

Church Ministry (Confessions) Ordinance 1993

Explanatory Statement

Introduction

1. The bill ("Bill") for the Church Ministry (Confessions) Ordinance 1993 has two purposes –
 - (a) to adopt General Synod Canon No. 10 of 1992 ("Canon"); and
 - (b) to make the relevant provisions of the Canon a schedule to the Church Ministry Ordinance 1993.
2. Comments on the consequences of the Synod making provisions of the Canon a schedule to the Church Ministry Ordinance 1993 are set out in the explanatory statement for the Church Ministry Ordinance 1993.

Canon No. 10 of 1992

3. The Canon was passed by the General Synod of the Anglican Church of Australia in 1992. The Canon is in the same terms as provisional canon No. P3 of 1989 which received the assent of the Sydney Synod in 1990. The text of the Canon is set out in the Schedule to the Bill. The purpose of the Canon is to update and restate the rules of the church dealing with confessions and to render old law inapplicable.
4. Section 2 of the Canon provides that if a person confesses a secret or hidden sin to an ordained minister for the unburdening of conscience and to receive spiritual consolation and ease of mind, the minister must not at any time reveal or make known any crime, offence or sin confessed without the consent of that person.
5. Under section 3 of the Canon, all law concerning the making of confessions including the proviso to Canon 113 of the Canons of 1603 in so far as it has effect ceases to have operation or effect. The proviso to Canon 113 was in the following terms –

"That if any man confess his secret and hidden sins to the minister for the unburdening of conscience, and to receive spiritual consolation and ease of mind from him; we do not 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, (except they be such crimes as by the laws of this realm his own life may be called into question for concealing the same) under pain of irregularity."

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6. Under the Bill section 2 of the Canon will become a schedule to the Church Ministry Ordinance 1993.

Recommendation

7. The Standing Committee recommends that the Synod pass the Bill as an ordinance.

For and on behalf of the Standing Committee

MARK PAYNE
Legal Officer

1 September 1993