

CANON CONCERNING CONFESSIONS 1989 (VULNERABLE PERSONS)

Incorporating in full the provisions of the Canon Concerning Confessions 1989 as incorporated and modified for the purpose of confessions relating to conduct constituting abuse of a vulnerable person.

**Canon 10, 1992¹ as amended by
Canon 11, 2014²
Canon 16, 2017
Canon 17, 2017³**

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:⁴

The General Synod prescribes as follows:

1. This canon may be cited as "Canon concerning confessions 1989".
- 2.⁵ 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.^{6,7} (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;

¹ This canon was passed provisionally as Canon P3, 1989.

² Repealed by Canon 16, 2017.

³ Provides an alternative version of the Canon including reference to vulnerable persons.

⁴ Added by Canon 16, 2017.

⁵ Amended by Canon 16, 2017.

⁶ Added by Canon 16, 2017.

⁷ Amended by Canon 17, 2017.

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:

- (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)⁸ 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 only 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)⁹ 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.

⁸ Amended by Canon 17, 2017.

⁹ Amended by Canon 17, 2017.

- (4)¹⁰ 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.
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.

¹⁰ Replaced by Canon 17, 2017.