

2017 Session of Synod

Book 3

Provisional

(Book 3 is to be finalised by 25 September 2017)

(Pages 301 to 310)

Proposed Policies and Bills for Ordinances

Standing Committee of the Synod
Anglican Church Diocese of Sydney

2017 Bills for Ordinances

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Note: Book 3 is to contain the complete set of proposed policies and bills for ordinances for 2017 in 2017. This provisional release contains those documents approved by the Standing Committee by 28 August 2017. Book 3 will be completed by 25 September 2017.

Relinquishment of Holy Orders Ordinance 1994 Amendment Ordinance 2017

Explanatory Report

Key Points

- It is proposed to amend the *Relinquishment of Holy Orders Ordinance 1994* (the “Principal Ordinance”) to improve the procedures for the relinquishment of Holy Orders.
- The Bill will insert a new schedule in the Principal Ordinance setting out a prescribed form of notice of relinquishment that must be used by a person who wishes to relinquish their Holy Orders.
- The Bill will add the Archbishop as a prescribed witness for a notice of relinquishment.
- The Bill will provide more detail about the effect of relinquishment of the exercise of Holy Orders.
- The Bill will replace the notion of “voiding” a relinquishment of Holy Orders with “overturning” a relinquishment of Holy Orders in order to clarify that this process only has a prospective effect.

Purpose of the bill

1. The purpose of the bill for the *Relinquishment of Holy Orders Ordinance 1994 Amendment Ordinance 2017* (the “bill”) is to amend the *Relinquishment of Holy Orders Ordinance 1994* (the “Principal Ordinance”) with respect to the procedures for relinquishment of Holy Orders.

Recommendations

2. That Synod receive this report.
3. That Synod pass the bill as an ordinance of the Synod.

Evidence Given

4. A member of clergy may voluntarily relinquish his or her Holy Orders through the process set out in clause 2 of the Principal Ordinance. This includes giving a notice to the Archbishop which is signed in the presence of a prescribed witness, who must also sign his or her name on the notice as a witness.

Notice of relinquishment

5. Presently there is no prescribed form of notice for the relinquishment of Holy Orders. A person must only provide the Archbishop with a written notice that includes a request that they be regarded as having relinquished their orders, and, if applicable, a statement setting out any conduct they have committed that may constitute an offence under the *Discipline Ordinance 2006*. It is proposed to amend clause 2(1) to require notices to be provided in, or to the effect of, the prescribed form set out in a new Schedule to the Principal Ordinance. This will ensure that the person’s intent is clear and that the notice includes the required particulars.

Witnessing execution of the notice of relinquishment

6. Currently the classes of person prescribed as witnesses are Assistant Bishops of the Diocese, Archdeacons of the Diocese, judges, barristers and solicitors. It is proposed to add the Archbishop as a prescribed witness.

7. A member of clergy wishing to relinquish his or her Holy Orders will often do so through a private meeting with the Archbishop. It would be more pastorally sensitive for the member of clergy if they could sign the notice in the presence of the Archbishop and for the Archbishop to also sign the notice as a prescribed witness without involving a third party as a witness.

8. The requirement for witnessing would appear to serve the function of ensuring the validity of the notice by confirming that it was in fact signed by the member of clergy to whom it relates. This function can also be served by the Archbishop signing the notice.

Surrendering the letter of orders upon relinquishment

9. A new clause 4(2) will require a person who is regarded as having relinquished his or her Holy Orders to surrender their letter of orders to the Register if this is requested by the Archbishop. This will prevent a person from using the letter of orders to exercise their Holy Orders contrary to the requirement in clause 5. The Registrar must return the letter of orders to the person in the event that their relinquishment is overturned under clause 6.

The effect of relinquishment of Holy Orders

10. Presently the Ordinance contains little detail about the effect of relinquishment of Holy Orders, stating only that the person is to be considered to be a lay person for all ordinances rules and regulations (except the Discipline Ordinance 2006) and that it is an offence for the person to hold out that they continue to hold Holy Orders. It is proposed to replace the present clause 5 to set out in more detail what a person may not do following relinquishment of the exercise of their Holy Orders. A breach of this clause will be an offence for the purposes of the *Discipline Ordinance 2006*.

Clarifying the effect of a request to the Archbishop that a relinquishment be treated as void

11. By clause 6(1) of the Principal Ordinance a person who is regarded as having relinquished his or her Holy Orders may request of the Archbishop that this relinquishment be treated as void. It is proposed to amend clause 6(1) to replace the words “treated as void” with the word “overturned”. If something is treated as void it is treated as never having occurred. Overturning a relinquishment has a clearer prospective effect.

12. There may be differing views about how the present clause 6(3) is to be interpreted. The “voiding” (to use the present wording) occurs on and from the date of the Archbishop’s notice acceding to the request. What is less clear is whether on and from that date the person is taken to have never relinquished his or her Holy Orders or only to have done so for the period between the Archbishop’s acceding to the request for relinquishment and acceding to a later request that the relinquishment be treated as void. The proposed amendments to clause 6(3) will make clear that it is the latter.

Other amendments

13. The proposed amendments to clause 5 of the Principal Ordinance improve the drafting but do not have any substantive effect on the operation of the clause.

For and on behalf of the Standing Committee

ROBERT WICKS
Diocesan Secretary

28 August 2017

Relinquishment of Holy Orders Ordinance 1994 Amendment Ordinance 2017

No , 2017

Long Title

An Ordinance to amend the Relinquishment of Holy Orders Ordinance 1994.

The Synod of the Diocese of Sydney Ordains as follows.

1. Name

This Ordinance is the Relinquishment of Holy Orders Ordinance 1994 Amendment Ordinance 2017.

2. Amendment

The Relinquishment of Holy Orders Ordinance 1994 is amended as follows –

- 5 (a) substitute the text in clause 2(1) with the following –
“A person in holy orders who holds or has held the licence or authority of the Archbishop or former Archbishop or resides in the Diocese may, by written notice to the Archbishop in or to the effect of the form set out in the Schedule, request that the person relinquish the exercise of his or her orders, subject to such notice
10 being accompanied by a statement setting out any conduct committed by the person that may constitute an offence under clause 4 of the Discipline Ordinance 2006.”, and
- (b) insert the following as a new clause 2(3)(a) (and reletter the existing paragraphs (a) to (e) as paragraphs (b) to (f)) –
15 “(a) the Archbishop;”, and
- (c) insert the following at the end of clause 3 before the full stop –
“, provided the person has furnished the Archbishop with a resignation in writing from any office previously held by that person and relinquished any licence or authority of the Archbishop held by that person”, and
- 20 (d) in clause 4(1) –
 - (i) insert the words “the exercise of” after the word “relinquished”, and
 - (ii) delete the words “considered to be”, and
- (e) delete the text in clause 4(2) and insert instead the following –
25 “If so requested by the Archbishop, a person who is regarded as having relinquished his or her Holy Orders must surrender their letter of orders to the Registrar.”, and
- (f) in clause 4(3) delete the words “is to be regarded as having relinquished” and insert instead the words “has relinquished the exercise of”, and
- (g) substitute the text in clause 5 and the clause heading with the following –
30 **“Effect of relinquishment of Holy Orders**
5. (1) A person who has relinquished the exercise of his or her Holy Orders in accordance with this or another Ordinance —
 - (a) may not
 - 35 (i) officiate or act in any manner as a bishop, priest or deacon, or
 - (ii) accept or hold any office capable of being held only by a person in Holy Orders;
 - (b) ceases to have any right, privilege or advantage attached to the order of bishop, priest or deacon;
 - 40 (c) shall not hold himself or herself out to be a member of the clergy;
 - (d) may not hold an office in the Diocese which may be held by a lay person without the consent of the Archbishop; and
 - (e) shall be deemed be a person in Holy Orders for the purposes of the Discipline Ordinance 2006.

(2) A breach of subclause 5(1) is an offence for the purposes of the Discipline Ordinance 2006.”, and

- (h) substitute the heading for clause 6 with the following –
“Request for relinquishment to be overturned”, and
- (i) in clause 6(1) substitute –
(i) the word “request” with “application”, and
(ii) the words “treated as void” with “overturned”, and
- (j) in clause 6(2) insert the following matter at the end before the full-stop –
“, and in such event the Registrar is to return the person’s letter of orders if it has been surrendered to the Registrar under clause 4(2).”, and
- (k) in clause 6(3) –
(i) insert the words “no longer” before the matter “notice,”, and
(ii) delete the word “not”, and
(iii) substitute “Holy Orders” for the words “holy orders”.
- (l) insert the following as a Schedule –

“Schedule

VOLUNTARY RELINQUISHMENT OF THE EXERCISE OF HOLY ORDERS

I, _____ of _____
a person in Holy Orders in the Anglican Church of Australia (particulars of which are set out below) DECLARE that I have resigned all clerical licences, appointments and positions held by me as presbyter and deacon and DO HEREBY RELINQUISH all rights and privileges as presbyter and deacon in accordance with the Constitution of the Anglican Church of Australia and the *Relinquishment of Holy Orders Ordinance 1994*, and hereafter will not conduct myself as a member of the clergy.

PARTICULARS OF HOLY ORDERS

	DATE	PLACE	ORDAINING BISHOP
ORDINATION AS DEACON			
ORDINATION AS PRESBYTER			
ORDINATION AS BISHOP			

SIGNED:

WITNESS:

DATED:

DATED:

CONSENT OF THE ARCHBISHOP OF SYDNEY IN WHOSE DIOCESE THE
DECLARANT LAST HELD A CLERICAL LICENCE OR APPOINTMENT AND IN
WHOSE DIOCESE THE DECLARANT RESIDES:

5

I, _____ by Divine Providence, Archbishop of Sydney do hereby consent to the above
Relinquishment of the Exercise of Holy Orders.

10

SIGNED:

15

DATED: _____ ”

I Certify that the Ordinance as printed is in accordance with the Ordinance as reported.

Chair of Committees

I Certify that this Ordinance was passed by the Synod of the Diocese of Sydney
on _____ 2017.

Secretary

I Assent to this Ordinance.

Archbishop of Sydney

/ /2017

Synod and Standing Committee Membership Amendment Ordinance 2017

Explanatory Report

Key Points

- It is proposed to increase from 5 to 7 the number of organisations the Standing Committee may declare as Nominated Organisations under Part 6 of the *Synod Membership Ordinance 1995* (the “1995 Ordinance”).
- It is proposed to remove the CEO of the Sydney Diocesan Secretariat (“SDS”) as an ex-officio member of the Standing Committee under the *Standing Committee Ordinance 1897* (the “1897 Ordinance”) and enable the Standing Committee to appoint as a member of the Standing Committee one CEO of an organisation eligible to be declared a Nominated Organisation under Part 6 and who is a member of the Synod.

Purpose of the bill

1. The purpose of the bill for the *Synod and Standing Committee Membership Amendment Ordinance 2017* (the “bill”) is to amend the 1995 Ordinance and the 1897 Ordinance with respect to the membership of the Synod and the Standing Committee.

Recommendations

2. That Synod receive this report.
3. That Synod pass the bill as an ordinance of the Synod.

Background

4. At its meeting on 29 May 2017, the Standing Committee considered the nomination of organisations for the 51st Synod under Part 6 of the 1995 Ordinance. Currently, Part 6 provides for a maximum of five organisations that can be nominated.

5. At that meeting, the Standing Committee deferred the declaration of any nominated organisations and appointed a committee (“the Committee”) comprising Archdeacon Kara Hartley, Mr Doug Marr, the Rev Gavin Poole, Dr Laurie Scandrett and Dr Robert Tong, to review the number of nominated organisations to be summoned to the Synod under Part 6, and the desirability of including the CEO of SDS under Part 9 of the 1995 Ordinance.

6. The Standing Committee considered the Committee’s recommendations at its meetings on 31 July and 28 August 2017.

7. During its consideration of the Committee’s recommendations, the Standing Committee declared the following five organisations to be nominated organisations for the 51st Synod –

- Anglican Community Services (Anglicare)
- Anglican Media
- Anglican Schools Corporation
- Anglican Youth and Education Diocese of Sydney (Youthworks)
- Evangelism and New Churches

Membership of Synod under Part 6 of the 1995 Ordinance

8. The Committee spent time considering Part 6 membership of the Synod (Nominated Organisations). The 1995 Ordinance does not currently specify the purpose of membership of Synod under Part 6. The Committee agreed that the following two characteristics are logically desirable for any organisation nominated under Part 6 –

- (a) the organisation is established by ordinance of the Synod, and
- (b) the organisation makes a distinctive contribution to the work of the Diocese.

9. The Committee took the view that, in accordance with these desirable characteristics, nominated organisations would typically have staff and would not usually be individual schools.

10. The Committee noted that apart from Moore Theological College whose Principal is an ex officio member of Synod under Part 9, there are currently nine Diocesan organisations with staff, excluding schools, listed in the Diocesan Year Book which may be nominated under Part 6. These 9 organisations are shown in

the following table, which also indicates the current Synod membership status of the person likely to be nominated as CEO for the purposes of Part 6 –

Organisation	Person who is expected to be nominated as CEO for Synod membership purposes
The Archbishop of Sydney's Anglican Aid	The Rev David Mansfield <i>Nominated under Part 7</i>
Anglican Education Commission	Vacant (Acting CEO Dr Julie Matthews)
Anglican Community Services (Anglicare)	Mr Grant Millard
Anglican Media	Mr Russell Powell
Anglican Schools Corporation	Mr Ross Smith
Anglican Youth and Education (Youthworks)	From 2018: The Rev Craig Roberts (Interim CEO Dr Laurie Scandrett, <i>currently appointed under Part 5</i>)
Evangelism and New Churches	The Rev Philip Wheeler
Ministry Training and Development	The Rev Gary O'Brien <i>Nominated under Part 7</i>
Sydney Diocesan Secretariat	Vacant (Acting CEO Mr Robert Wicks, <i>a member under Part 9 as Diocesan Secretary</i>)

11. Of the nine organisations, four currently rely on representation from membership of Synod other than membership under Part 6. Two of those organisations are in turn represented on Synod by Interim or Acting CEOs and it is reasonable to assume that the relevant appointments will shortly be made to these organisations and as a consequence, they may not be represented on Synod.

12. Noting that since 2003 and up until 2016, seven organisations could be nominated under Part 6, the committee agreed on the desirability of providing a mechanism where each of the nine organisations that meet the characteristics outlined in paragraph 8 could be provided membership. Ultimately, however, the Committee determined that in most circumstances allowing up to 7 organisations to be nominated under Part 6 should allow all 9 organisations appropriate representation given the likelihood that at least two will have representatives who are members of Synod other than by Part 6.

13. The Committee recommended to the Standing Committee that Part 6 be modified as follows –

- (a) insert the text “established by ordinance” in clauses 23 and 24, following the first occurrence of “organisation” in each clause, and
- (b) amend 25(1) to read, “Standing Committee may only make a declaration under clause 24 for up to 7 diocesan boards, departments, or organisations for the same Synod in respect of which the Standing Committee proposes making the declaration.”

Appointment of the CEO of SDS as ex-officio member of Standing Committee

14. The Committee also considered the membership of the CEO of SDS on Standing Committee. The CEO of SDS is the only ex-officio member of Standing Committee who is not also an ex-officio member of Synod. SDS has been a nominated member of Synod under Part 6 of the Ordinance since 1996, however it seems inconsistent that the CEO of SDS is a member of Standing Committee, but is not necessarily also a member of Synod.

15. The CEO of SDS is the head of the Synod's service organisation, and can provide important information in relation to matters for which SDS is responsible, including managing the investments of the GAB. Accordingly, it seems likely that any CEO of SDS would continue as a valuable contributor to the work of the Standing Committee. However, noting –

- (a) the recent separation of the Glebe Administration Board from the Board of the SDS,
- (b) the possibility that the CEO of SDS may also be the Diocesan Secretary (and therefore a member of Standing Committee by virtue of that office), and

- (c) that a valuable contribution to Standing Committee may in future be made by the CEO of another Diocesan Organisation,

the Committee recommended to Standing Committee that the 1897 Ordinance be amended to –

- (i) remove the ex-officio membership of the CEO of Sydney Diocesan Secretariat,
- (ii) provide that the Standing Committee may appoint by resolution one CEO of an organisation eligible for election under Part 6, who is a member of Synod, as a member of Standing Committee for the duration of a Synod, and
- (iii) provide that the Standing Committee may revoke this membership by resolution.

16. Such a modification to the membership of Standing Committee does not increase membership, while allowing greater flexibility. This amendment also ensures that the CEO appointed in this position is necessarily also a member of Synod representing a Diocesan Organisation.

For and on behalf of the Standing Committee

ROBERT WICKS
Diocesan Secretary

31 August 2017

Synod and Standing Committee Membership Amendment Ordinance 2017

No , 2017

Long Title

An Ordinance to amend the Synod Membership Ordinance 1995 and the Standing Committee Ordinance 1897.

The Synod of the Diocese of Sydney Ordains as follows.

1. Name

This Ordinance is the Synod and Standing Committee Membership Amendment Ordinance 2017.

2. Amendment of the Synod Membership Ordinance 1995

The Synod Membership Ordinance 1995 is amended as follows –

- 5 (a) delete the first occurrence of the words “board, department or organisation” in clause 23 and insert the words “organisation established by ordinance”,
- (b) delete each occurrence of the words “board, department or” in clause 23(a), clauses 24, 26, 29 and in the definitions for “Chief Executive Officer” and “Nominated Organisation” in the Dictionary,
- 10 (c) delete the word “boards” in the heading for Division 2 of Part 6 and insert instead “organisations”,
- (d) delete the word “board” in the headings for clauses 24 and 26 and insert instead “organisation”, and
- (e) delete subclause 25(1) and insert instead the following –
- 15 “(1) Standing Committee may only make a declaration under clause 24 for up to 7 diocesan organisations for the same Synod in respect of which the Standing Committee proposes making the declaration.”.

3. Amendment of the Standing Committee Ordinance 1897

The Standing Committee Ordinance 1897 is amended as follows –

- 20 (a) delete the matter “, the Chief Executive Officer of Sydney Diocesan Secretariat” from paragraph 1A(1)(a),
- (b) insert a new paragraph 1A(1)(g) as follows –
“ (g) 1 Chief Executive Officer of a board, department or organisation eligible to be declared a Nominated Organisation under Part 6 of the Synod Membership Ordinance 1995, who is a member of Synod, appointed by resolution of the Standing Committee.”
- 25 (c) insert a new subclause 1A(4) as follows, with consequential renumbering –
“(4) The member appointed under paragraph 1(g) holds office until the first day of the first session of the next Synod.”, and
- 30 (d) insert a new subclause 1A(5) as follows, with consequential renumbering –
“(5) The Standing Committee may revoke the membership of the member appointed under paragraph 1(g) by resolution at any time.”

I Certify that the Ordinance as printed is in accordance with the Ordinance as reported.

Chair of Committees

I Certify that this Ordinance was passed by the Synod of the Diocese of Sydney on
2017.

Secretary of Synod

I Assent to this Ordinance.

Archbishop of Sydney

/ /2017