

Proposed Canonical amendments:

Add the following definition to the definition section in Article 1:

“*Member of the Trial Court*” means a person appointed by Diocesan Council to serve on the ecclesiastical Trial Court of the Diocese.

The text between the existing Section 3, Article 4, Canon 3.4.3 and Canon 3.4.5 would be replaced with the following:

3.4.4 Concerning Courts for the Trial of a Presbyter or Deacon

- a) In ANiC there shall be an ecclesiastical Trial Court for the trial of any Presbyter or Deacon subject to the jurisdiction of ANiC.
- b) The mode of conducting trials shall be established by policy of the Diocesan Council.
- c) In case of conviction by the Trial Court, unless the accused agrees in writing to waive such period, the Diocesan Bishop shall not proceed to sentence the accused before the expiration of thirty (30) days after he shall have been served with notice of the decision of the court, nor in case an appeal is taken shall sentence be pronounced pending the hearing and determination of such appeal.

3.4.5 Appointment of members of the ecclesiastical Trial Court

- a) Diocesan Council will appoint a minimum of three and a maximum of nine persons to serve as members of the ecclesiastical Trial Court, after consultation with and the consent of the Bishop.
- b) Diocesan Council will ensure that at least one-third of the members of the Trial Court are ANiC clergy and at least one-third are Lay members as defined in these canons.
- c) Appointments to the Trial Court can be made throughout the year.
- d) At all times, there must be a minimum of three members of the Trial Court available in the event of a trial. Of the three available members, there must be one Lay and one ANiC clergy member of the Trial Court.
- e) To be eligible for appointment as a member of the Trial Court, a person:
 - i. must be an adult as defined by the laws of their jurisdiction of habitual residence;
 - ii. must be a Lay member or ANiC clergy as defined in these canons;
 - iii. must have not been convicted of any indictable offence under the *Criminal Code of Canada*, or of an offence in any jurisdiction which could be an indictable offence under the *Criminal Code of Canada*; and

- iv. must not have been convicted of any offence under the canons of any jurisdiction within ACNA.
- f) Members of the Trial Court shall be appointed for a renewable three-year term starting from the date of their appointment.
- g) Members of the Trial Court cannot serve for more than three consecutive terms, but are eligible for reappointment to Court after three years.
- h) If there is a trial that is ongoing at the moment of reappointment or at the end of a member's term and the member is appointed to a panel for the trial, the member of the Trial Court must complete the trial before terminating their appointment.

3.4.6 Termination of a member of the Trial Court

- a) A member of the Trial Court who is unable to complete their term for any reason must inform Diocesan Council in writing as soon as is practicable.
- b) Diocesan Council can terminate the appointment of a member of the Trial Court if there is evidence of illegal or immoral activity, for activity contrary to these canons, for not disclosing a conflict of interest, or any conduct which can have the appearance of bringing the administration of justice into disrepute.
- c) Termination for any of the reasons listed in this canon can occur at any point in time.
- d) If Diocesan Council terminates the appointment of a member of the Trial Court under (b) and the member was involved in an ongoing trial, the replacement of the member on the panel or the recommencement of the trial will be dealt with pursuant to the Rules of Procedure of the Diocesan Trial Court established under Canon 3.4.8 of these Canons.
- e) If any member of the Trial Court becomes incapacitated or dies in the course of an ongoing trial, the matter will be dealt with pursuant to the Rules of Procedure of the Trial Court.
- f) Death or permanent mental incapacity has the effect of automatically terminating a member's appointment to the Trial Court.

3.4.7 Appointment of Panel

In the event of a presentment, the Diocesan Council will appoint a panel of three members of the Trial Court to hear and judge the merits of the allegations. The panel must contain at least one Lay and one ANiC clergy member of the Trial Court.

3.4.8 Policies concerning the ecclesiastical Trial Court

- a) Diocesan Council can determine by policy all other matters with respect to the Trial Court, including the rules of procedure, the composition of the court, the requirements of the members of the Trial Court, the mode of trial and any other thing needed for the ecclesiastical Trial Court of the Diocese to fulfill its purpose.
- b) Any policies made under this canon are to be accessible upon request.

3.4.9 Delay before Sentencing Accused

In case of conviction by the Trial Court, unless the accused agrees in writing to waive such period, the Diocesan Bishop shall not proceed to sentence the accused before the expiration of thirty (30) days after he shall have been served with notice of the decision of the court, nor in case an appeal is taken shall sentence be pronounced pending the hearing and determination of such appeal.

Motions for Synod to make Canonical amendments:

Motion #1:

Be it resolved that the following definition be added to Article 1 in Section 1 in alphabetical order:

“Member of the Trial Court” means a person appointed by Diocesan Council to serve on the ecclesiastical Trial Court of the Diocese.

Motion #2:

Be it resolved that the following canons be inserted in Section 3, Article 4, after Canon 3.4.4:

3.4.5 Appointment of members of the ecclesiastical Trial Court

- a) Diocesan Council will appoint a minimum of three and a maximum of nine persons to serve as members of the ecclesiastical Trial Court, after consultation with and the consent of the Bishop.
- b) Diocesan Council will ensure that at least one-third of the members of the Trial Court are ANiC clergy and at least one-third are Lay members as defined in these canons.
- c) Appointments to the Trial Court can be made throughout the year.
- d) At all times, there must be a minimum of three members of the Trial Court available in the event of a trial. Of the three available members, there must be one Lay and one ANiC clergy member of the Trial Court.
- e) To be eligible for appointment as a member of the Trial Court, a person:
 - i. must be an adult as defined by the laws of their jurisdiction of habitual residence;
 - ii. must be a Lay member or ANiC clergy as defined in these canons;
 - iii. must have not been convicted of any indictable offence under the *Criminal Code of Canada*, or of an offence in any jurisdiction which could be an indictable offence under the *Criminal Code of Canada*; and
 - iv. must not have been convicted of any offence under the canons of any jurisdiction within ACNA.
- (f) Members of the Trial Court shall be appointed for a renewable three-year term starting from the date of their appointment.
- (g) Members of the Trial Court cannot serve for more than three consecutive terms, but are eligible for reappointment to Court after three years.
- (h) If there is a trial that is ongoing at the moment of reappointment or at the end of a member’s term and the member is appointed to a panel for the trial, the member of the Trial Court must complete the trial before terminating their appointment.

3.4.6 Termination of a member of the Trial Court

- a) A member of the Trial Court who is unable to complete their term for any reason must inform Diocesan Council in writing as soon as is practicable.
- b) Diocesan Council can terminate the appointment of a member of the Trial Court if there is evidence of illegal or immoral activity, for activity contrary to these canons, for not disclosing a conflict of interest, or for any conduct which could have the appearance of bringing the administration of justice into disrepute.
- c) Termination for any of the reasons listed in this canon can occur at any point in time.
- d) If Diocesan Council terminates the appointment of a member of the Trial Court under (b) and the member was involved in an ongoing trial, the replacement of the member on the panel or the recommencement of the trial will be dealt with pursuant to the Rules of Procedure of the Trial Court established under Canon 3.4.8 of these Canons.
- e) If any member of the Trial Court becomes incapacitated or dies in the course of an ongoing trial, the matter will be dealt with pursuant to the Rules of Procedure of the Trial Court.
- f) Death or permanent mental incapacity has the effect of automatically terminating a member's appointment to the Trial Court.

3.4.7 Appointment of Panel

In the event of a presentment, the Diocesan Council will appoint a panel of three members of the Trial Court to hear and judge the merits of the allegations. The panel must contain at least one Lay and one ANiC clergy member of the Trial Court.

3.4.8 Policies concerning the ecclesiastical Trial Court

- a) Diocesan Council can determine by policy all other matters with respect to the Trial Court, including the rules of procedure, the composition of the court, the requirements of the members of the Trial Court, the mode of trial and any other thing needed for the ecclesiastical Trial Court of the Diocese to fulfill its purpose.
- b) Any policies made under this canon are to be accessible upon request.

Motion #3:

Be it resolved that paragraph (c) in Canon 3.4.4 be removed, renumbered as 3.4.9 with the heading “Delay before Sentencing Accused” and added in the appropriate numerical order after Canon 3.4.8.

Motion #4:

Be it resolved that Section 3, Article 4, Canon 3.4.5 to Canon 3.4.12 inclusive be renumbered as follows:

- (a) Canon 3.4.5 will be renumbered as Canon 3.4.10;
- (b) Canon 3.4.6 will be renumbered as Canon 3.4.11;
- (c) Canon 3.4.7 will be renumbered as Canon 3.4.12;
- (d) Canon 3.4.8 will be renumbered as Canon 3.4.13;
- (e) Canon 3.4.9 will be renumbered as Canon 3.4.14;
- (f) Canon 3.4.10 will be renumbered as Canon 3.4.15;
- (g) Canon 3.4.11 will be renumbered as Canon 3.4.16; and
- (h) Canon 3.4.12 will be renumbered as Canon 3.4.17.

Motion #5:

It is moved that all motions adopted at this and all previous Synods of this Diocese, including any amendments that may have been made to either the Constitution or the Canons of this Diocese are hereby affirmed, confirmed and ratified where necessary.

Current Canon	Proposed amendments
<p>3.4.4 Concerning Courts for the Trial of a Presbyter or Deacon</p> <p>(a) In ANiC there shall be an ecclesiastical Trial Court for the trial of any Presbyter or Deacon subject to the jurisdiction of ANiC.</p> <p>(b) The mode of conducting trials shall be established by policy of the Diocesan Council.</p> <p>(c) In case of conviction by the Trial Court, unless the accused agrees in writing to waive such period, the Diocesan Bishop shall not proceed to sentence the accused before the expiration of thirty (30) days after he shall have been served with notice of the decision of the court, nor in case an appeal is taken shall sentence be pronounced pending the hearing and determination of such appeal.</p>	<p><i>Move and renumber (c).</i></p> <p>3.4.4 Concerning Courts for the Trial of a Presbyter or Deacon</p> <p>(a) In ANiC there shall be an ecclesiastical Trial Court for the trial of any Presbyter or Deacon subject to the jurisdiction of ANiC.</p> <p>(b) The mode of conducting trials shall be established by policy of the Diocesan Council.</p> <p>(c) In case of conviction by the Trial Court, unless the accused agrees in writing to waive such period, the Diocesan Bishop shall not proceed to sentence the accused before the expiration of thirty (30) days after he shall have been served with notice of the decision of the court, nor in case an appeal is taken shall sentence be pronounced pending the hearing and determination of such appeal.</p>
	<p><i>Add the following text:</i></p> <p>3.4.5 Appointment of members of the ecclesiastical Trial Court</p> <p>(a) Diocesan Council will appoint a minimum of three and a maximum of nine persons to serve as members of the ecclesiastical Trial Court, after consultation with and the consent of the Bishop.</p>

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| | <ul style="list-style-type: none">(b) Diocesan Council will ensure that at least one-third of the members of the Trial Court are ANiC clergy and at least one-third are Lay members as defined in these canons.(c) Appointments to the Trial Court can be made throughout the year.(d) At all times, there must be a minimum of three members of the Trial Court available in the event of a trial. Of the three available members, there must be one Lay and one ANiC clergy member of the Trial Court.(e) To be eligible for appointment as a member of the Trial Court, a person:<ul style="list-style-type: none">i. must be an adult as defined by the laws of their jurisdiction of habitual residence;ii. must be a Lay member or ANiC clergy as defined in these canons;iii. must have not been convicted of any indictable offence under the <i>Criminal Code of Canada</i>, or of an offence in any jurisdiction which could be an indictable offence under the <i>Criminal Code of Canada</i>; andiv. must not have been convicted of any offence under the canons of any jurisdiction within ACNA.(f) Members of the Trial Court shall be appointed for a renewable three-year term starting from the date of their appointment.(g) Members of the Trial Court cannot serve for more than three consecutive terms, but are eligible for reappointment to Court after three years. |
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- (h) If there is a trial that is ongoing at the moment of reappointment or at the end of a member's term and the member is appointed to a panel for the trial, the member of the Trial Court must complete the trial before terminating their appointment.

3.4.6 Termination of a member of the Trial Court

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- (b) Diocesan Council can terminate the appointment of a member of the Trial Court if there is evidence of illegal or immoral activity, for activity contrary to these canons, for not disclosing a conflict of interest or for any conduct which could have the appearance of bringing the administration of justice into disrepute.
- (c) Termination for any of the reasons listed in this canon can occur at any point in time.
- (d) If Diocesan Council terminates the appointment of a member of the Trial Court under (b) and the member was involved in an ongoing trial, the replacement of the member on the panel or the recommencement of the trial will be dealt with pursuant to the Rules of Procedure of the Diocesan Trial Court established under Canon 3.4.8 of these Canons.
- (e) If any member of the Trial Court becomes incapacitated or dies in the course of an ongoing trial, the matter will be dealt with pursuant to the Rules of Procedure of the Trial Court.

	<p>(f) Death or permanent mental incapacity has the effect of automatically terminating a member's appointment to the Trial Court.</p> <p>3.4.7 Appointment of Panel</p> <p>In the event of a presentment, the Diocesan Council will appoint a panel of three members of the Trial Court to hear and judge the merits of the allegations. The panel must contain at least one Lay and one ANiC clergy member of the Trial Court.</p> <p>3.4.8 Policies concerning the ecclesical Trial Court</p> <p>(a) Diocesan Council can determine by policy all other matters with respect to the Trial Court, including the rules of procedure, the composition of the court, the requirements of the members of the Trial Court, the mode of trial and any other thing needed for the ecclesiastical Trial Court of the Diocese to fulfill its purpose.</p> <p>(b) Any policies made under this canon are to be accessible upon request.</p>
	<p><i>Take text from paragraph (c) Canon 3.4.4 and renumber it to 3.4.9.</i></p> <p>3.4.9 Delay before Sentencing Accused</p> <p>In case of conviction by the Trial Court, unless the accused agrees in writing to waive such period, the Diocesan Bishop shall not proceed to sentence the accused before the expiration of thirty (30) days after he shall have been served</p>

	with notice of the decision of the court, nor in case an appeal is taken shall sentence be pronounced pending the hearing and determination of such appeal.
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