

## 2010 Report of the Standing Committee

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### 1. Introduction

#### 1.1 Charter

The Standing Committee is constituted under the Standing Committee Ordinance 1897. Its duties arise under a number of ordinances and include the following –

- (a) making arrangements for the meetings of the Synod and preparing the Synod's business, and
- (b) acting as a council of advice to the Archbishop (the "Archbishop-in-Council"), and
- (c) considering and reporting upon matters referred to it by the Synod and carrying out the Synod's resolutions, and
- (d) deliberating and conferring upon all matters affecting the interests of the Church, and
- (e) making ordinances under delegated powers, and
- (f) preparing and administering parochial cost recoveries and Synod appropriations and allocations, and
- (g) appointing persons to fill casual vacancies among persons elected by the Synod to boards etc, and
- (h) monitoring the finances of diocesan organisations.

#### 1.2 Access

Meetings are held in the Chapter House, St Andrew's Cathedral. Mail should be addressed to "The Diocesan Secretary, Standing Committee of Synod, PO Box Q190, QVB Post Office NSW 1230" (telephone (02) 9265 1555; fax (02) 9261 4485; e-mail [rjw@sydney.anglican.asn.au](mailto:rjw@sydney.anglican.asn.au)). Office hours are 9 am to 5 pm.

A report on each meeting is published a few days after the meeting on the Secretariat's website at [www.sds.asn.au](http://www.sds.asn.au).

### **1.3 Meetings and members**

Since October 2009 we have met 10 times. The names of the members will be listed in the 2010 Diocesan Year Book and on the Secretariat's website at [www.sds.asn.au](http://www.sds.asn.au).

During the year, the following changes took place to the membership of the Standing Committee –

- Bishop Al Stewart ceased being a member *ex-officio* upon resigning as the Bishop of Wollongong. Bishop Peter Hayward became a member *ex-officio* upon being appointed as the new Bishop of Wollongong.
- Archdeacons Ken Allen and Deryck Howell ceased being members *ex-officio* upon their retirement and resignation.
- A vacancy arose in the position of a minister elected by the whole Synod upon the retirement of Canon Jim Ramsay. The Standing Committee elected Bishop Al Stewart to fill the vacancy.
- A vacancy arose in the position of a minister elected by the Georges River Region upon the resignation of the Rev Ted Brush. The Georges River Region elected the Rev Peter Lin to fill the vacancy.
- A vacancy arose in the position of a minister elected by the Georges River Region upon Canon Peter Hayward being appointed the Bishop of Wollongong. The Georges River Region elected the Rev Phillip Colgan to fill the vacancy.
- A vacancy arose in the position of a lay person elected by the Northern Region upon the resignation of Mr Ian Miller. The Northern Region elected Mr Michael Meek SC to fill the vacancy.
- A vacancy arose in the position of a lay person elected by the Western Sydney Region upon Mr Graeme Marks ceasing to be a member of the Synod. The Western Sydney Region elected Mr Lyall Wood to fill the vacancy.
- Mr Steve McKerihan ceased being a member *ex-officio* upon resigning as CEO of the Sydney Diocesan Secretariat and Glebe Administration Board.

### **1.4 Management and structure**

Each meeting of the Standing Committee is like a small Synod meeting. The major committees are –

Audit Committee	Ordination Training Fund Committee
Mission Board	Social Issues Executive
Finance Committee	Stipends and Allowances Committee
General Synod Canons Committee	Work Outside the Diocese Committee
Ordinance Reviewers and Panels	

Other committees are appointed from time to time for special tasks. We thank God for the faithfulness and expertise of the people who serve on our committees.

### **1.5 Resignation of Bishop Al Stewart as Bishop of Wollongong**

We placed on record our gratitude to Almighty God for the faithful, enthusiastic, energetic and exemplary ministry of Alan Stewart while serving as Bishop of Wollongong. We prayed that the fruit of his ministry will continue to grow and that he and his wife will make a smooth transition to his new role as Director of Evangelism Ministries. We asked God to use him to evangelise and to stir up evangelistic church planters throughout this Diocese and beyond.

### **1.6 Appointment of Canon Peter Hayward as Bishop of Wollongong**

We congratulated Canon Peter Hayward on his appointment as Bishop of Wollongong and extended our prayers and best wishes to Peter and his wife in their future ministry in the Wollongong region and beyond.

### **1.7 Retirement of Archdeacons Ken Allen and Deryck Howell**

We noted the retirement of Archdeacons Ken Allen and Deryck Howell at the end of November 2009, gave thanks for their great contribution to the Standing Committee. We asked for God's blessing upon them as they embark on the next phase of their ministry.

### **1.8 Resignation of Mr Steve McKerihan**

We noted with great sadness and regret the resignation of Mr Steve McKerihan as Chief Executive Officer of the Sydney Diocesan Secretariat and Glebe Administration Board. We gave thanks to God for his overtly Christian leadership of those organisations from 2007 to 2010. We appreciated that Steve led these organisations during a time of extreme difficulty arising out of the Global Financial Crisis and through all of this he sought to honour God and the gospel of our Lord Jesus Christ in all he did. We wished Steve and his wife God's richest blessings.

### **1.9 Resignation of Mr Ian Miller**

We noted the resignation of Mr Ian Miller as a longstanding member and thanked Mr Miller for his dedicated service for 25 years on the

Standing Committee including his role as an Ordinance Reviewer. We prayed for God's continued blessing on his ministry in this Diocese particularly as a member of the Sydney Diocesan Secretariat and Glebe Administration Board and as chairman of the Barker College Council.

### **1.10 Anglican Media Council**

We recorded our thankfulness to Almighty God for the ministry and leadership of Mr Allan Dowthwaite as Chief Executive Officer of Anglican Media Sydney from February 2004 until this year. We wished him all the best in his new ministry with the Centre for Public Christianity. We approved the appointment of Mr Russell Powell as the new Chief Executive Officer.

## **2. The Diocesan Mission**

### **2.1 Diocesan Mission Strategy**

In 2002, the Synod adopted the mission strategy for the Diocese including the following Mission Statement –

To glorify God by proclaiming our Saviour the Lord Jesus Christ in prayerful dependence on the Holy Spirit, so that everyone will hear his call to repent, trust and serve Christ in love, and be established in the fellowship of his disciples while they await his return.

The initial goal of the Mission adopted by the Synod is –

To see at least 10% of the population of the region of the Diocese in Bible-based churches in 10 years.

The fundamental aim of the strategy is –

To multiply Bible-based Christian fellowships, congregations and churches which equip and nurture their members and expand themselves, both in the Diocese and 'in all the world'.

The Mission Strategy continues to direct much of the work we have undertaken during the year.

### **2.2 Strategic Plan 2010 - 2012**

Last year the Synod considered the Strategic Directions 2010-2012 document. A key element in the strategy set out in this document is the need to build partnerships to further the Diocesan Mission – in particular partnerships between parishes, partnerships between parishes and organisations and partnerships between organisations. The strategy also envisages that all the resources of the Diocese should be harnessed for the Mission. In view of these elements of the strategy, we commenced a series of conversations with diocesan organisations to explore these issues.

### **2.3 Connect09**

The Connect09 campaign concluded at Easter this year.

A full report about Connect09 and its implications for the future is printed separately.

### **2.4 Mission Areas**

The Strategic Directions 2010-2012 document considered by the Synod last year outlined the creation of Mission Areas across the Diocese to better resource churches, to decentralise the Mission, to foster partnerships between parishes and to ensure we are not overlooking opportunities in our local areas. The Mission Areas are seen as the next stage of Connect09.

A full report about progress in implementing the Mission Areas initiative is printed separately.

### **2.5 Mission Property Fund**

We received quarterly progress reports from the Mission Property Committee about "brownfields" and "greenfields" projects we prioritised under the Mission Property Ordinance 2002. Of the \$8.6 million committed in 2008 to further specific brownfields projects in the Diocese, \$5.42 million of funding has been released from the Mission Property Fund for the purposes of these projects. This includes \$1.75 million released in November as a contribution to the new church building at St Barnabas' Broadway and \$900,000 released in August 2010 as a contribution to the new church building at St Mark's Berowra.

The Mission Property Committee also completed the acquisition of a new site for a ministry centre at Austral (Leppington). Negotiations for the purchase of another site in the north west development area are being finalised, and it is hoped that they will be successfully concluded in the near future. It is anticipated that at least one further site will be acquired in a new growth area of the Diocese within the next 12 months.

It is envisaged that the existing funds available for prioritised projects will be fully utilised within the next 12 months. We noted that the Mission Property Committee intends bringing recommendations about funding sources in due course. See items 4.5 and 8.24.

### **2.6 Principles for the development of ministry centres in new greenfields release areas**

During the year, the Mission Property Committee presented its latest Strategic Report pursuant to clause 9(1)(c) of the Mission Property Ordinance 2002. Following consideration of the Strategic Report we adopted as policy for the purposes of clause 9(3) of the Mission Property Ordinance 2002 the following principles relating to the

acquisition of land and the construction of ministry centres and ministry residences in new greenfields release areas –

- (a) An area of between 1 and 2 hectares (2.5 to 5 acres) is required in order to accommodate a ministry centre with a capacity to seat at least 300 and associated facilities.
- (b) Where possible and appropriate the design of the buildings should enable staged construction in line with growth in the congregation.
- (c) Off-street car parking should be provided at a rate of 1 car parking space per 2-3 seats of the capacity of the service area in the ministry centre.
- (d) Appropriate opportunities for the co-location of a ministry centre with a diocesan school or aged care facility should be considered.
- (e) Ministry residences should ideally be located within walking distance but not adjacent to the site of the ministry centre.

We deferred consideration of the terms under which ownership of the land should be transferred from the Mission Property Committee to a parish and the terms of any on-going funding commitments between the Mission Property Committee and a parish for this purpose.

### 3. Actions with the Archbishop

#### **3.1 Archbishop's Strategic Commission on Structure, Funding and Governance**

In March, the Archbishop informed us about the creation of an Archbishop's Strategic Commission on Structure, Funding and Governance. The Commission's terms of reference are as follows –

"In light of the serious potential downturn in distributions from the Diocesan Endowment and the amount available to the Endowment of the See, and the effect this may have on the ability of the Diocese to fund some of its essential work and services, to recommend to the Archbishop and the Standing Committee –

- (1) What steps should be taken to maximise the funds available, consistent with prudent management, and in particular what can be done to sustain funding for the Endowment of the See in 2011 and beyond?
- (2) What changes need to be made to the operations and interdependence of the Endowment of the See, Glebe Administration Board, Sydney Diocesan Secretariat, St Andrew's House

Corporation and Anglican Church Property Trust and any other Diocesan resources that might impact upon the task of the Commission in order to maintain the essential work while living within our means?

- (3) What changes should be made to the governance of these Diocesan bodies in order to improve their performance?

The Commission to offer an interim report within 3 months of its first meeting and a final report within 12 months.”

The Commission subsequently provided us with its interim report.

Having considered the interim report, we –

- endorsed the general direction proposed by the Commission in the report and requested that the Commission progress its work with relevant diocesan agencies, and
- requested motions be moved at the Synod about the sale of Bishopscourt (see item 4.14A) and about the progress of the work of the Commission, and
- requested that the Commission together with the Mission Board review the role and number of regional and assistant bishops by the year 2020 and investigate alternative sources of funding for such bishops.

A progress report about the work of the Commission is printed separately.

### **3.2 Estate of Late M.A. Grant (Sisters' Endowment)**

The Archbishop-in-Council appropriated \$30,000 from this Estate for distribution by the Archbishop to assist clergy, clergy widows and clergy children or orphans who are in need.

### **3.3 Parishes of South Sydney and Waverley – right of nomination**

The parishes of South Sydney and Waverley became vacant during the year but the Archbishop was unable to declare that either parish had complied with clause 5 of the Nomination Ordinance 2006. Both matters were referred to the Archbishop-in-Council which determined that, in the circumstances, the parish of South Sydney should not have the benefits under the Ordinance but the parish of Waverley should have such benefits.

### **3.4 Extension of retirement age of Archdeacon Narelle Jarrett**

Acting with the Archbishop, we extended the retirement age of Archdeacon Narelle Jarrett from 8 February 2010 to 8 February 2012 under clause 5(1)(b) of the Retirements Ordinance 1993.

### **3.5 Clarification and revision of rules relating to Alterations, Ornaments and Monuments**

By resolution 4/09, the Synod requested that we clarify and bring revisions to section 5.5 paragraph (a) of the Parish Administration Ordinance 2008 relating to Alterations, Ornaments and Monuments to the next session of the Synod. Specifically, Synod requested that those things requiring the Archbishop's approval in order to be added or taken away be defined more precisely and narrowly, enabling parishes to clear away clutter, free up storage space, and adapt their buildings for ministry efficiently, and without confusion or unnecessary procedural delays.

In response to Synod's request, the Archbishop-in-Council made new regulations under Rule 5.6 of Schedule 1 and Rule 5.5 of Schedule 2 of the Parish Administration Ordinance 2008.

### **3.6 Extra-parochial declaration for Nowra Anglican College**

The Archbishop-in-Council declared Nowra Anglican College to be extra-parochial under clause 7(1) of the School Chapels and Chaplains Ordinance 1975.

## **4. Financial and Property Administration**

### **4.1 Accounts, Audits and Annual Reports Ordinance 1995**

Organisations of the Synod which manage church trust property must report annually to the Synod. These reports include audited financial statements and must be lodged, together with a liquidity report, by 30 June each year. A different lodgement date has been approved for two organisations, Anglicare and Anglican Retirement Villages, whose financial year ends on 30 June.

Organisations are also required to provide us with certain internal management financial information during the year.

During the year we made a number of changes to the financial reporting and auditing practices for organisations. See item 4.19.

The annual reports and audited accounts for about 40 organisations will be tabled in the Synod. Any major problems found by the Finance Committee from a review of these accounts and the additional internal management financial information will be reported.

**4.2 Audited accounts for the Synod Fund**

The audited accounts for the Synod Fund are printed separately.

**4.3 Borrowing limits for organisations**

We approved the continuance of existing borrowing limits for 2 organisations.

**4.4 Ordination training fund**

From this Fund, bursaries are available to –

- (a) candidates studying through Moore Theological College or Youthworks College for ordination in Sydney, and
- (b) candidates studying through Moore Theological College or Youthworks College for commissioning as Diocesan Lay Workers in Sydney.

Bursaries of \$222,000 were paid in 2009 (\$257,990 in 2008).

**4.5 Ordinances**

The following table shows the number of ordinances passed and assented to in 2004 to 2009 and in 2010 to 15 September.

	2004	2005	2006	2007	2008	2009	2010
Standing Committee	48	50	48	45	38	27	24
Synod	6	8	5	3	6	13	0
	54	58	53	48	44	40	24

A separate report lists the ordinances passed by us since the 2009 session of the Synod. There are 7 ordinances of particular interest.

The Mission Property Ordinance 2002 Amendment Ordinance 2010 gave the Mission Property Committee a specific power to initiate fundraising activities and made a number of other amendments to the Mission Property Ordinance 2002 as a result of a general review of its operation. See item 8.24.

The Nomination Ordinance Amendment Ordinance 2010 enabled a deacon, who has been approved for ordination as a presbyter by the Archbishop, to be nominated to the Archbishop for appointment and licensing as the minister of a parish. If appointed, the deacon would be ordained presbyter prior to his being licensed as incumbent.

The Council of the College of Preachers (Variation of Trusts and Dissolution) Ordinance 2010 dissolved the Council of the College of Preachers and transferred its funds to the Council for Continuing Education for Ministers (or Ministry Training and Development). See item 5.8.

The Parish Administration Amendment Ordinance 2010 amended the rules for administering parishes, including in the areas of wardens' licensing of property, uncontested elections, parish council resolutions without a meeting, conflicts of interest, the definition of "member of the Anglican Church of Australia" and the exercise of regional archdeacons' functions by Regional Bishops or their delegates. See item 4.17.

The Accounts, Audits and Annual Reports Ordinance 1995 Amendment Ordinance 2010 modified the annual financial reporting and auditing standards required by the Synod of diocesan organisations and the financial information to be provided by diocesan organisations under clause 12 and 13 of the Accounts, Audits and Annual Reports Ordinance 1995. See item 4.19.

The Synod Appropriations and Allocations Ordinance 2010 provides for Synod appropriations and allocations for 2011. See item 4.9.

We passed the St James' Sydney Phillip Street Property Amendment Ordinance 2009 to make provision for the application of income from the building known as St James Hall in each of the years 2010 to 2014. We requested the Archbishop not to assent to the form of ordinance as passed until the parish council of the parish of King Street had given its consent to amendments we made to the ordinance. The parish subsequently declined to give its consent and accordingly the ordinance lapsed.

#### **4.6 Parochial cost recoveries - arrears**

As at 30 June 2010, there were no arrears of cost recovery charges for any parochial unit.

#### **4.7 Annual financial statements from parishes**

Under the Parish Administration Ordinance 2008, parochial units are required to lodge their audited financial statements within 7 days after their annual general meeting of parishioners.

As at 30 April 2010, 85 parochial units (32%) had not lodged a set of prescribed financial statements. By 15 July this had improved to 9 parochial units (3%).

The Finance Committee has processes in place to remind parochial units of their obligations under the Ordinance, assist with any enquiries and review the statements lodged. The Finance Committee also works with the Regional Bishops and the Archdeacon of Liverpool to investigate and report to us on the status of the audited financial statements for parochial units that are late in lodging the required information.

#### **4.8 Local revenues test for parish status**

The parishes of Lakemba, Greenacre and Port Kembla each had local revenues below the requisite amount in 2009. As this was the situation in the previous 2 years, the parishes will become provisional on 31 December 2010 unless the relevant regional council determines this should not happen under clause 8(1A) of the Parishes Ordinance 1979.

The parish of Bellevue Hill had local revenue below the requisite amount in 2009. The parish has been advised of the importance of ensuring their 2010 and future revenues meet the relevant threshold figures.

#### **4.9 Synod Appropriations and Allocations for 2011**

Under clause 5(6) of the Synod Appropriations and Allocations Ordinance 2009 we are required to report to the 2010 session of the Synod about the appropriations and allocations for 2011. A report on this matter is printed separately.

#### **4.10 Work Outside the Diocese**

In the 6 months to 30 June 2010, the Work Outside the Diocese Committee had applied \$257,339 from a total Synod allocation in 2010 of \$288,000. It is expected that the balance of the 2010 allocation together with further amounts from reserves will be applied during the 6 months to 31 December 2010.

#### **4.11 Allocation of Synod funds to regional councils**

Under the Synod Appropriations and Allocations Ordinance 2009 an amount of \$700,000 was provided as a general allocation to regional councils, including for the support of ethnic and cross cultural ministry and administration support. With the agreement of the 5 Regional Bishops and regional councils, we allocated this amount as follows –

Georges River Regional Council	\$175,000
Northern Regional Council	\$205,000
South Sydney Regional Council	\$135,000
Western Sydney Regional Council	\$185,000
Wollongong Regional Council	\$0
Total	<u>\$700,000</u>

#### **4.12 Capital requirements for Synod fund**

We noted that following a review of the Synod Fund, there is \$1 million in excess of the working capital requirements for that fund. We also noted that there is approximately \$13,000 available to be transferred from the St Andrew's House rent subsidies fund to the Synod Fund and approximately \$400,000 available to be transferred from the Ordination Training Fund to the Synod Fund.

We deferred making any decision in relation to the \$1 million amount in the Synod Fund pending consideration of Synod appropriations and allocations for 2012. However the \$13,000 and \$400,000 amounts were considered as part of Synod appropriations and allocations for 2011. See item 4.9.

#### **4.13 Parochial cost recoveries for 2011**

Under clause 3(2) of the Parochial Cost Recoveries Ordinance 2009 we are required to report to the 2010 session of the Synod about the cost recoveries charge for 2011. A report about this matter is printed separately.

##### **4.13A Capital requirements for parochial cost recoveries fund**

We noted that following a review of the parochial cost recoveries fund (PCR Fund), there is \$1 million in excess of the working capital requirements for that fund. We requested that an ordinance be prepared to authorise the transfer of \$1 million from the PCR Fund to the Diocesan Endowment in partial repayment of the \$1.3 million seed capital provided in 2005.

##### **4.13B Asbestos inspection program**

In 2007 the Synod approved funding and implementation of the parish asbestos program to enable up to 150 sites to be inspected annually during the period 2008 to 2011. We were informed that the program will finish one year earlier than expected (by 31 December 2010) and that it will therefore not be necessary for parishes to pay a cost recoveries charge for the program in 2011.

A report about this matter is printed separately.

#### **4.14 Endowment of the See**

The stipends, allowances, superannuation, long service leave, housing and office costs of the Archbishop, the Regional Bishops, the Archdeacon of Liverpool, the Registrar and the salaries of the registry staff (including the Archives) are met from the Endowment of the See ("EOS"). These costs are not a direct charge on Synod funds except for \$67,000 in 2009 for the promotion of women's ministries.

At our request we received a report from the EOS Committee about the financial issues confronting the EOS and what is being done to achieve a sustainable future for the real value of the EOS. We also received a report from the EOS Committee about future governance options for the EOS and noted it would be desirable to review and update the Endowment of the See Ordinance 1977 to ensure that governance arrangements for EOS are clear and up to date.

We intend to look at these matters again after we have finished considering the report of the Archbishop's Strategic Commission on Structure, Funding and Governance. See item 3.1.

#### **4.14A Bishops court**

The Archbishop's Strategic Commission on Structure, Funding and Governance recommended in its interim report that Bishops court be sold and a more suitable alternative residence be purchased for the Archbishop. A similar recommendation was made by the EOS Committee. In response to these recommendations we requested that a motion be moved at the Synod to enable it to consider whether Bishops court should be sold.

A report about this matter is printed separately.

#### **4.15 Review of policy for determining minimum stipends**

During the year we adopted the following as a revised expression of the "stipendiary principle" we initially adopted in 2002 –

Stipends, allowances and benefits are paid for the exercise of office to allow ministers to do their work effectively in the sphere to which they are called. The rate of stipend determined should generally be sufficient to allow ministers to live without undue financial worry and to maintain themselves and their families at a standard which might be described as neither poverty nor riches.

For the purpose of determining minimum stipends, we endorsed the current graduations of stipend for clergy and lay ministers reflecting differing levels of qualifications, experience and responsibilities. We considered that the personal circumstances of the minister should not be taken into account for the purposes of setting the minimum stipend although personal circumstances may be taken into account by individual parishes when considering whether to pay a stipend in excess of the minimum.

We also –

- adopted Average Weekly Earnings (AWE) as the simplest measure of a parish's capacity to pay which also aligns the minister's stipend with the average income of wage earners, and
- adopted 80% of the AWE as the benchmark for the minimum rector's stipend, using the latest confirmed statistics available to the August meeting of the Standing Committee in each year.

We noted that the recommended minimum stipend flows through to senior clergy stipends and agreed to hold a policy debate on the basis of senior clergy stipends and other elements which make up the total stipend package after the Archbishop's Commission on Structure, Funding and Governance has delivered its final report.

#### **4.16 Stipends, allowances and benefits for 2011**

A report on stipends, allowances and benefits for 2011 is printed separately.

#### **4.17 Licences granted by wardens under the Parish Administration Ordinance 2008**

We amended the Parish Administration Ordinance 2008 –

- (a) to require all licences for businesses such as pre-schools, kindergartens, child care centres, long day care centres and the like operating on parish property to be signed by the Property Trust, and
- (b) to increase the maximum amount for which the wardens may grant a licence to permit a person or organisation to use real property of the church or parish for purposes not connected with the church or parish to \$50,000 per annum (including GST).

See item 4.5.

#### **4.18 Support for ministry on Lord Howe Island**

We agreed that from 2013 (the first year of the next funding triennium) support of the church on Lord Howe Island should be seen as a matter for the whole Diocese, perhaps funded through the Synod Appropriations and Allocations Ordinance, rather than as a particular ministry of the South Sydney region.

#### **4.19 Financial reporting and auditing practices for diocesan organisations**

We amended the Accounts, Audits and Annual Reports Ordinance 1995 –

- To make it clear that an organisation's financial statements may be prepared as Special Purpose Financial Statements (SPFS).
- To provide that if any organisation prepares General Purpose Financial Statements (GPFS) for its own or other purposes, such statements are to be used as the financial statements submitted to the Standing Committee for tabling at Synod.
- To enable an organisation that prepares SPFS to determine, in consultation with its auditor, that a "full

audit” is unnecessary and, if so, to determine the scope of any audit review required to enable the auditor to report on those financial statements.

See item 4.5.

We also permitted each of the sub-funds of the Synod Fund to produce SPFS provided that they –

- (a) comply with any accounting standard determined by the Financial Committee, and
- (b) are submitted to the Finance Committee at least quarterly, and
- (c) are subject to an annual “audit review” with a scope to be defined by the Finance Committee.

#### **4.20 Greenoaks Apartments**

By clause 9 of the Bishops court Back Block Development and Land Sale Ordinance 2004, we are required to report to each ordinary session of the Synod about –

- progress of the development authorised by the ordinance, now called “Greenoaks Apartments”, and
- application of the sale proceeds of the land the subject of the development, and
- action taken by us in response to the statement of intention under clause 8(3) of the ordinance.

The Greenoaks development comprised a 6-storey apartment building containing 10 apartments over basement parking for 25 motor vehicles. Construction commenced in September 2005 and practical completion occurred in September 2007.

Seven of the apartments have been sold and a further apartment is now the residence of the Bishop of South Sydney. The remaining two units are being leased until such time as market conditions improve.

The loan facility taken out to assist the Endowment of the See (EOS) in undertaking the development has now been fully repaid (the balance this time last year was about \$1 million).

Clause 8(3) of the ordinance provides that when the final balance of the sale of the land, or parts thereof, is known, we intend that an appropriate sum be applied for the repair and maintenance of Bishops court. Although the final balance of the sale of the apartments is not yet known, the major roof repair and renovation project undertaken at Bishops court last year will be taken into account in determining the appropriate sum.

#### **4.21 Gilbulla Memorial Conference Centre Sale Ordinance 2001**

Under the Gilbulla Memorial Conference Centre Sale Ordinance 2001, we are required to provide an annual report to the Synod on progress in acquiring, constructing, adapting and/or renovating a property or building to be used as a conference centre and retreat house for the Diocese.

In 2007 we agreed to release to Anglican Youthworks, upon its request to the Property Trust, the invested funds from the sale of Gilbulla Memorial Conference Centre in order to purchase a new conference centre.

Last year we were informed that Anglican Youthworks was actively pursuing various options to acquire a northern camp site. Expressions of interest and firm offers have since been made on specific property, however Youthworks have not yet been successful in acquiring another conference site. Nevertheless Youthworks is continuing to investigate other property options.

### **5. General Administration**

#### **5.1 Reports from regional councils**

Under clause 9 of the Regions Ordinance 1995 each regional council must give us an annual report for inclusion in our report to the Synod. The annual reports are printed separately, together with any reports for reclassification of provisional parishes under the Parishes Ordinance 1979.

#### **5.2 Elections**

The appointment of persons to serve on committees etc. continued to be a major part of our business. Some appointments are to fill casual vacancies among Synod appointees, and these appointments fall vacant at this coming Synod session. Other appointments are made by the Standing Committee in its own right.

From November 2009 to June 2010, 61 such positions were filled (160 for the same period in 2008 – 2009).

#### **5.3 Membership of the Sydney Diocesan Secretariat and Glebe Administration Board**

During the year we declared the membership of the Sydney Diocesan Secretariat vacant and elected the following persons as its members –

Canon Bruce Ballantine-Jones	Mr Andrew McLoughlin
Mr Mark Ballantyne	Mr Ian Miller
Bishop Robert Forsyth	Mr John Pascoe
Mr Benjamin Koo	Dr Laurie Scandrett

The members from time to time of the Sydney Diocesan Secretariat are also members of the Glebe Administration Board.

#### **5.4 Richard Johnson College Pty Ltd**

We considered a request by the Board of Richard Johnson College Pty Ltd to approve a number of amendments to the Constitution of the company by replacing its Constitution. The effect of the proposal would have been to remove from the Constitution of the company –

- a requirement for the Wollongong Regional Council and Archbishop-in-Council to approve any changes to the objects clause of the Constitution,
- the power of the Wollongong Regional Council to remove a member or members of the Board and appoint a replacement or replacements to fill the casual vacancy thereby created, and
- the authorisation of the company to use the Anglican name.

The replaced Constitution would also have included objects which reflected a number of activities currently being undertaken by the company.

We declined to approve the proposed amendments. In particular, we were concerned the amendments would give rise to a loss of overt connection between the company and the Anglican Church.

#### **5.5 Review of the School Chapels and Chaplains Ordinance 1975**

We appointed a committee to review the School Chapels and Chaplains Ordinance 1975 and report back to us with its recommendations. We envisaged that the review may encompass matters such as –

- (a) whether the Ordinance sufficiently safeguards the frequency and content of religious teaching in Anglican schools,
- (b) whether chaplains have sufficient independence to undertake ministry within Anglican schools given the relationship between chaplains and school principals,
- (c) the role to be fulfilled by chaplains,
- (d) accountability - the appropriateness of the process under the Ordinance for a chaplain being disciplined or dismissed by the Principal and the matters on which a chaplain can appeal to the Archbishop,
- (e) what qualities and qualifications should be sought or required for chaplains and how effectiveness should be measured,

- (f) the appropriateness of Anglican schools appointing lay chaplains or clergy of other denominations as chaplains,
- (g) the appropriateness of the process under the Ordinance for an Anglican school becoming extra-parochial,
- (h) the role and rights of the rector of the parish in which a Anglican school is situated whether that school is parochial or not,
- (i) whether a school chaplain or parish rector (perhaps in conjunction with an assistant chaplain) offers the best model for ministry to parents and the school community,
- (j) any issues specific to associated Anglican schools,
- (k) the role of the Anglican Education Commission and the Diocesan Education Policy,
- (l) whether the National School Chaplaincy Program and its description of chaplaincy needs to be taken into account given that many Anglican schools have accepted Federal funds for their existing and additional chaplains.

The committee has not yet provided us with its report.

#### **5.6 Dealing with abusive behaviour in parishes and parish work places**

At the last session of Synod, members provided comments on a proposed grievance policy dealing with allegations of unacceptable behaviour by clergy and church workers in parishes. A number of comments made by members reinforced the need for a broader response to dealing with abusive behaviour in parishes beyond abusive behaviour by parish staff and lay leadership. In particular there is a need to specifically address OH&S concerns in this area for the purposes of maintaining a safe working environment for parish staff.

We requested that work to progress this broader response be undertaken, as far as reasonably possible, as part of the parish risk management program during 2010.

See item 8.21.

#### **5.7 Declaration of Philadelphia Anglican Church as a Provisional Recognised Church**

During the year we received a notification for the purposes of clause 8(2)(a)(iv) of the Recognised Churches Ordinance 2000 that Philadelphia Anglican Church had been declared to be a provisional recognised church under clause 12C of the Ordinance. We extended our prayers and best wishes to the Rev Peter Chung and the members of the church as they continue their ministry in the fellowship of the Diocese.

### **5.8 Review of the Council of the College of Preachers**

In 2008 we deferred electing the new membership of the Council of the College of Preachers pending a review of the future of the College. During consultation with members of the College Council, we noted that the College Council had lost momentum over recent years, although there remained a strong desire to ensure that preaching in the Diocese remained theologically strong and that ministers continued to develop their preaching skills.

We agreed to discontinue the College Council and encouraged Ministry Training & Development to continue its current program of preacher training and to initiate new networks of in-service preacher training across all stages of ministry. We also requested that an ordinance be prepared to give effect to this discontinuance, including the transfer of funds held for the College Council to Ministry Training & Development.

### **5.9 Diocesan Ministers' Assistance Scheme**

We agreed in principle to undertake a pilot for a Diocesan Ministers' Assistance Scheme during 2011 in response to a recommendation from the Safe Ministry Board. The proposed scheme would be based on employee assistance programs provided by employers within many work environments and by various professional organisations. The scheme would be designed to provide confidential assistance to parish clergy struggling with a range of personal issues.

Before agreeing to fund the pilot, we asked the Director of Professional Standards to confirm by the end of the year that suitable arrangements can be made for the provision of assistance by Christian counsellors under the pilot.

### **5.10 Diocesan Human Research Ethics Committee**

Last year we agreed to consider the formation of a Diocesan Human Research Ethics Committee, establish and coordinated in accordance with the professional guidelines of the NHMRC (modified as appropriate to ensure a Christian foundation) to be used by all diocesan organisations as required, particularly in relation to research projects.

At our request, the Social Issues Executive provided a further report on whether and how to proceed with the idea of a Diocesan Human Research Ethics Committee. After considering this report, we requested that the Social Issues Executive continue to pursue the feasibility of establishing a Diocesan Human Research Ethics Committee and to bring a report and recommendations to us at a later meeting.

### **5.11 National Church Life Survey 2011**

We discussed our ongoing participation in the National Church Life Survey (NCLS). In particular we noted –

- There was general agreement that the NCLS data is of benefit to the wider Diocese, particularly as it is the only widespread longitudinal study of its type.
- The community profiling data is widely appreciated in parishes.
- The usefulness and understanding of the other parish specific data is primarily dependent on the degree to which the local leadership is committed to evidence-based decision making.
- The NCLS data should be of considerable benefit to all of the new Mission Areas as they look for ways to better connect with their communities.
- The effective cost of NCLS 2011 is a relatively modest \$18,000 per annum over the 5 years.

In view of the above, we approved the payment of \$90,000, being the cost of this Diocese's participation in the NCLS 2011 survey, from Synod Fund Contingencies in 2010 and 2011 in equal proportions.

### **5.12 Archbishop of Sydney's Appeals Unit**

We noted the launch of the Archbishop of Sydney's Anglican Aid and requested that a motion be promoted to the Synod about the work of the Archbishop of Sydney's Appeals Unit over many years and the future ministry of Anglican Aid.

## **6. Relations with Government**

### **6.1 Social Issues Executive**

The Social Issues Executive (SIE) is one of our sub-committees. The SIE provides advice to the Archbishop on issues which are referred to it by him and provides advice on issues referred to it by us or at the request of the Synod. The SIE also identifies and initiates the study and discussion of social issues among Anglicans in the Diocese.

During the year the SIE maintained watching briefs or was involved in making submissions on the following issues –

- same-sex adoption in New South Wales
- relationships register in New South Wales
- same-sex marriage
- review of exemptions under the Sex Discrimination Act
- Federal government response to boat people and asylum seekers

- changes to abortion law in New South Wales
- review of the Bank and Bank Holidays Act.

The SIE also progressed the work in relation to persons affected by disability contemplated by resolution 34/09. See item 8.19.

## **6.2 Human rights framework for Australia**

See item 8.8.

## **6.3 Application of Federal industrial relations system to all NSW employees**

On 1 January 2010, the NSW Government referred its industrial relations power to the Commonwealth. The effect of this referral is that all employees in NSW, including our parishes, will be covered by the Federal industrial relations system from that date. Previously people who were not employed by a trading or financial corporation were covered by the State industrial relations system.

In view of this change, we requested that parishes be advised generally about the implications of the move to the Federal industrial relations system.

## **6.4 Productivity Commission's study into the contribution of the not-for-profit sector**

Last year, we made submissions to a review by the Productivity Commission of the contribution of the not-for-profit sector to Australian society.

In November, we made further submissions to the review in response to the Productivity Commission's Draft Research Report. Upon the release of the final Research Report in February 2010, we asked that a close watching brief be maintained on a number of the matters, with a particular focus on any policy announcements or legislative changes arising from the Government's response to either the Productivity Commission's Research Report or the Henry Tax Review –

- that would alter the scope of income tax deductible gifts,
- that would alter eligibility for payroll tax and fringe benefits tax concessions, or
- indicating an intention to adopt a legislative definition of charity.

## **6.5 Henry Tax Review**

Last year we made a submission to the Inquiry into Australia's Future Tax System chaired by Mr Ken Henry. The report of the Inquiry Committee was released to the Government in December but was not made public until May. Following the release of the report, we asked that a close watching brief be maintained on any policy

announcements or legislative changes regarding –

- any alteration to the scope of income tax deductible gifts,
- any alteration to eligibility for payroll tax and fringe benefits tax concessions or exemptions,
- the adoption of a statutory definition of charity,
- the establishment of a not for profit regulator, or
- any moves to replace the presumption of public benefit with a 'public benefits test' for religious organisations.

### **6.6 Special Religious Education (SRE) and Ethics**

In November, the former Premier, Nathan Rees, announced plans to introduce a trial of ethics classes in primary schools in NSW. We noted a number of concerns in relation to the announcement including the following matters of principle –

- The time proposed for the trial is the only time in the week when primary children hear about religion.
- Allowing the trial is a major change in government policy.
- There is no state-wide research to provide a sound basis for the proposed trial.
- Some involved in promoting the trial appear to view the ethics trial as a means of removing SRE from primary schools altogether.

At the time of the announcement we noted that a course for the ethics trial had not yet been written, the assumptions on which the trial is based had not been declared publicly and the criteria and processes for monitoring and evaluating the trial had not been established.

At the invitation of the Department of Education and Training, a submission to the person appointed to evaluate the trial was made on behalf of the Archbishop. The submission was also provided to the Premier and the Minister for Education.

In view of the concerns raised about the trial, it was submitted that the trial cannot provide a sound basis for extending the availability of ethics lessons to all NSW primary schools and grades on an on-going basis.

The submission made on behalf of the Archbishop is printed separately.

### **6.7 Review of the Marriage Equality Amendment Bill 2009**

Last year, we made a submission to an inquiry of the Senate Legal and Constitutional Affairs Committee into the Marriage Equality Amendment Bill 2009. This was a private member's bill from the Federal Greens. The objects of the bill were to –

- (a) remove from the Marriage Act 1961 discrimination against people on the basis of their sex, sexuality or gender identity,
- (b) recognise freedom of sexuality and gender identity as fundamental human rights, and
- (c) promote acceptance and celebration of diversity.

In our submission, we opposed any change to the definition of marriage under the Marriage Act 1961.

The Inquiry committee subsequently made a number of recommendations in response to the bill including –

- That the Government review relationship recognition arrangements with the aim of developing a nationally consistent framework to provide official recognition for same sex couples and equal rights under Federal and State laws.
- That the bill not be passed.

The committee considered that the current definition of marriage is a clear and well recognised legal term that should be preserved.

### **6.8 Public benefit test for charitable and religious institutions**

During the year, the Independent Senator, Senator Nick Xenophon, introduced into the Senate the Tax Laws Amendment (Public Benefit Test) Bill 2010. The bill sought to require charitable and religious institutions to meet a public benefit test to be formulated under regulations before being eligible to be regarded as income tax exempt. In May, the Senate referred the bill to the Senate Standing Committee on Legal and Constitutional Affairs for inquiry and report.

We made a submission to the Inquiry about the bill making the following points –

- The bill is being promoted to address a specific concern about alleged criminal behaviour in the Church of Scientology. Allegations of criminal behaviour should be referred to the police rather than addressed under a taxation measure of general application.
- There is currently a presumption of public benefit for religious and certain other charitable purposes. In order to displace this presumption it is not necessary to show that the purpose is detrimental to the public, but only that it is non-beneficial to the public.
- The retention of the public benefit presumption has worked well as a mechanism for avoiding undue litigation about the question of public benefit. However it

remains open to the Courts to find that the presumption is being displaced and that income tax exempt status should not be granted.

- It is a concern that the proposed public benefit test is to be formulated by regulation rather than by reference to common law.
- The potential administrative costs associated with complying with such a measure (both in the charitable sector and the ATO) are likely to outweigh any benefit that might be achieved in relation to the few charities with questionable public benefit. This would be particularly so in the absence of a specialist charities regulator.

In its report on this matter, the Senate Standing Committee noted that the bill went some way to ensure transparency, accountability and promote confidence that charitable and religious organisations receiving tax concessions generate a net benefit to the public, not just to their own members. However the Committee considered the bill was too narrow in dealing with these issues. It also suggested that any public benefit test should be in legislation rather than set by a minister through regulations.

The Committee recommended that a national charities commission be established which incorporates a public benefit test within a broader regulatory framework. The Committee stated that the Commission should not operate as an additional bureaucratic impost on charities but rather should replace state and territory regulatory bodies, having a tiered reporting system and streamline processes in order to reduce compliance costs.

### **6.9 Establishment of a Relationships Register in NSW**

We noted the establishment of a Register for de facto relationships under the Relationships Register Act 2010. The Act does not change the definition or expand the purposes for which de facto relationships are recognised under New South Wales law. However the register does mean that de facto relationships no longer need to be separately assessed to determine eligibility for each Government service and entitlement. Such assessment will be undertaken prior to registration on the Register and once registered the relationship will be deemed to be a de facto relationship for as long as it remains listed on the Register.

The Act does not authorise the Registrar to conduct any form of ceremony in connection with the registration of a relationship although it does not expressly prohibit such a ceremony. The Act does not extend the benefits of registration beyond de facto couples to persons who are in other types of close interdependent relationship.

Given the time available between becoming aware of the introduction of the bill into Parliament and the passing of the bill as an Act, we were unable to make submissions in relation to the legislation. However we noted that the Archbishop, although not objecting to the concept of a register in principle, proposed a number of amendments to the legislation aimed at preventing the register from allowing de facto relationships to mimic, and thereby undermine, the uniqueness of marriage. Excerpts from a letter from the Archbishop to the Premier setting out the proposed amendments were read in Parliament. However the legislation was passed by a significant majority in both houses without amendment.

#### **6.10 Adoption Amendment (Same Sex Couples) Bill 2010**

In June this year, Ms Clover Moore, an independent member of the New South Wales Legislative Assembly, introduced a bill for the Adoption Amendment (Same Sex Couples) Bill 2010 to provide for adoption by same sex couples. Currently the law in New South Wales does not permit adoption by same sex couples.

We requested the Diocesan Secretary to work with the Social Issues Executive to support Anglicare in addressing the issues raised by this bill.

The question as to whether to permit adoption by same sex couples was the subject of a Legislative Council Inquiry as recently as July last year. In short, the majority of the Inquiry Committee recommended that same sex couples be allowed to adopt but that faith-based adoption agencies be exempted from arranging for adoption for same sex couples provided they refer them to another provider.

In January, the Minister for Community Services, noted the Inquiry Committee's findings that there is some merit in allowing same sex couples to adopt. However the Minister indicated in view of the lack of consensus in the Committee, reflecting divisions on the issue in the wider community, the Government was not satisfied there was broad enough community support to justify new State legislation at this stage.

Notwithstanding the recent response of the Government to this matter, the Government allowed this bill to be considered with both the Government and the Opposition giving their members a conscience vote on the bill.

The bill was ultimately passed by the New South Wales Parliament by a narrow margin with the inclusion of an exemption from anti-discrimination laws for faith-based adoption agencies such as Anglicare.

### **6.11 Exemption for religious bodies under the Anti-discrimination Act 1977**

We received a report about a decision of an agency of Wesley Mission to refuse to accept an application by a same-sex couple to become foster carers. Wesley successfully defended a claim by the couple that it had unlawfully discriminated against them on the grounds of homosexuality by relying on section 56 of the Anti-discrimination Act 1977. In particular, section 56(d) provides that the Act does not apply to any act or practice of a body established to propagate religion that conforms to the doctrine of that religion or is necessary to avoid injury to the religious susceptibilities of the adherents of that religion.

The case was ultimately considered by the NSW Court of Appeal which upheld an earlier decision that Wesley had not unlawfully discriminated against the couple. In reaching this view, the Court of Appeal found that –

- Section 56(d) does not operate to exempt from the operation of the Anti-discrimination Act only those acts or practices which form part of the religion common to all Christian churches, or all branches of a particular Christian church (in the sense of a denomination).
- The term “doctrine” used in section 56(d) must be understood in the context of the belief system or tenets of the religion in question (in this case Wesleyanism).
- In determining “whether the religious susceptibilities of the adherents of a religion” have been injured for the purposes of section 56(d), it is not necessary to show that the susceptibilities of every single member of the religion have been injured but only that the susceptibilities of a significant proportion of the group have been injured such that the phrase is satisfied as a matter of fact.

## **7. The International, National and Provincial Church**

### **7.1 General Synod Statutory Assessment**

Last year the General Synod Office issued invoices for the 2009 Statutory Assessment. The amount invoiced for this Diocese was \$281,396. This included an amount of \$24,606 representing our proportion of the costs of employing an Assistant to the Primate. We authorised a payment of \$256,790 to the General Synod for the 2009 Statutory Assessment from Synod funds allocated for this purpose. This excluded the amount for the costs of the Assistant to the Primate. We also authorised payment from 2009 Synod Fund Contingencies of an amount to meet our proportion of the costs of the person then holding the position of Assistant to the Primate for the period up to her resignation in mid-June 2009 on the basis that –

- This payment was made without agreeing that there is any grounds for the position of Assistant to the Primate to be paid as part of the Statutory Assessment, and
- No consideration will be given to paying for a replacement Assistant until there had been consultations between us and the General Synod Standing Committee.

We subsequently appointed a number of representatives to consult with the General Synod Standing Committee about this and related matters. Following the first meeting with representatives from the General Synod Standing Committee on 12 June 2009, we asked our representatives to continue in dialogue with the General Synod Standing Committee on the matters raised at that meeting and related matters. However no further meetings with representatives from the General Synod Standing Committee have been held to date. In May the General Synod Standing Committee indicated that it believed it was not able to advance productively the kind of consultation we were seeking.

This year the General Synod Office issued invoices for the 2010 Statutory Assessment. The Statutory Assessment levied on this Diocese for 2010 is \$253,028 which is a 10% reduction on the Statutory Assessment levied for 2009. Having concluded our consultation with the General Synod Standing Committee, we reconsidered the issue of making payments for the Primate's Assistant but declined to do so on the basis that no Primate needs a research assistant to perform the duties required of him by the Constitution. Accordingly an amount of \$227,684 will be paid to the General Synod for the 2010 Statutory Assessment.

We were informed that the General Synod Standing Committee has recommended to the General Synod that the costs of an Assistant to the Primate during the 3 years from 2011 should no longer be funded as part of the Statutory Assessment. However the General Synod Standing Committee has also recommended that a subsidy which has been paid to the Statutory Fund from the Reserve Fund (\$105,000 in 2010) should be discontinued from 2011. This has contributed to the proposed Statutory Assessment to be levied on this Diocese for 2011 being increased to \$314,732.

## **7.2 Proposed bills to amend the Constitution and the Rules of the General Synod**

During the year we noted that the General Synod Standing Committee and the group appointed to consult with representatives of the General Synod Standing Committee had prepared a number of bills for consideration at the forthcoming General Synod to address some of the concerns raised by the consultation group at their meeting with

representatives of the General Synod Standing Committee on 12 June 2009. In particular, these amendments relate to –

- Part V of the Constitution (circular canons)
- Section 32 of the Constitution (when canons come into force in a diocese)
- Section 32 of the Constitution (limit the statutory assessment to constitutional costs)
- Section 63 of the Constitution (remove the advisory jurisdiction of Appellate Tribunal)
- Special Tribunal Canon 2007 (limit the role of the Episcopal Standards Commission)
- Rule II (reconstitute membership of the General Synod Standing Committee)
- Rule III (publication of election results).

We expressed our support for the referral of the proposed bills to the General Synod Standing Committee for promotion to the forthcoming session of the General Synod. We also regarded the making of the amendments to sections 30 and 32 of the Constitution and the reconstitution of the membership of the General Synod Standing Committee as critical to future harmonious relationships within the Anglican Church of Australia.

We were subsequently informed that the General Synod Standing Committee agreed to promote the bill for amendments to Part V of the Constitution (circular canons) and a bill for amendments to Rule III (publication of election results) to the General Synod “by request of the General Synod Standing Committee”. We were also informed that while the General Synod Standing Committee was not prepared to promote amendments to Rule II (reconstitution of the membership of the General Synod Standing Committee) to the forthcoming session of the General Synod, it had formed a working group to consider this matter. At the invitation of the General Synod Standing Committee, we nominated Canon Bruce Ballantine-Jones to be our representative on this working group.

### **7.3 Services at General Synod**

We noted guidelines for services at General Synod which were made available to us by the Executive of the General Synod Standing Committee. We requested the Diocesan Secretary to write to the Archbishop of Melbourne (who we had been informed has the supervision of divine worship during meetings of the next General Synod) to the effect that –

- (a) the services within or held in connect with the meetings of the General Synod should emphasise that which we,

as Anglicans, have in common and should eschew matters on which we do not agree, and

- (b) also services should follow exactly one or more of the services provided in *The Book of Common Prayer 1662* or *An Australian Prayer Book*, these being the only service books authorised for use throughout Australia, and
- (c) all expositions of Scripture should be true to the biblical text, and
- (d) no person invited to lead any part of a service should be a person whose lifestyle does not comply with the requirements of *Faithfulness in Service*, the code of conduct adopted by the General Synod.

#### **7.4 Appellate Tribunal references concerning the National Register Canon 2007, the Special Tribunal Canon 2007 and the Offences Canon Amendment Canon 2007**

Last year we declared our opinion that the provisions of the National Register Canon 2007, the Special Tribunal Canon 2007 and the Offences Canon Amendment Canon 2007 affect the order and good government of the Church in the Diocese of Sydney. The Synod had previously made this declaration in relation to the National Register Canon 2007 in October 2008 and subsequently made this declaration in relation to the Special Tribunal Canon 2007 and the Offences Canon Amendment Canon 2007 in October 2009.

During the year, the Primate informed us that the General Synod Standing Committee did not agree with the opinions we had expressed concerning these canons and accordingly referred the matters to the Appellate Tribunal under Section 30(c) of the Constitution. The Appellate Tribunal subsequently determined that, pursuant to Section 30(c)(iii), each of these canons does not affect the order and good government of the Church within the Diocese of Sydney.

#### **7.5 Diocesan Representatives on the General Synod**

During the year the Primate issued his mandate for the General Synod session this year. As at the date of the mandate, the Diocese of Sydney was entitled to a total of 30 clerical and 30 lay representatives on the General Synod. This was an increase of 2 clerical and 2 lay representatives over the previous entitlement to representation.

#### **7.6 Appellate Tribunal reference on the administration of Holy Communion by persons other than a presbyter**

Last year, the Primate, at the request of more than 25 members of the General Synod, referred to the Appellate Tribunal a number of questions under section 63(1) of the Constitution concerning the

administration of Holy Communion by persons other than presbyters. In particular the Appellate Tribunal was asked whether any of the following canons of General Synod –

- Lay Assistants at Holy Communion Canon 1973,
- Authorized Lay Ministry Canon 1992,
- Ordination Service for Deacons Canon 1985,
- Canon Concerning Services 1992,

or any other canon of the General Synod permit a lay person or a deacon to administer Holy Communion.

The Appellate Tribunal was also asked whether resolution 27/08 of the Synod of the Diocese of Sydney which –

- (a) affirmed again the Synod's conviction that lay and diaconal administration of the Lord's Supper is consistent with the teaching of Scripture, and
- (b) affirmed that the Lord's Supper in the Diocese may be administered by persons other than presbyters,

is consistent and in accordance with the Constitution of the Anglican Church of Australia and the canons made under the Constitution.

We declined to participate in this reference to the Appellate Tribunal.

In August, the Tribunal found by a 6:1 majority that –

- None of the specified canons of General Synod permit a lay person or deacon to administer Holy Communion
- No suggestion was made to the Tribunal that there was any other canon of the General Synod which permits a lay person or deacon to administer Holy Communion.
- Synod resolution 27/08 is not consistent with the Constitution of the Anglican Church of Australia and the canons made under the Constitution.

Those in the majority were Justice Peter Young AO (President), Mr Max Horton OAM (Deputy President), Justice David Bleby, the Hon Keith Mason AC QC, Archbishop Phillip Aspinall and Archbishop Roger Herft.

In his minority opinion, Bishop Peter Brain indicated that the Ordination Service for Deacons Canon 1985 did enable deacons to administer the Holy Communion. However his opinion was qualified on the basis that although he did not think that this outcome was the intention of the canon, yet on the basis of the previous Tribunal reasons concerning the consecration of women as bishops, to be consistent an unintended intention need not overrule a possible reading of the canon.

Bishop Brain also indicated that Synod resolution 27/08 is consistent and in accordance with the Constitution of the Anglican Church of Australia.

We noted the report of the Appellate Tribunal. We also requested that a motion be moved at the Synod to enable it to note the Tribunal's advisory opinion and to affirm Synod resolution 27/08.

### **7.7 General Synod canons**

We considered the bills for the Long Service Leave Canon 2010 and The Solemnization of Matrimony Canon 1981 Amendment Canon 2010 being promoted to the General Synod in September. We requested that bills to assent to and adopt these canons respectively be promoted to the Synod provided that the canons are passed by the General Synod in materially the same form as they were promoted to the General Synod.

Bills and explanatory statements for these bills are printed separately.

### **7.8 Disciplinary decisions database**

We received a request from the General Secretary to contribute to a proposed database of decisions of disciplinary tribunals to enable consistency in recommendations made by tribunals. Although we acknowledged the rationale for the database, we declined to contribute to the database for a number of reasons, including the difficulty of committing diocesan resources to establishing a database in view of the competing claims that currently exist on such resources.

## **8. Sydney Synod Matters**

### **8.1 Culture of review among parishes and clergy**

Last year we appointed a taskforce to recommend alternative approaches for encouraging a culture of review among our parishes and clergy, and for facilitating actual review mechanisms where parishes and clergy wish to request a review. Having considered an interim report from the taskforce on this matter, we agreed to the taskforce preparing an email and web based survey of rectors in consultation with Mission Leaders seeking advice about what resources they have used to enable them or their parish to review and develop ministry with a view to compiling the result into an annotated list of resources available for such reviews. We also supported including in the training of Mission Leaders familiarity with these resources and an encouragement to facilitate a culture of review among clergy and parishes.

We asked the taskforce to prepare a suitable report for the Synod once the survey has been completed.

## **8.2 Solemn promises to be made by clergy**

We requested that a bill for the Solemn Promises Ordinance 2010 be promoted to the Synod. The bill proposes that the current forms of oath, declaration, assent and undertaking be replaced by corresponding forms of solemn promise. The bill also proposes that the language used in the current forms be updated to reflect more contemporary language and recent developments, for example, in the forms of divine service that may lawfully be conducted in this Diocese.

The bill and an explanatory statement for the bill are printed separately.

## **8.3 Review of the status of St John's Provisional Cathedral and St Michael's Provisional Cathedral**

Last year the Synod extended the date on which St John's Provisional Cathedral, Parramatta and St Michael's Provisional Cathedral, Wollongong cease to be Provisional Cathedrals from 1 January 2010 to 1 January 2012. In order to enable a decision to be made regarding a change of the status of the Provisional Cathedrals to regional cathedrals, we requested that Bishop Ivan Lee prepare a paper on this matter for our consideration with a view to suitable amending legislation being promoted to the Synod next year.

## **8.4 25/03 Freemasonry**

By Synod resolution 25/03, the Synod, noting the 1988 report to Synod entitled "Freemasonry Examined" and subsequent resolution 9/88 of the Synod –

- (a) affirmed that Freemasonry and Christianity are fundamentally and irreconcilably incompatible, and
- (b) affirmed that Freemasonry teaches and upholds the system of false religious and spiritual beliefs that are contrary to biblical Christianity.

By that resolution, the Synod also requested that we undertake the preparation for the production and distribution of a clear and unambiguous booklet suitable for wide distribution, examining the key rights, teachings and beliefs of Freemasonry and explaining why they differ from biblical Christianity and explaining why it is wrong for a Christian to belong to the Lodge.

Last year we requested that the Principal of Moore Theological College arrange for the College to prepare, in consultation with the Archbishop, a booklet referred to in Synod resolution 25/03.

The booklet is still being prepared.

### **8.5 11/07 Church membership**

By resolution 11/07 the Synod –

- noted that the last report into Anglican Church membership was delivered in 1975, and
- asked us to convene a committee to investigate the theology and practice of church membership and to make recommendations to Synod as to what changes to our ordinances and structures, if any, would best strengthen and deepen church life and promote the meaningful involvement of members in “partnership in the gospel”.

Last year we appointed a committee to undertake the work requested in Synod resolution 11/07 on Church Membership and to report to us about its findings and recommendations.

In response to a report provided by the chairman of the committee, we determined that there are no compelling reasons to further explore this matter at this time.

### **8.6 36/07 Penal substitutionary atonement**

By resolution 36/07, the Synod requested the Diocesan Doctrine Commission to provide a report which explores the importance of penal substitution in understanding the Bible’s teaching on the atonement.

A report from the Doctrine Commission on this matter is printed separately.

### **8.7 38/07 Fellowship meal for the proclamation of the Lord’s death**

By resolution 38/07, the Synod requested the Diocesan Doctrine Commission to consider the appropriateness, with respect to the teaching of Scripture and the Anglican formularies, of Anglican churches having a fellowship meal for the proclamation of the Lord’s death, and to bring a report to Synod at a convenient time.

The Doctrine Commission has not yet reported on this matter.

### **8.8 35/08 Human rights framework for Australia**

By resolution 35/08, the Synod –

- welcomed the proposed Federal Government consultation process on the protection of human rights in Australia, and
- thanked the Social Issues Executive for the work they have undertaken in the area of human rights to date and requested that they maintain a watching brief on

developments in this area, and

- requested the Diocesan Doctrine Commission, in consultation with the Social Issues Executive, to prepare for us as a matter of priority a paper clarifying our theological understanding of human rights, and
- requested us to engage with the Federal Government consultation process and report progress to the next session of the Synod.

In April this year, the Federal Government responded to the National Human Rights Consultation by deciding not to proceed with a Human Rights Charter. Instead the Government will establish a parliamentary committee to review legislation for its compatibility with human rights obligations. The Attorney General, in announcing this, said that the Government's response was driven by two major considerations – firstly, that consideration of human rights should be at the front end of the legislative process, and secondly, that any solution should unite rather than divide. The Government also included funding of approximately \$15 million for increased education and awareness of human rights in schools, NGOs and the public service.

The Federal Government's response is consistent with the views expressed in the submission we made to the National Human Rights Consultation. We noted however that the Human Rights Framework to be put in place by the Government at this time will be subject to review in 2014 and that the Government is committed to review and harmonise anti-discrimination legislation across Australia.

#### **8.9 2/09 Environmental initiatives in the Diocese**

By resolution 2/09, the Synod requested that a report be provided to its next session about the environmental initiatives being undertaken in the Diocese.

A report about this matter is printed separately.

We also requested that suitable "user-friendly" extracts from the report be published on the Sydney Diocesan Secretariat website to assist parishes and organisations in improving their environmental stewardship.

#### **8.10 4/09 Clarification and revision of rules relating to Alterations, Ornaments and Monuments**

See item 3.5.

#### **8.11 5/09 Clergy retirement age**

By resolution 5/09, the Synod requested that we appoint a committee to review current practice with regard to clergy retirement age in this Diocese. Synod further suggested that the matters to be investigated by this committee should include but not be limited to the following –

- (a) the introduction of a retirement age for clergy in this Diocese and the reasons for it, including any changes that have been made to diocesan practice since that introduction,
- (b) whether there are still good reasons to have a fixed retirement age for clergy and what those reasons are,
- (c) if a fixed retirement age is to be retained, what that age should be, when it should be reviewed, and what procedures should be in place to extend it in individual cases,
- (d) if a fixed retirement age is no longer deemed desirable, what mechanisms would need to be put in place to ensure that both clergy and the parishes or organisations in which they serve are properly provided for,
- (e) the recommendations of the committee as to clergy retirement age or otherwise, and
- (f) what changes, if any, would need to be made to the Retirements Ordinance 1993 and any other relevant ordinances if the recommendations of the committee were to be adopted by the Synod.

We appointed a committee for the purposes of considering resolution 5/09. In response to recommendations made by the committee, we requested that a bill for the Clergy Retirements Amendment Ordinance 2010 be promoted to the Synod.

The bill and an explanatory report for the bill are printed separately.

#### **8.12 16/09 Questions of principle relevant to electing the Archbishop**

By resolution 16/09, the Synod requested that we review the questions of principle relevant to electing a person to the office of Archbishop of Sydney including –

- (a) whether a notice to summon an election Synod to fill a vacancy which the Standing Committee has resolved to be filled under clause 2(2) of the Archbishop of Sydney Appointment Ordinance 1982 should be given shortly after the Standing Committee's resolution and before the occurrence of the vacancy, and
- (b) whether the election Synod itself may be held before the occurrence of such a vacancy, and
- (c) whether a person should be elected to the office of Archbishop of Sydney for a fixed term,

and requested us to report to next year's Synod about this matter.

A bill for the Archbishop of Sydney (Election and Retirement) Amendment Ordinance 2010 and an explanatory report are printed separately.

**8.13 17/09 Diocesan Endowment investment losses**

By resolution 17/09, the Synod requested that we report to the next session of Synod (or before – to Synod representatives, in writing) the corrective actions taken by the Glebe Administration Board to address each and every concern raised in the Cameron Ralph Report, especially with respect to governance, risk management and board performance.

An initial report in response to the Synod's request was sent to Synod members on 7 May 2010 which also included information about the steps taken by the Glebe Administration Board since last year's Synod in relation to the investment management of the property for which it is responsible.

An updated report about these matters is printed separately.

**8.14 22/09 Amendments to Anglican Church of Australia Trust Property Act 1917**

By resolution 22/09, the Synod noted the increasing responsibilities in managing church trust property and requested us to confer with the Property Trust about seeking amendments to the Anglican Church of Australia Trust Property Act 1917 to enable the Trust to discharge its responsibilities more efficiently and expeditiously.

Having conferred with the Property Trust about this matter, we endorsed the promotion to the NSW Parliament of a number of proposed amendments to the Anglican Church of Australia Trust Property Act 1917. However following the intervention of the Primate, we requested that the proposed amendments be reviewed and a motion be moved at the Synod enabling the Synod to endorse them being promoted to the New South Wales Parliament.

A brief explanatory report setting out the proposed amendments will be provided to the Synod.

**8.15 Diocesan Corporate Governance Policy**

**23/09 Governance review of diocesan organisations**

**29/09 Remuneration for Glebe Administration Board members**

**32/09 Qualifications and experience of candidates and members**

By resolution 23/09, the Synod requested that we undertake a review of the constitutional documents and relevant ordinances governing the operation of Diocesan organisations considering –

- (1) the scope of the restrictions on the power of diocesan organisations to incur financial indebtedness and ensuring that those restrictions cover all forms of financial indebtedness (not just restricting the ability to borrow money) and impose appropriate limits on the total amount of financial indebtedness able to be incurred at any time, and
- (2) the scope of each diocesan organisation's investment powers, having regard to the objective of capital preservation, particularly considering –
  - (a) whether restrictions should be imposed on the ability of an organisation to make investments where there is a material risk of loss of capital invested, including investments in ASX listed securities, managed investment schemes and structured products, and
  - (b) whether more detailed investment guidelines should be introduced, including regularly published lists of approved investments.

By resolution 29/09, the Synod requested that we consider whether members of the Glebe Administration Board should be paid for their services.

By resolution 32/09, the Synod requested that we consider practical means by which Synod members might be more fully informed of information pertaining to qualification, significant experience, occupation, Board memberships, potential conflicts of interest and any other details that might be considered necessary and/or helpful to assist Synod members in voting knowledgeably in Synod elections and in making personal assessment of an individual's background on a subject when they rise to speak.

We appointed a committee to prepare a paper on corporate governance for diocesan organisations generally. We requested that the issues to be covered in the paper should include the matters raised by the Synod in resolutions 23/09, 29/03 and 32/09 and also –

- whether there should be a limitation on the continuous tenure of persons appointed or elected to diocesan bodies,
- the role of the Archbishop on diocesan organisations,
- whether the non-ex officio members of the boards of particular diocesan organisations should be financially remunerated for the time commitment and level of expertise they are expected to provide,
- whether the Chief Executive Officers of diocesan organisations should be ex officio members of their

- board,
- conflict of interest matters.

A report about this matter together with a draft Diocesan Corporate Governance Policy is printed separately. We have recommended that following Synod's consideration of the draft policy this year, Synod members and the boards of diocesan organisations be invited to provide comments on the draft with a view to a revised form of policy being brought to the Synod next year.

#### **8.16 24/09 Support for Regional Councils**

By resolution 24/09, the Synod requested that we consider how regional councils can be supported to continue their important role of funding ministry strategies in their regions including a change in the large receipts policy for sale and leasing ordinances so that the portion usually added to the capital of the Diocesan Endowment may instead be allocated to a regional council or other Diocesan beneficiary to further the Diocesan Mission and to bring a report on the operation of this matter to Synod next year.

We have not yet considered this matter.

#### **8.17 25/09 Partnerships in Evangelism**

By resolution 25/09, the Synod welcomed the appointment of Bishop Al Stewart as the Director of Evangelism Ministries and –

- encouraged Bishop Stewart to focus particularly on the raising up of church planters for those areas where Anglican ministry is currently struggling and has a limited impact on the community,
- encouraged Bishop Stewart to look to organisations such as CMS and AFES for models for raising the funding for this task, and
- called upon churches throughout the Diocese to partner in mission together with these church plants to support them prayerfully, financially and in the work of evangelism to reach these areas for Christ.

In order to progress the work contemplated by resolution 25/09, we requested that a bill for the Department of Evangelism (New Churches) Reconstitution Ordinance 2010 be promoted to the Synod.

A bill and explanatory statement for the bill are printed separately.

#### **8.18 27/09 Inter-Church Commission of Religious Education in Schools**

By resolution 27/09, the Synod respectfully requested the Anglican Education Commission to reconsider its decision to remove the Diocese of Sydney from the Inter-Church Commission of Religious

Education in Schools (ICCOREIS).

The Anglican Education Commission informed us that having reconsidered the reasons for recommending that the Diocese withdraw its membership from ICCOREIS, it resolved that there was no compelling reason why the Diocese should reverse its earlier decision.

#### **8.19 34/09 People affected by disability**

By resolution 34/09, the Synod requested that all parishes and organisations in the Diocese develop and implement a plan to remove obstacles for people with disabilities, their families and carers, which prevent them hearing the gospel and sharing in Christian fellowship.

During the year, the Social Issues Executive undertook an on-line survey of rectors to advance the work associated with Synod resolution 34/09. The survey will provide clearer data about responses to disability in our fellowship of churches and will be used to begin a consultation process with interested rectors and wardens. A progress report about this matter is printed separately.

#### **8.20 35/09 Tertiary Education Ministry Oversight Committee**

By resolution 35/09, the Synod formed the Tertiary Education Ministry Oversight Committee. One of the responsibilities of this Committee is to allocate resources in accordance with strategic priorities which it should report to Synod via the Standing Committee once formulated.

A report about the strategic priorities used by the Committee to allocate resources is printed separately.

#### **8.21 36/09 Grievance policy and procedure**

By resolution 36/09, the Synod received the report on procedures on procedures and sanctions for all standards in *Faithfulness in Service* and, noting the proposed Grievance Policy and Procedure and Parish Relationships Amendment Ordinance 2009 attached to the report –

- (a) requested that members provide comments on the proposed Grievance Policy and Procedure and Parish Relationships Amendment Ordinance 2009 to the Diocesan Secretary by 31 March 2010, and
- (b) requested that a form of the Grievance Policy and Procedure and Parish Relationships Amendment Ordinance 2009 be brought to the Synod in 2010 incorporating, as appropriate, comments made by members.

Revised forms of the Grievance Policy and Procedure and bill for the Parish Relationships Amendment Ordinance 2010 are printed separately under a covering report and explanatory statement.

### **8.21A 37/09 Business managers for parishes**

By resolution 37/09, the Synod requested that the Policy 4 Committee –

- pursue each of the matters referred to in its report to Synod last year concerning business managers for the parish, and
- report progress and results to the 2010 session of the Synod.

In view of the available resources and current priorities, we agreed that further work on the business managers reference should not be pursued.

### **8.22 40/09 Gospel work beyond the Diocese**

By resolution 40/09, the Synod gave thanks to God for the due diligence that the committee which has prepared the Synod Appropriations and Allocations Ordinance 2009 has displayed and encouraged it to consider how in future the Diocese may return to 5% of income that would be made available for Gospel work beyond the Diocese in future Appropriations and Allocations Ordinances.

We agreed that the proportion of available Synod funds allocated to the gospel work outside the Diocese (through specific applications of funds determined by the Work Outside the Diocese Committee) should remain at 4% during the current triennium. However this level of funding should be reviewed in 2012 as part of the preparation for the Appropriations and Allocations Ordinance to be considered by Synod in 2012 covering allocations during the period 2013 to 2015.

### **8.23 46/09 Anglican Communion**

By resolution 46/09, the Synod requested that we seek to have a motion brought to the General Synod affirming the Anglican Church of Australia be in full communion with the Anglican Church in North America (ACNA). Following consultation with senior members of the ACNA, we noted that a motion in or to the effect of the following is intended to be moved at the General Synod –

“Synod receives the communiqué from the Fourth Anglican Global South-to-South Encounter held in Singapore during April 2010 and –

- (a) joins with the Global South in grieving over the life of The Episcopal Church USA (TEC) and the Anglican Church of Canada (ACC) and all those churches that have rejected the way of the Lord as expressed in Holy Scripture, and
- (b) affirms those in the Communion who remain true to the way of the Lord as expressed in Holy

Scripture and have found it necessary to either walk apart from the TEC or ACC or to distance themselves from the innovations of their provinces, and assures them of our loving and prayerful support.”

#### **8.24 47/09 Fund for planting Anglican churches**

By resolution 47/09, the Synod encouraged us to consider promoting a fund for the purchase of land in new suburbs for the purpose of planting Anglican Churches in those suburbs, and funding buildings at the appropriate time. This fund would operate similarly to the Vision for Growth fund which in the past saw many churches built in new suburbs. The fund would be voluntary for existing congregations to contribute to, but would also provide an avenue for central funding when the financial situation of the Diocese allows.

In response to the Synod’s request, we passed the Mission Property Ordinance 2002 Amendment 2010 which gave the Mission Property Committee a specific fundraising power.

#### **8.25 Resolutions made by the Synod in 2009 and not mentioned in this report**

Circulars were sent to parishes and organisations about the matters arising from the 2009 Synod session. Copies of Synod resolutions were sent to appropriate persons and organisations.

#### **8.26 Ordinances for this session**

The bills for ordinances for this session of the Synod are printed separately, together with accompanying reports or explanatory statements.

For and on behalf of the Standing Committee.

ROBERT WICKS  
*Diocesan Secretary*

15 September 2010