adding new definitions of **other conduct** and **vulnerable person**.
- Clause 7 provides that this canon affects the order and good government of the 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.

## ATTACHMENT 1



## *The Doctrine Commission of the Anglican Church of Australia*

### **Confessions and Confidentiality – March 2016**

#### **Confession**

The practice of confession needs to be shaped by our theological framework, especially the doctrines of creation, sin, and redemption, and their application to the understanding of human society. All people have been made in God's image and must be treated with dignity and respect. We are also all corrupted and affected by sin. The atonement tells us that God takes sin seriously – so seriously, in fact, that God became incarnate and Christ died so that our sins might be forgiven. God desires reconciliation and the restoration of broken relationships, both with God and with one another. Through Christ, forgiveness is freely offered to the sinner, calling for the acknowledgment of sin, true repentance and amendment of life, bearing 'fruits worthy of repentance' (Luke 3:8). This is the proper context for the practice of confession. First John 1:8-9 tells us 'If we say that we have no sin, we deceive ourselves, and the truth is not in us. If we confess our sins, he who is faithful and just will forgive us our sins and cleanse us from all unrighteousness.'

Similarly, the Risen Christ, in 'sending' the disciples into the world (as he was sent by his Father), and breathing the Holy Spirit on them, gave to his disciples the authority to pronounce, or withhold, God's forgiveness (see John 20:21–23; c.f. Matthew 16:19). The Church has continually exercised this ministry, part of the wider ministry given to it by its Lord. It is in this context that the 'Reconciliation of a Penitent' (c.f. APBA p. 773 ff), which entails the making (and hearing) of confession, and the pronouncing of absolution, arises. From this gospel imperative comes the clear sense that in this ministry we are dealing with matters of eternal salvation.

The New Testament recognises a corporate dimension to confession: 'confess your sins to each other and pray for each other so that you may be healed' (James 5:16). There is a basic human reluctance to confront our own sin, and the involvement of others can encourage repentance and provide an opportunity for pastoral care of the penitent. Although public confession is recorded in the Scriptures (e.g., Jer 29, Ezra 9-10) and was sometimes practised in the early church, there is often a reluctance to confess private sins in public.

Over time, the wisdom and experience of the church led to the principles of private confession, recognising the pastoral importance of 'the unburdening of conscience and [receiving] spiritual consolation and ease of mind' by the confession of 'secret and hidden sins'. While BCP provides for regular corporate confession and absolution in the context of public worship services, it also recognises that private confession may be helpful in some cases. This is articulated in the first exhortation in the Order for the Administration of the Lord's Supper.

*[B]ecause it is requisite, that no man should come to the holy Communion, but with a full trust in God's mercy, and with a quiet conscience; therefore if there be any of you, who by this means cannot quiet his own conscience herein, but requireth further comfort or counsel, let him come to me, or to some other discreet and learned Minister of God's Word, and open*

*his grief; that by the ministry of God's holy Word he may receive the benefit of absolution, together with ghostly counsel and advice, to the quieting of his conscience, and avoiding of all scruple and doubtfulness.*

The role of the minister in pronouncing absolution is to declare God's forgiveness to those who repent. As the service of Evening Prayer in BCP reminds us,

*[God] hath given power, and commandment, to his Ministers, to declare and pronounce to his people, being penitent, the Absolution and Remission of their sins: He pardoneth and absolveth all them that truly repent, and unfeignedly believe his holy Gospel.*

Therefore confession and absolution are of utmost significance. The context in which every confession is heard is the desire of the penitent to be reconciled to God, to the church, and to those who have been harmed by their sin.

### **Confidentiality of Confessions**

It is for this reason that the church has guarded confessions with strict confidentiality. Otherwise, those whose consciences are burdened may be too afraid or ashamed to seek and find forgiveness for their sins. Just as legal professional privilege is necessary to enable a client to be completely open with his or her legal counsel, so also the confidentiality of confessions encourages full disclosure from a penitent.

The historic law of our Church regarding the confidentiality of confessions is as set out in the Proviso to Canon 113 of the Canons of 1603. In most dioceses in Australia, this has been replaced by the Canon Concerning Confessions 1989, which is a modernised version of the 1603 Canon that for the most part mirrors the 1603 version.<sup>1</sup>

Proviso to Canon 113 of 1603	Canon Concerning Confessions 1989
Provided always, that if any man confess his secret and hidden sins to the minister, for the unburdening of his conscience, and to receive spiritual consolation and ease of mind from him; we do not in any way bind the said minister by this our Constitution, but do straitly charge and admonish him, that he do not at any time reveal and make known to any person whatsoever any crime or offence so committed to his trust and secrecy ...	If any person confess his or her secret and hidden sins to an ordained minister for the unburdening of conscience and to receive spiritual consolation and ease of mind, such minister shall not at any time reveal or make known any crime or offence or sin so confessed and committed to trust and secrecy by that person without the consent of that person.

While the 1603 Canon strongly urges confidentiality for what is revealed in a confession, this confidentiality was not absolute. The Proviso to Canon 113 recognised that confidentiality had to be maintained unless 'they [the sins confessed] be such crimes as by the laws of this realm his own life may be called into question for concealing the same'. For example, a 17<sup>th</sup> century minister who heard a confession of treason was not required to keep that confession confidential. This single exception is very important, because it establishes both that confidentiality is of the utmost importance, and also that exceptions could be made under extraordinary circumstances. At this point, the Anglican

<sup>1</sup> An important difference between the two canons is that the 1603 Canon allowed an exception to the principle of absolute confidentiality (as further discussed below).

understanding of the confessional is markedly different to the Roman Catholic understanding, in which the so-called ‘Seal of the Confessional’ allows no possible exceptions.<sup>2</sup> The single exception in the 1603 Canon demonstrates that, in a particular historical circumstance, it was not considered contrary to the doctrine of our Church for there to be an exception to the principle of strict confidentiality in certain extreme circumstances. As indicated above, however, that understanding of our doctrine was not articulated in the wording of the Canon of 1989.

### **An Exception for Confessions of Criminal Abuse of the Vulnerable?**

To be authentic in character, a confession of thoughts, words or actions needs to include a concern for any who might have been hurt or harmed by the matters confessed. In some cases it is a first step whereby the needs of others are addressed, and refusal to do so may bring the genuineness of the confession into question, and, in the view of some, thereby remove the obligation of confidentiality. We cannot separate our relationship with God from our relationship with others. Human existence is innately multi-dimensional, so sin is multi-dimensional, as is forgiveness.

The Biblical principle of love and the call to promote fullness of life calls us to do everything in our power to further the welfare of all, especially the vulnerable. In addition to the pastoral responsibility to minister to those who come in genuine repentance and seeking forgiveness, there is also an obligation to victims of past and present actions and potential victims of future actions. Where there is an irreconcilable tension between these two responsibilities, the pastoral priority must lie with the vulnerable in matters of abuse. Here we can identify an exception to the high calling of confidentiality in the confessional which is different in context but not unrelated in principle to the exception provided in the 1603 canons. It remains a limited and relatively specific provision and aligns with the priority that Jesus consistently gave to the vulnerable. There remains a lack of clarity as to whether the 1989 canon, in the current historical circumstances, pays sufficient attention to this priority of the vulnerable.

The Commission recognises that difficulties are posed by the lack of consistency in the civil law across Australia in relation to the priest-penitent privilege. Furthermore, the Church is subject to mandatory reporting rules which are in partial conflict with the 1989 Canon, and ministers may be compelled to give evidence before a Royal Commission, which may be subject to different evidentiary rules. While we are grateful that the civil law protects ministers from civil prosecution for non-disclosure of confessions in some jurisdictions, we believe that it will be sometimes be appropriate not to rely on these legal privileges, out of a consideration of the welfare of the vulnerable.

At the same time, we also recognise that the practice of confession depends on the expectation of confidentiality, and that to undercut confidentiality in a substantive way is likely to put an obstacle in the path of those who are in deep spiritual need. Ministers should keep in strictest confidence all that has been ‘committed to them in trust’ and should not reveal pastoral information to others or gossip. The national code of conduct, *Faithfulness in Service*, in para. 4.8 establishes confidentiality in pastoral relationships as a standard of ministerial behaviour. This expectation should only be relieved in exceptional cases involving ‘grave criminal offences involving the abuse of the vulnerable’.

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<sup>2</sup> According to Canon 983.1 of the Code of Canon Law, “[t]he sacramental seal is inviolable; therefore it is absolutely forbidden for a confessor to betray in any way a penitent in words or in any manner and for any reason.”

As noted above, the Proviso to Canon 113 of 1603 recognised that confidentiality had to be maintained unless ‘they [the sins confessed] be such crimes as by the laws of this realm his own life may be called into question for concealing the same’. This establishes both that confidentiality is of the utmost importance, and also that exceptions could be made under extraordinary circumstances. We now recognise that grave criminal offences involving abuse of a vulnerable person or persons may constitute such extraordinary circumstances as to override the pastoral imperative of confidentiality.

### **Recommendations**

The Doctrine Commission supports the March 2016 resolution of the national bishops,

*that a new form of the Canon Concerning Confessions Amendment Bill be promoted as a special bill at the 2017 session of General Synod, which addresses the concerns raised in relation to the 2014 Amendment Canon and takes into account subsequent discussions and the following recommendations. We recommend that the special bill be drafted in such a way as to give expression to the following key principles.*

- *The context in which every confession is heard is the desire of the penitent to be reconciled to God, to the church, and to those who have been harmed by their sin. We are therefore dealing with matters of eternal salvation.*
- *Priests are required to keep all matters disclosed in the context of a confession strictly confidential, except in cases of **grave criminal offences involving the abuse of a vulnerable person or persons**. After appropriate consideration, the strong imperative of confidentiality may be overridden in these exceptional circumstances.*
- *The decision as to what constitutes a **grave criminal offence involving the abuse of a vulnerable person** rests with the judgment of the priest who has heard the confession. If a priest is uncertain as to whether disclosure is permissible or appropriate, they should seek counsel from the bishop or a person appointed by the bishop for this purpose. This may be in the form of general advice, without the disclosure of identity or other particulars.*
- *The canon should be permissive ('may reveal'), not coercive ('must reveal') - E.g. '... that priest may reveal the contents of a confession to the civil and/or church authorities.'*

The Doctrine Commission of the Anglican Church of Australia  
March 2016.

## ATTACHMENT 2

### CANON CONCERNING CONFESSIONS 1989

#### Canon 10, 1992<sup>1</sup> as amended by Canon 11, 2014

#### A canon concerning confessions.

The General Synod prescribes as follows:

1. This canon may be cited as "Canon concerning confessions 1989".
  - 2.<sup>2</sup> Subject to section 2A, if any person confess his or her secret and hidden sins to an ordained minister for the unburdening of conscience and to receive spiritual consolation and ease of mind, such minister shall not at any time reveal or make known any crime or offence or sin so confessed and committed to trust and secrecy by that person without the consent of that person.
- 2A.<sup>3</sup> (1) In this section -
- "child"** means a person under the age of 18 years;
- "child abuse"** has the same meaning as in the *National Register Canon 2007*;
- "child exploitation material"** 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*;
- "ordained minister"** has the same meaning as "clergy";
- "police"** means the Australian Federal Police or the police service of a State or Territory of Australia;
- "serious offence"** means a criminal offence of the Commonwealth, of a State or of a Territory, or of another country which is equivalent to such a criminal offence of the Commonwealth, of a State or of a Territory:
- (a) involving child abuse; or
  - (b) involving child exploitation material; or

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<sup>1</sup> This canon was passed provisionally as Canon P3, 1989.

<sup>2</sup> Amended by Canon 11, 2014.

<sup>3</sup> Inserted by Canon 11, 2014.

(c) punishable by imprisonment for life or for a term of 5 years or more.

5 (2) Subject to subsection (3), where a person confesses that he or she has  
committed a serious offence an ordained minister is only obliged to keep  
confidential the serious offence so confessed where the ordained minister is  
reasonably satisfied that the person has reported the serious offence to the  
10 police and, if the person is a church worker or a member of the clergy, to the  
Director of Professional Standards.

(3) An ordained minister may reveal the conduct so confessed to a professional  
15 advisor for the purpose of obtaining advice as to whether that conduct  
constitutes a serious offence.

(4) It is a defence to a charge of breach of discipline or any offence against the  
ordained minister arising from his or her disclosure to any person of the  
conduct so confessed that does not constitute a serious offence that the  
ordained minister in good faith believed that the conduct did constitute a  
20 serious offence.

3. The proviso to canon numbered 113 of the Canons of 1603, and any other law of  
this Church concerning the making of confessions to an ordained minister, in so  
far as the same may have any force, shall have no operation or effect in this  
25 Church.

4. 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 this canon by ordinance of the synod of the diocese.  
30