

Questions and Answers under Standing Order 27

1. Parish assessment rates

Dr Laurie Scandrett asked –

- (a) For a Parish what has been the “assessment percentage rate” that was passed by this Synod in the Synod Appropriation Ordinances in 1994 (for 1995), 1995 (for 1996), 1996 (for 1997) and 1997 (for 1998)?
- (b) What “assessment percentage rate” is proposed for the year 1999 in the 1998 Ordinance?
- (c) Is any justification for this year’s proposed “assessment percentage rate” included in the report on the Synod Appropriations Ordinance 1998?
- (d) What would be the difference to the total assessments raised next year if the formula agreed to by this Synod in 1997 is used instead of that currently proposed in the draft 1998 Ordinance?

To which the President replied –

- (a) The relevant Synod Appropriations Ordinances for the years sought indicate for a parish –

1994 for 1995	3.5% of net receipts over \$200,000 (or a minimum charge of \$7,000 whichever is the greater)
1995 for 1996	3.5% of net receipts over \$237,143 (or a minimum charge of \$8,300 whichever is the greater)
1996 for 1997	4% of net receipts over \$248,750 (or a minimum charge or \$9,950 whichever is the greater)
1997 for 1998	4.3% of net receipts over \$70,000 (plus a minimum charge of \$8,810)

The % rates above isolated from the rest of the elements of the formula used in these years is not strictly comparable. For example 1997 (for 1998) is a completely different formula from the other three.
- (b) 4.95 % of net receipts over the threshold of \$73,000 (plus minimum charge of \$8,535).
- (c) Yes, relevant parts of items 4.1 and 4.5 on pages 305/6 of the report. The % rate is the final or balancing element of the formula after calculating recoveries from minimum charges, extra clergy charges and allowing for possible changes to the estimates. The increase is to achieve full cost recovery in 1999 and pay for 50% minimum charge reduction for the provisional parishes.
- (d) The formula being used is as agreed by Synod in 1997 except that the rates and charges are different because costs have changed and full cost recovery will be achieved in 1999. Presumably the question intended to ask that last years minimum charge, income threshold and percentage rate be applied again in 1999.

If this is what was intended then –

total recoveries raised would be	\$3,559,000
Short Fall	\$ (31,000)

To use last years minimum charge makes little sense as costs have changed. For example, there is no sexual misconduct protocol grant proposed for 1999, insurance has decreased, superannuation has increased. Further, the “integrity” of the justifiable minimum charge and the agreed formula would be undermined.

2. General Synod Office Space

Mr Wayne Winchester asked –

With respect to the provision for the payment of the General Synod Assessment, for the years 1996, 1997 and 1998 –

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- (a) What rent is charged to the General Synod office for the use of office space in St. Andrew's House?
- (b) Does the General Synod office receive the benefit of subsidy extended to some church tenants?
- (c) If answer to (b) is yes, how much is this subsidy?

To which the President replied –

- (a) 1996 \$45,057
1997 \$46,184
1998 \$46,184
- (b) Yes.
- (c) 1996 \$24,862
1997 \$25,345
1998 \$26,793

In its report to the Synod on the Appropriations Ordinance the Standing Committee has never linked the granting of a rent subsidy to its recommendation concerning its payment of the General Synod Statutory Assessment or the amount of the grants to any other organisation.

3. Net Receipts of Parishes

The Rev Dr John Bunyan asked –

- (a) With reference to the net receipts of parishes and provisional parishes listed from page 312 of the Synod papers, in which cases do these include moneys received from the Diocese including Regional Councils and Anglicare by way of subsidy and financial support for any purpose, and what are the total amounts received in that way by each of those particular parishes and provisional parishes?
- (b) Has any consideration been given by the Archbishop or Standing Committee to following the example of Melbourne Diocese and appointing an appropriate person to assist members of the clergy in funding short-term or long-term locums during any intended absence and to record the names of clergy available for locum ministry?
- (c) What percentage of a Rector's stipend was paid by a parish each year for the purposes of superannuation in 1978 and what percentage is paid in 1998?

To which the President replied –

- (a) Grants from the Archbishop's Vision 2001 Appeals, the Sydney Anglican Home Mission Society, the Regional Councils and the Endowment of the See are excluded from Net Receipts pursuant to proviso (vii) of clause 3 of the Assessment Authorisation Ordinance 1975. There may be subsidies or financial support paid to parochial units by other parishes or diocesan organisations but such receipts may not be separately shown as such in parish audited accounts. This information could only be determined by requesting it from each parish council.
- (b) No, because our current practice is for the Regional Archdeacons to assist incumbents in arranging suitable locum tenens to cover absences. They are aware of the availability of suitable clergy for these positions.
- (c) 1978 The amount of the superannuation contribution payable by the parish was \$253.80 per annum. It is difficult to say what this represents as a percentage of the recommended minimum stipend for an incumbent because it was calculated on a sliding scale according to the number of years in holy orders and the age of the incumbent. However, the superannuation contribution was about 3.4% of the recommended minimum stipend for a second year minister. Also, the minister and the diocese each made a contribution of an amount equal to the parish contribution. Therefore for a second year minister the total of the superannuation contributions was about 10% of the recommended minimum stipend.
1998 17% of the minimum stipend. No personal contribution is required to be made.

4. Deductions under the Assessment Authorisation Ordinance 1975

Mr John Pascoe asked –

- (a) Clause 4 of the Assessment Authorisation Ordinance 1975 lists the Allowable Deductions of a Parochial Unit from assessment - are the terms “missionary societies” and “other extra parochial bodies” found in Clause 4(d) defined in this or any other ordinance, and if so how and where are they defined?
- (b) If these terms are not defined in this or any other ordinance how and by who are they interpreted?
- (c) Has there been any determination that the “missionary societies” and “other extra parochial bodies” referred to in Clause 4(d) must be “Anglican bodies”?
- (d) If there is such a determination how is the term “Anglican body” defined?
- (e) Is this definition used consistently in allowing deductions (or otherwise) and determining the “Net Receipts” of a parish?
- (f) Would the insertion of several new definitions in Clause 2 of the Assessment Authorisation Ordinance 1975 be an appropriate way of making clear how “Anglican” (or otherwise) “missionary societies” and “other extra parochial bodies” need to be?

To which the President replied –

- (a) No.
- (b) They are interpreted in accordance with determinations of the Chancellor of the Diocese by the Assessments Officer, Finance Committee of Standing Committee and, in case of dispute by the Chancellor of the Diocese pursuant to clause 12.
- (c) Yes, by the Chancellor of the Diocese in response to several disputes raised by parishes.
- (d) The Chancellor has determined as follows -

'The meaning of 'other extra parochial bodies' in Clause 4(d) of the Ordinance must be determined having regard to its context in the Ordinance as a whole. ...in my view the [organisation in question] is extra parochial within Clause 4(d) ... because it is not under the control of the Parish. ... It is apparent that it is not an Anglican body, but rather an ecumenical one made up of representatives of a number of Christian Churches in the area. Accordingly it is an extra parochial body ... however this conclusion does not mean that the Parish is entitled to the deductions claimed. A Roman Catholic or Uniting Church institution operating inside or outside the Parish would be extra parochial in this sense, but amounts paid to such institutions would not be allowable as deductions under Clause 4(d). Equally amounts paid to Roman Catholic or Uniting Church or other non-Anglican missionary societies would not be deductible under that paragraph either.

In my opinion the missionary societies and other extra parochial bodies referred to in Clause 4(d) are Anglican missionary societies and other extra parochial Anglican bodies.”

- (e) Yes.
- (f) This is a request for a legal opinion and is strictly out of order under Standing Order 27. However, the insertion of definitions in clause 2, the addition of sub-clauses in clause 4, the amendment of clause 4(d) and/or the inclusion of a schedule to list all approved societies and bodies may be appropriate dependent upon the amendments desired.

5. Statistics concerning male priests licensed to certain offices

Justice Keith Mason asked –

Approximately how many men in priests orders are licenced to positions in the Diocese other than as rectors?

To which the President replied –

In answering this question we have interpreted that the question refers to rectors and curates-in-charge.

There are currently 160 clergy in priests orders licensed in this category.

6. Expenditure on Sexual Misconduct Protocol

Mr Robert Shaw asked –

In the Statement of Income and Expenditure within the Standing Committee Report, what was the nature of the expenditure listed under “Protocol on Sexual Misconduct”, totalling a quarter of a million dollars?

To which the President replied –

The sum of \$250,000 as it appears in the accounts on pp.20-21 of the Standing Committee Report to the Synod represents a transfer of funds from the Synod Appropriations Ordinance 1996 to the Archbishops Sexual Misconduct Protocol to be available to pay for –

- (a) contact persons who are appointed by the Archbishop for victims of sexual misconduct by church workers
- (b) the provision of counselling for alleged victims and alleged perpetrators and others
- (c) the provision of administrative and legal resources
- (d) the provision of crisis costs
- (e) promulgation of the protocol.

The actual amount of expenditure on the items above in 1997 was \$61,590.

7. Use of the rectory at Bondi Beach

Mr Brian Gaetjens asked –

- (a) Why, despite the unanimous request of St Andrew's Churchwardens to Standing Committee to review as a matter of urgency the St Andrew's Bondi Beach Provisional Parish situation in terms of clause 7 (2) of the Parishes Ordinance 1979, has South Sydney Regional Council (to whom Standing Committee referred the request) declined to review the parish?
- (b) Why has Standing Committee and the Property Trust adopted a policy of allowing the continued occupancy of St Andrew's Bondi Beach rectory building by a separate non-parochial organisation, in apparent contravention of the trust covering the property, with no Ordinance allowing that occupancy and no signed licence agreement?

To which the President replied –

In the early 1990's a parish ministry initiative to persons with low income and victims of abuse was started in the Parish of Bondi under control of the rector and it was allowed to occupy the house attached to the branch church at St Andrew's Bondi Beach. The work has become well established and is accepted by the community.

In 1996 the Provisional Parish of Bondi Beach was created from the Parish of Bondi and the parish ministry initiative came under the control of the curate-in-charge of the Provisional Parish of Bondi Beach. It remained in the house. To clarify its legal status in order to obtain certain government funding and to seek a resolution to the dispute with the parish council, it later became an incorporated association separate from the parochial unit.

The answers to the specific question are –

- (a) The South Sydney Regional Council did review the matter as requested on 20 May 1998 and declined to resolve that the Provisional Parish of Bondi Beach should revert to the

ecclesiastical district from which it was taken or to assign it to an adjoining ecclesiastical district.

The Provisional Parish was created for three years and must be reviewed by 31 December 1999. The South Sydney Regional Council will review the provisional parish in 1999.

- (b) The Property Trust has a long standing policy of not requiring church land to have a specific trust to lease where the land is occupied by an external organisation in circumstances similar to those in question.

For many months the Property Trust has attempted to have a licence agreement signed between the parties without success.

8. Collection and publication of Parochial Statistics

Mr Robert Tong asked –

- (a) Are statistics such as attendances, baptisms, weddings and funerals still collected from parochial units?
(b) If yes, why is this information not published in the year book?

To which the President replied –

- (a) Yes
(b) Currently this information is collected by regional offices for regional use. Parochial statistics for 1992 appeared in the 1994 Year Book, parochial statistics have not appeared since. One major difficulty in a comprehensive collection of such information is the unwillingness of some parishes to provide it.

9. Donations to General Synod

Mr John Pascoe asked –

Would the “voluntary” payment by a parish of \$300 to General Synod suggested by motion 7(5) be an “allowable deduction” under Clause 4 of the Assessment Authorisation Ordinance 1975?

To which the President replied –

This is a request for a legal opinion and is strictly out of order under Standing Order 27.

10. Ordination of women as priests

The Rev Lindsay Johnstone asked –

Did the President in his Presidential Address 1998 intend us to understand that in the event of the Diocese passing an Ordinance authorising the ordination of women to the priesthood, one consequence would be that he would not refuse to ordain women to the priesthood on account of gender alone?

To which the President replied –

I intended the Synod to understand that my own personal convictions would not cause me to decline to sign into effect a Bill duly passed by the Synod permitting women to be made priests.

11. Licences of Diocesan Readers and Parish Readers

Dr Barry Newman asked –

Over the last seven years, how many Diocesan Readers and how many Parish Readers -

- (a) had their licences revoked and what were the reasons?
(b) surrendered their licences and what were the reasons, if any were given?
(c) had licences that became null and void due to death or any other reason?

To which the President replied –

In 1991 there were 364 Licensed Diocesan Readers and 376 Licensed Parish Readers.

As at 18 September 1998 there were 156 Licensed Diocesan Readers and 371 Licensed Parish Readers.

Statistics are not kept which would provide answers to these questions.

12. St John's Darlinghurst: talk by Ms McRae McMahon

The Rev Tom Halls asked –

- (a) Was the report on page 6 of the Sydney Morning Herald on Monday 12 October, 1998 accurate, when it quoted the chief executive of Anglican Media, Deaconess Margaret Rodgers as saying that “as far as she knew there were no objections from church hierarchy” to the address given on the Sunday before Synod in St John's Darlinghurst by Ms McRae McMahon, who is described in the article as a “lesbian Uniting Church minister”?
- (b) If it is correct, did the Darlinghurst church authorities seek permission to have this lady give that sermon?
- (c) If so, who gave permission on behalf of the Diocese, and why was that permission given, in the light of the Archbishop's strong affirmation of the Lambeth Conference stance on human sexuality?

To which the President replied –

- (a) Yes, as far as it went.
- (b) No, I am informed that Ms McMahon did not preach a sermon.
- (c) Not relevant.

13. Leases of retail property

Mr Malcolm Purvis asked –

- (a) Approximately how many retail leases are there currently on church trust property?
- (b) How many of these leases have signed or modified under Motion 13/96 which permits leases to licenced restaurants?

To which the President replied –

- (a) 64
- (b) None, however 1 is in the course of being modified.

14. Order of Service

The Rev Dr John Bunyan asked –

I respectfully ask with reference to statements concerning questions of Liturgy in your Grace's Presidential Address –

- (a) What are the “constitutional difficulties” involved in providing further orders of services and other liturgical resources in this Diocese, who would give the approval for the use of these, and would the giving of such approval be in accordance with the Constitution of the Anglican Church of Australia?
- (b) Could the legitimate and diverse needs of parishes be met, and in a mobile society a greater degree of Anglican common prayer be fostered, and any constitutional problems be avoided by developing a small collection of services of Morning and Evening Prayer and Holy Communion in book and in other suitable form, that -
 - (i) all represented not new services but lawful variations and deviations from the Book of Common Prayer, An Australian Prayer Book and A Prayer Book for Australia;

- (ii) that all were in simple user-friendly form;
 - (iii) that all allowed for reasonable flexibility;
 - (iv) that met the needs of a considerable number of church people by including in that same user-friendly form and with the same flexibility the Morning and Evening Prayer and Holy Communion of the Book of the Book of Common Prayer in the original language with only absolutely necessary verbal changes; and
 - (v) that could become a simple book to stand alongside other authorised books but without their complexity and so able to become a familiar aid to prayer and worship among church people generally and thereby of benefit not only in this Diocese but beyond its boundaries?
- (c) Can we be assured that any variations from the Communion services at present lawfully authorised in terms of the Constitution conform to the Communion doctrine of the 1662 Book of Common Prayer and the 39 Articles of Religion and to the doctrinally relevant rubrics of the 1662 Communion Office?

To which the President replied –

- (a) Under Section 4 of the Constitution of the Anglican Church of Australia a Bishop can only approve “deviations” from the Book of Common Prayer services or a prayer book that has been authorised by the General Synod. There is great doubt as to how far the power of deviation extends. Bishops have generally taken a broad view but this is by no means clear.
- (b) This is a request for an opinion and is strictly out of order under Standing Order 27. However, the proposal might fulfil the need envisaged if it was approved in accordance with the Constitution.
- (c) This is a request for a legal opinion and is strictly out of order under Standing Order 27. However, as far as I am aware the answer is yes.

15. Conference on Women’s Ministry

Mr Lloyd Edwards asked –

- (a) Is Synod to be given a report on the conference held in May on the ordination of women including a collation of the reports on the small groups discussions?
- (b) If so - when may we expect to receive it?

To which the President replied –

A report on the Conference on Women’s Ministry held at Trinity Grammar School in May this year appears on pages 81 to 83 inclusive of the Standing Committee’s Report to the Synod. Additional material is included on page 6 of the Standing Committee’s Supplementary Report. The Archbishop-in-Council does not propose reporting in detail on the responses made to it on behalf of small groups, by individual Synod members and by other interested persons concerning the question set out in item 9 on page 82 of the Standing Committee’s Report.

16. Statistics concerning female deacons

The Rev Denise Nicholls asked –

- (a) What is the number of licenced female deacons in Sydney Diocese?
- (b) How many of these female deacons are married?
- (c) How many female deacons are presently working in parishes?
- (d) How many female deacons in our Diocese are under 50 years of age?

To which the President replied –

- (a) 27
- (b) 4

(c) 12

(d) 17

17. Vision 2001 funding for Bondi Beach

Mr Brian Gaetjens asked –

While the Provisional Parish of Bondi Beach appreciates the 1997 Vision 2001 funding that enabled the employment of a full time minister and which contributed to the doubling of congregations and doubling of offertories over 1996 levels, why was promised 1998 Vision 2001 funding reduced in January 1998 and ceased in July 1998?

To which the President replied –

Strictly this question is out of order under Standing Order 27 (2) because it contains statements which purport to be fact which have been made without leave of the Synod. 2 years funding was promised with a reduced amount in the second year. The arrangement ceased when the licence of the curate-in-charge expired on 30 June 1998.

18. Statistical Returns

Mr Robert Tong asked –

For the years 1995, 1996 and 1997 –

- (a) How many parochial units failed to return statistical information requests?
- (b) If reasons were given for the refusal to return the forms what were they?

To which the President replied –

- (a) 1995 - 26
1996 - 31
1997 - 49
Total - 106

- (b) In most cases no reason was supplied. Where reasons were given they were as follows –
 1. On principle, because it is not printed in the year book.
 2. Ministry doesn't fit into the usual patterns.
 3. Never knew what use the material was going to be put, nor who would have access to it.
 4. Their publication in the past had not been a very pleasant or edifying experience.

19. Anglican/Roman Catholic Reconciliation

The Rev Bill Winthrop asked –

This question refers to the Day of Prayer for Anglican/Roman Catholic Reconciliation set down for 3 June 1998 and to the material relating to it is as circulated by the Archbishop on 6 May 1998.

- (a) Given that the official doctrine of the Roman Catholic Church has not changed substantially with regard to such fundamental gospel issues as salvation through grace alone, justification by faith in Jesus Christ alone, the primacy and sufficiency of Scripture and given Roman Catholic belief in the doctrine of the real presence of Christ in the Mass, and the partnership of Mary in that work which is ascribed in Scripture to the Son of God himself, does the Archbishop believe that those holding to the official doctrine of the Roman Catholic Church and those holding to the official doctrine of the Anglican church, are united in Christ, as stated in the resource material circulated for the "Day of Prayer"?
- (b) Given the Apostle Paul's condemnation of those who teach a false gospel (Galatians 1:9), given Paul's warning against the dangers of joining in false worship with non-believers (1

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Corinthians 10), and given the Apostle John's warning that those who welcome false teachers share in their wicked work (2 John 11), does the Archbishop believe that it is right to join in prayer with those who do not hold to the one true gospel?

To which the President replied –

This question is strictly out of order in the terms of Standing Order 27 because it contains statements which purport to be fact which have been made without leave of Synod, because it offers argument and opinion, and because it requests an opinion from the President. However because of the important issues raised I am happy to make some reply.

The questioner will be aware that the covering letter sent with the material to which he refers indicated that engagement in the prayer event and the use of the material supplied was at the discretion of each individual minister.

The proposed Day of Prayer was initiated by AUSTARC, the Australian Anglican Roman Catholic Conversation. They prepared the material for the day. This body has been set up in Australia to explore issues in much the same way as was done by ARCIC, the Anglican Roman Catholic International Commission, of which Bishop Donald Cameron was a member for a number of years.

Our representative on AUSTARC is Dr. Robert Doyle of Moore College, who exercises a creditable and much appreciated role within those conversations. As the material was prepared by AUSTARC, it seemed appropriate at least to inform parishes of the opportunity that would exist for joint prayer if they wished to participate.

In spite of the very real differences that exist in the official positions of the two Churches to which the questioner has drawn attention, we do seek association with Roman Catholics on a number of fronts when this appears appropriate. For example, in this Synod Mrs Judge has drawn our attention to the cooperative action of Anglicans and Roman Catholics in the sphere of bioethics. We were pleased to join with them in united opposition to legislation designed to permit euthanasia in Australia.

For purposes of better understanding and common action in appropriate areas, Anglican and Roman Catholic bishops in NSW meet annually. The Halifax-Portal lectures have been established to explore publicly issues of common concern for the two traditions. Anglicans and Roman Catholics have joined in services focusing on reconciliation with Australia's original inhabitants. We join together annually to honour members of the Police Force who have given their lives in serving the community. The Roman Catholic Church is represented in the National Council of Churches in Australia and in Sydney, the heads of churches meet from time to time to discuss matters of mutual concern.

We have, for a very long time, besought the Lord "to inspire continually the universal Church with the spirit of truth, unity and concord" and to grant "that they that do confess thy holy Name may agree in the truth of thy holy Word and live in unity and godly love". Therefore it seemed at least feasible that there would be some parishes that would wish to share the spirit and aspiration of that prayer with members of the Roman Catholic Church.

I have no desire to play down the real differences that exist between us. When Calvin contended that the bishop of Rome seen as the AntiChrist had his seat placed in the Temple of God, he nevertheless offered some recognition to those congregations in which, though Christ was hidden and half buried, the Lord preserves a remnant of his people. There will be a measure of personal judgement involved in discerning whether some similar recognition at the present time allows for a level of association which does not infringe the directions given by John. John's concern, in that particular context, was very specifically focused. My personal opinion is that progress towards effectively facing our real differences is more likely to occur in an atmosphere of mutual respect, prayer and open discussion than when we remain isolated and aloof. But I repeat, participation was clearly indicated to be voluntary.

The choice of the day in the Calendar recalling the death of the Ugandan Martyrs took on special meaning for those engaged in the debate on homosexuality at Lambeth. A Ugandan speaker created a dramatic moment in that debate by powerfully reminding everyone how those young believers chose death rather than submit to the improper desires of their king.

20. Withholding of Archbishop's assent to Synod ordinances

Mr Neil Ingham asked –

During the Episcopates of Archbishops Mowll, Gough, Loane, Robinson & Goodhew -

- (a) For each Episcopate, on how many occasions was the Archbishop's assent withheld from an ordinance duly passed by the Synod?
- (b) For each Episcopate, what were those ordinances?
- (c) For each ordinance, what were the reasons given for the withholding of assent?

To which the President replied –

I am informed the answer is as follows –

Section 5(c) of the Schedule to the Anglican Church of Australia Constitutions Act 1902 provides -

“no ordinance shall take effect or have any validity unless within one month after the passing of the same the Bishop shall signify assent thereto in writing provided that any ordinance to which the Bishop shall not assent may be referred by resolution of the Synod, to the Provincial Synod and if the Provincial Synod shall assent to the ordinance, the ordinance shall take effect on the Provincial Synod giving its assent.”.

The 6th of the 1902 Constitutions (now superseded by section 5(c)) provided to similar effect.

Section 5(c) (and, before it, the 6th of the 1902 Constitutions) implies that the bishop has a discretion to withhold assent to an ordinance. The section does not specify any limits on the circumstances in which assent may be withheld.

Archbishops Mowll and Gough did not withhold assent to an ordinance passed by the Synod during their episcopates. To date, I have not withheld assent to an ordinance passed by the Synod.

During his episcopate Archbishop Loane withheld assent to one ordinance of the Synod, being the Parishes Ordinance 1978. Assent was withheld because, during the committee stage, a new clause was added to the bill, the significance of which was “not easily or immediately grasped”. The bill was passed by the Synod in 1979 with the offending clause removed. Archbishop Loane then gave his assent.

Archbishop Robinson withheld assent to 4 ordinances of the Synod. Those ordinances, and the reasons assent was withheld, are as follows –

1. *General Synod - Ordination of Women to the Office of Deacon Canon 1985 Adopting Ordinance 1985.*

Archbishop Robinson withheld assent to this ordinance, which proposed the adoption of a canon to authorise the ordination of women as deacons, because he did not think that the canon was lawfully made by the General Synod.

Archbishop Robinson's reasons are set out in full on pages 265 to 266 of the 1987 Yearbook.

2. *Marriage of Divorced Persons Ordinance 1985.*

Archbishop Robinson withheld assent to this Ordinance since he considered that it represented a significant departure from the law of the Church as it has existed for many centuries –

- (a) It transferred to the authorised celebrant the dispensing power of the bishop in all cases of marriage of divorced persons, except where the celebrant or the divorced applicant for marriage chose to seek the consent of the bishop or his surrogate.
- (b) It left to the judgement of the celebrant (or of the bishop/surrogate, when applicable) the determination of whether a particular marriage of a divorced

person was or was not contrary to the teaching of the canonical scriptures or the will of God revealed therein.

Archbishop Robinson's reasons are set out in full on pages 262 to 265 of the 1987 Yearbook.

3. *General Synod - Defence Force Ministry Canon 1985 Adopting Ordinance 1985*

Archbishop Robinson withheld assent to this ordinance, which proposed adopting a canon concerning Defence Force Ministry, as he considered that the canon was unclear in several respects. In particular, the Archbishop was concerned about how the Primate could be given authority to grant a licence for a defence force chaplain to minister in Sydney.

Archbishop Robinson's reasons are set out on page 268 of the 1987 Yearbook.

4. *General Synod - Constitution Alteration (Canonical Fitness) Canon and Bill 1989 Assenting Ordinance 1990*

This ordinance sought to assent to a canon to amend the definition of "canonical fitness" in the Constitution. Archbishop Robinson withheld assent as he considered that one of the qualifications required for the office of bishop is that the person be male, and the proposed definition did not require this.

A brief report from the Standing Committee on the reasons assent was withheld is published on page 318 of the 1992 Yearbook.

21. Administration of baptism lay persons and deacons

The Rev Stephen Gibson asked –

In relation to our consideration of the Administration of Holy Communion by Lay Persons and Deacons, I would like to ask two questions concerning the other sacrament.

- (a) Are Lay Persons and Deacons presently permitted to administer the sacrament of Holy Baptism in our Diocese?
- (b) If the answer for either Lay Persons or Deacons is "No", is this a change in previous policy?

To which the President replied –

Deacons are permitted in circumstances as set out in the Book of Common Prayer. The Deaconesses, Readers and Other Lay Persons Ordinance 1981, clause 4(c) permits lay persons to *conduct the ministration of baptism in any church where the minister of the church is unable to perform the same*. This policy recognises that Lay Baptism, though not encouraged, is not disallowed in extreme circumstances. Some authorities issued under this Ordinance contain the clause 4(c) provision, but others do not. I have made the decision to no longer authorise lay people to conduct baptisms, as I do not see it as the role of non ordained people to minister the sacraments as any sort of general rule.

22. Parish of Bondi Beach

Mr Brian Gaetjens asked –

In answer to my questions on Monday, the President said (in part) that –

"The Property Trust has a long standing policy of not requiring church land to have a specific trust to lease where the land is occupied by an external organisation in circumstances similar to those in question."

- (a) How many "similar circumstances" are there in the Diocese where property 'held upon trust to be used for a Rectory or Parsonage' is being used by separate non-parochial organisations which are paying no rent or licence fee.
- (b) In making such rent free provisions for non-parochial organisations, especially if against the express wishes of Parish Council, does the Property Trust take into account the written Rules or Objectives of the organisations, especially if those Rules or Objectives may –

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- provide no or limited focus on Gospel outreach;
 - allow or encourage non-Christian membership of the body which elects the Leadership, allow or encourage non-Christian membership of the Leadership Committee, and allow or encourage non-Christians on the staff of that organisation.
- (c) Noting that David Jurd of the Property Trust advised by 28 March 1995 letter that in order to allow the Bondi Beach Rectory to be used by an independent incorporated body, an Ordinance would be required to vary the trust set out in the 1967 Bondi Beach Ordinance which states that the Rectory 'shall be held upon trust to be used for a Rectory or Parsonage', on what basis and when did the Property Trust formulate a policy to allow use of property 'held upon trust to be used for a Rectory or Parsonage' for another purpose, against the express wish of Parish Council or Churchwardens, without requiring an Ordinance to vary the trust.
- (d) What further actions can Bondi Beach Parish Council take to ensure that the Property Trust requires the current occupier of the Bondi Beach Rectory to either vacate the premises or accept and sign the Licence Agreement to which Parish Council has unanimously agreed and which would allow rent free use of the Rectory until 31 December 1999 (thereby agreeing to waive market rental of at least \$25,000 pa until that date) which is the date by which the Provisional Parish is due to be reviewed.
- (e) Does the Bishop, Archdeacon or Regional Council intend to replace the ministry of St Andrew's Bondi Beach Church, or to force the Church against the wishes of the elected representatives to amalgamate with, a separate non-parochial organisation by alienating our Rectory from the use for which the parishioners paid and purchased this building?

To which the President replied –

The extract given by the questioner from the previous answer "circumstances similar to those in question" referred to an external organisation occupying church land for a period of less than 24 hours in a day during any or all of 7 days a week. The previous answer did not intend to refer to any particular trust over the church land.

The previous answer gave a brief history of the "separate non-parochial organisation" referred to by the questioner. It started in 1993 as a minister controlled organisation (pursuant to clause 43 of the Church Administration Ordinance 1990). It occupied the rectory attached to the branch church of St Andrew's Bondi Beach rent free with the goodwill of the Minister and Parish Council of the Provisional Parish of Bondi. The organisation's creation and occupation of church land predated the creation of the Provisional Parish of Bondi Beach. The questioner wrote to the Property Trust on 17 May 1998 and stated in the appendix that "the actual operation of the (organisation) does have a strong Gospel focus, with the Christian members of staff having a concern for the salvation of (organisation) clients". Further, the work conducted by the organisation has become well accepted by the community and it is believed that its removal from this location would cause the Anglican Church's commitment to the community to be questioned.

For some years the Provisional Parish of Bondi has struggled financially. When the organisation commenced its work, it was in the hope that it would boost the health of the parish. Disputes occurred between the rector and the coordinators of the programme, in part because there were fundamental differences between the persons concerned about the ministry ethos or style. The Provisional Parish later asked the organisation to pay rent for the premises in order to help the financial situation of the parish.

In January 1996 the Provisional Parish promoted the Bondi Leasing Distribution Ordinance 1996 to authorise the distribution of income from a lease of part of St Matthew's Bondi church site used as a kindergarten under the Bondi Leasing Ordinance 1994. During the Standing Committee's deliberations about this ordinance the then Archdeacon raised the issue of the Bondi Beach organisation and its occupation of the rectory rent free, in order to encourage the provisional parish to use the kindergarten rent to relieve their financial circumstances. The Standing Committee requested the rector, parish council and churchwardens (and advised the Property Trust) to –

- (a) incorporate the organisation as a distinct legal entity; and

- (b) agree to allow the organisation to continue using the house rent free for the duration of the Bondi Leasing Ordinance 1994 (ie. Until December 2004).

Apparently, disputes between the parish leadership and the community centre continued during 1996. In December 1996 the organisation advised the Standing Committee that it was to be incorporated and sought permission to use a church name in the name of the incorporated body. The organisation also indicated that the Bondi Parish leadership intended a “parting of the ways” which would involve the organisation vacating the St Andrew’s rectory. The organisation sought the assistance of the Standing Committee to stop this occurring. Mindful of the possible damaging effect of the dispute on the work of the Anglican Church in Bondi, and on the work of the organisation, the Standing Committee –

- (a) requested the parish authorities not to take any action to effect a “parting of the ways”; and
(b) directed the Property Trust not to initiate or support any attempt to terminate the arrangements for the occupancy of the St Andrew’s Rectory without the approval of the Standing Committee.

With effect 1 January 1997 the Provisional Parish of Bondi Beach was created while the rectory was occupied by the organisation. The organisation came under control of the acting curate-in-charge of the Provisional Parish of Bondi Beach. Other accommodation was provided for the curate-in-charge as part of the arrangement to create the Provisional Parish.

In early December 1997 a petition was received from the members of the Provisional Parish of Bondi Beach requesting the Standing Committee to act to terminate the occupation of the rectory by the organisation. The Standing Committee received the petition and after some debate did not change its earlier decision. Since then the churchwardens have made continual requests to the Standing Committee questioning its decision and asking it to rescind it.

In late December 1997 the organisation became an incorporated association and therefore a “separate non-parochial organisation” in order to become a “legal entity” which could receive certain government funding and more importantly in an attempt to break the deadlock of the dispute with the parish.

Since May 1998 the Property Trust has attempted to have a licence agreement approved by both the organisation and the parish council. The organisation has agreed to the licence agreement terminating in December 2003 (one year earlier), even though it had a number of provisional parish controlled limitations. However, the parish council (consisting of the curate-in-charge and 3 churchwardens) has consistently refused to agree, even though the licence agreement provides that it would terminate if Standing Committee rescinded its earlier decision.

In answer to the questions –

- (a) Not known.
(b) In this case the organisation’s written Rules or Objectives were created long after its creation, after occupation of the rectory and after the creation of the Provisional Parish of Bondi Beach.
(c) David Jurd is the Property Trust’s Insurance Officer and was replying to a verbal question about a separate organisation occupying church land 24 hours per day for 7 days per week, ie, under a lease, not a licence agreement.
(d) To my knowledge nothing. The Property Trust does not wish to disregard a direction of the Standing Committee.
(e) I cannot answer about the intention of others.

23. Proposal for a restaurant in the St Andrew’s Cathedral Building

Mrs Beverly Earnshaw asked –

- (a) Is it true that there is a proposal before Standing Committee to allow an area within the St Andrew’s Cathedral building to be leased for use as a licensed restaurant?
(b) Where in the Cathedral building is it proposed to locate such a licensed restaurant?

To which the President replied –

- (a) Yes, the Glebe Administration Board is working on a proposal to convert the present Cathedral offices to a restaurant, coffee shop or cafe. However, the Cathedral Chapter will not give its consent to specific changes to and uses of the Cathedral buildings until it sees the proposals in final detail. It has, however, consented in principle to the proposal.
- (b) The Cathedral offices being mostly 20th century additions on the northern side of the Cathedral, replacing urinals that had been added in 1872.

24. Donations to non-Anglican organisations

Mr Bruce Piper asked –

- (a) Donations by parishes to which, if any, of the following non-Anglican organisations have been classified as extra-parochial and thus deductible under the Assessment Authorisation Ordinance 1975?

Bible Society

Missionary Aviation Fellowship

Wycliffe Bible Translators

Scripture Union

- (b) If allowed, on what basis were they allowed while deductions to other evangelical but non-Anglican organisations were denied?

To which the President replied –

- (a) None.
- (b) Not applicable.