

Questions and Answers under Standing Order 27

1. Sunday Trading

The Rev Neil Flower asked –

In reference to the St Andrew's House Ordinance 1975 Amendment Ordinance 1994 –

- (a) What were the reasons for allowing the dramatic change in Anglican Church policy?
- (b) What criteria was applied to allow this?
- (c) Did the Diocesan Doctrine Commission (which we are informed is currently studying this issue of the Lord's Day), give any advice and/or was this advice or opinion sought as to the propriety of this move?
- (d) On such a major departure from current accepted Anglican practice, why was Synod not consulted and the issue debated?
- (e) Is it possible that the Archbishop has assented to this ordinance?
- (f) Is Sunday trading currently being practised?
- (g) Is there any other proposal likely to come before the Standing Committee connected with Town Hall Arcade that will be a further departure from our accepted practice?
- (h) Are the shops in the Arcade allowed to be open during divine service in the Cathedral (thus being in direct competition)?
- (i) To what is the extra rental or revenue (if any) raised by the ordinance being applied?

To which the President replied –

I am informed the answers are as follows –

- (a), (b) The ordinance was promoted at the request of the Glebe Administration Board following representations made by the Town Hall Arcade Merchants' Association. The Association considered that the Sunday trading covenant restricted the commercial viability of some retailers in the Town Hall Arcade in difficult economic conditions, and that this would improve if the covenant was relaxed. There is no absolute restriction on Sunday trading. It is the policy of the Standing Committee not to allow church property to be let for use for trade on Sunday, except for the sale of food, newspapers, petrol, pharmaceutical services and supplies of other services urgently required on Sundays and for purposes approved by the Standing Committee in the context of specific local circumstances.
- (c) No.
- (d) This question purports to contain a statement of fact and is out of order under Standing Order 27(2).
- (e) Yes.
- (f) Yes.
- (g) This question is out of order as it seeks information about the future.
- (h) Yes.
- (i) There is no extra rental or revenue.

2. Membership of Standing Committee (1)

Mr Graeme Marks asked –

- (a) Which lay members of the Standing Committee are employees of Sydney Diocesan Secretariat or a diocesan organisation, (not including a parish), established by the Synod?
- (b) Which clerical members of the Standing Committee are employees of Sydney Diocesan Secretariat, the Endowment of the See or a Diocesan Organisation, (not including a parish), established by the Synod?

To which the President replied –

- (a) To the best of my knowledge the answer is –
 - Mr Warren Gotley
 - Mr David Fairfull
 - Mr Tony McCarthy
 - Deaconess Margaret Rodgers
 - Mr Roderick West
- (b) This question is outside Standing Order 27 as it is a question of law whether a person is an employee or an office holder. None of the clerical members are employees of Sydney Diocesan Secretariat or the Endowment of the See.

Further information

I am informed the answer is as follows –

The following members of the Standing Committee receive a salary or stipend from the Sydney Diocesan Secretariat, the Endowment of the See or a Diocesan Organisation –

- The Archbishop
- The 5 Assistant bishops
- The 5 Archdeacons
- The Registrar
- The Dean
- The Principal of Moore College
- The Vice Principal of Moore College
- The General Secretary of the Home Mission Society

3. ITIM Grant

The Rev Neil Brain asked –

In reference to item 4, of p 313 of the Annual Report a special grant for ITIM of \$18,000 was asked for, only \$10,000 was allocated.

Is this correct especially keeping in mind the work of ITIM in reaching people in the work place and the Archbishop's comment about the absence of workers/tradesmen type in Anglican Churches?

To which the President replied –

I am informed that this question is out of order as it seeks an opinion and should be dealt with by the Synod. The figure of \$10,000 is correct.

4. New/Extensions to Church Buildings, Architectural Panel

Mr Terry Leister asked –

- (a) How many approvals have been granted for new buildings or building extensions under the provisions of clauses 4 and 5 of the Church Grounds & Buildings Ordinance 1990, since

Questions & Answers for the 1994-1995 session of the 43rd Synod

1 January 1993 for parochial units other than those covered by the Vision for Growth and/or Vision 2001 programmes?

- (b) What was the total value of constructions covered under those approvals?
- (c) Does the Architectural Panel have as one of its criteria for approval, the availability in the surrounding area of similar facilities owned or operated by other Anglican Organisations under the control of Ordinances of this Synod?
- (d) Is a "Development Plan" for each episcopal area in place and is any proposed new construction scrutinised in the light of this "Development Plan"?
- (e) Does the Diocese have a Policy on the extension of facilities in what could be called "developed parishes" and if so, what is that policy?

To which the President replied –

I am informed the answers are as follows –

- (a), (b) These questions cannot be answered without considerable research which cannot be done in the context of a Synod session.
- (c) No. There are 5 Architectural Panels.
- (d), (e) The Bishops have developed strategy plans for their areas but these plans can be carried forward only in consultation with local parishes.

5. **Aidslink Funding**

The Rev Lindsay Johnstone asked –

For what period of time will the *Aidslink* Ministry receive Vision 2001 funding under the present arrangements? What plans have been made to establish this ministry on a long-term basis?

To which the President replied –

I am informed that *Aidslink* is a ministry initiative of the South Sydney Region conducted from St Jude's Randwick. Vision 2001 funding is until 31 December 1995.

6. **Vision 2001 (1)**

Mr Tony George asked –

- (a) Does Vision 2001 employ consultants for its promotion and publicity work?
- (b) If so, who are those consultants?
- (c) For each of the 12 month periods ending 30 June 1994 and 30 June 1993 did any of those consultants receive fees exceeding \$3,000 in any year?
- (d) If so, which consultants were they and how much did they receive in respect to each 12 month period?

To which the President replied –

Strictly speaking the subject matter of the question does not come within Standing Order 27. But I will answer the question.

- (a) Yes.
- (b) Pilgrim International Limited.

- (c), (d) These matters are considered to be confidential to Vision 2001 and its consultant. They are, however, under regular scrutiny.

7. Parishes Ordinance 1979 Amendment Ordinance 1994

Mr Ken Ambler asked –

From the most recent statistics and applying the test included in the Parish Ordinance 1979 Amendment Ordinance 1994 that "average attendance over the previous 12 months at a particular Sunday service is not less than 60 adult persons" -

- (a) what are the names of the parishes that would be ineligible for parish status;
- (b) further, what are the names of the parishes that would be ineligible for parish status if the number were increased to 70 adult persons; and
- (c) could the reply be circulated to Synod members before the second reading debate on the proposed amendment ordinance?

To which the President replied –

The question is outside Standing Order 27: some of the information sought is available in year books and it is open to anyone to use that information in their research.

8. Review Committee into the Church Administration Ordinance 1990 and Associated Ordinances

Mr Wal Forrester asked –

Is there any further information in respect to "The Review Committee into Church Administration and Associated Ordinances" of their further recommendations proposed in Appendix B to their report?

To which the President replied –

No.

9. Resolution 34/92

Mr Wal Forrester asked –

Is there any further information in respect to resolution 34/92 subsequent to the answer given on 11 October 1993?

To which the President replied –

No.

10. Vision 2001 (2)

Wayne Olling asked –

- (a) Which organisation conducts Vision 2001?
- (b) Does that organisation have to lodge accounts and provide a report for Synod?

To which the President replied –

- (a) The Archbishop.
- (b) No. But audited accounts are usually tabled.

11. Diocesan Advocate

The Rev Alan Hamilton asked –

- (a) Who is the Diocesan Advocate?
- (b) When was the Advocate appointed and for what term?
- (c) Does the Standing Committee instruct the Advocate when to act or does he take the initiative to act himself?

To which the President replied –

- (a) Mr N.M. Cameron.
- (b) Mr Cameron was appointed for 5 years from 21 April 1990. Mr Cameron resigned in March 1994. The resignation was accepted by Standing Committee but subsequently Mr Cameron was reappointed for the balance of his original term of office.
- (c) The functions of the Advocate are set out in the Tribunal Ordinance. That Ordinance does not give the Standing Committee power to direct the Advocate in the performance of his functions.

12. HMS Council

Mr Tim Tunbridge asked –

With regard to the Ordinance passed by Standing Committee this year reconstituting the Council of the Sydney Anglican Home Mission Society –

- (a) What changes were made in relation to the 9 clerical and 9 lay members elected by Synod and to the other members of the Council not elected by the Synod?
- (b) How many of the sitting members of the Council elected by Synod were not reappointed by the Standing Committee?

To which the President replied –

- (a) The Sydney Anglican Home Mission Society (Amendment) Ordinance No 24, 1994 was promoted by the Council of the Home Mission Society. Immediately prior to the passing of that ordinance, there were 35 members of the Council comprising –

- The Archbishop
- Each Assistant Bishop
- Each Archdeacon with territorial jurisdiction
- The Dean
- Treasurer elected by Council
- CEO of HMS
- 3 persons appointed by the Archbishop
- 9 clergy elected by Synod
- 9 laypersons elected by Synod

Now there are currently 15 members of the Council comprising –

- The Archbishop
- Each Assistant Bishop (or clerical nominee)
- CEO of HMS
- 2 laypersons appointed by the Archbishop
- 3 clergy elected by Synod
- 3 laypersons appointed by Synod

- (b) Of the 18 persons elected by the Synod who were on the Council immediately prior to the passing of the Ordinance No.24 of 1994, 12 were not reappointed/re-elected.

13. Mother Mary McKillop/Papal Visit

The Rev Max Bonner asked –

- (a) In the light of the proposed Papal visit to Australia in January as part of the beatification process of Mother Mary McKillop to become Australia's "first saint" and the publicity the visit will engender, will the Diocese be issuing a statement drawing attention to the New Testament teaching that all Christian believers are saints and that Australia has had a countless number of saints drawn, presumably, from all Christian denominations?
- (b) Why was the diocesan magazine "Southern Cross" of our formerly strongly Protestant diocese of Sydney totally silent on the Pope's visit in 1986, when Christian newspapers such as "New Life" and the former "Australian Church Record" ran informative and helpful articles on our Protestant heritage for fully a year ahead? Will the same policy continue?
- (c) Why was there in the recent Cathedral Festival of Flowers a floral arrangement (26A in the programme) dedicated to Mary McKillop?
- (d) In the light of increasing partiality towards the Roman Catholic Church in the Australian media, both in terminology employed and amount of coverage, are there practical steps which can be taken to redress the balance?

To which the President replied –

- (a) I do not have any plans. Neither am I aware of plans by the Synod or the Standing Committee.
- (b) This is not known.
- (c) It has long been a custom to allow people to place floral arrangements in a church as personal and private memorial to family members or other persons. The placing of flowers does not indicate support or otherwise by the Church for the faith and character of the person the subject of the memorial since, also in accordance with custom, such faith and character is not enquired into. The Cathedral was following this practice in the case referred to in the question. The memorial had no connection with the proposed beatification of Mary McKillop.
- (d) This question is out of order under Standing Order 27(2) since it contains a purported statement of fact and also seeks an opinion.

14. Pymble Tribunal Ordinance 1962 and Incapacity and Inefficiency Ordinance 1906 (1)

Mr John Laing asked –

- (a) When was the Standing Committee informed that representations had been made to the Commissioners of Enquiry under the Incapacity and Inefficiency Ordinance by an Assistant Bishop? At that time was the Standing Committee requested to make available Diocesan resources of staff and facilities to service that committee?
- (b) When was the Standing Committee informed that the Enquiry Committee had reached the conclusion that "In the opinion of the majority of the members of the Enquiry Committee there are circumstances that raise the question of removing the Reverend David Gilmour from the Parish of Pymble on the ground of incapacity or inefficiency"?
- (c) Was the Standing Committee provided with a copy of that report at the time? If not, did any member of the Standing Committee seek the release of that report to the Standing Committee? If so, on what occasions were such requests made? Has the report now been made available to the Standing Committee?

To which the President replied –

Questions & Answers for the 1994-1995 session of the 43rd Synod

I am informed the answers are as follows –

- (a) The wording of (a) has some inaccuracies. I take it to mean when was the Standing Committee informed that a representation had been made to the Enquiry Committee? That date is 1 February 1994. The answer to the second part of the question is no. The Diocesan Secretary acted on past precedent.
- (b) 21 March 1994.
- (c) No. Some members of the Standing Committee have asked for the release of the report but the Standing Committee has declined to do so. The report has not be made available.

15. DEB (1)

Mr Andrew Mitchell asked –

- (a) Of the 8 clergy who attend meetings of the Diocesan Executive Board, as listed on page 16 of the Standing Committee report, which ones received stipends or salaries during the last 12 months from funds of the Sydney Diocesan Secretariat, the Glebe Administration Board, or the Endowment of the See?
- (b) Of the 6 lay persons who attend meetings of the Diocesan Executive Board, as listed on page 16 of the Standing Committee report, which ones received salaries or consulting fees or are members of the directors of companies which received professional or other fees during the last 12 months from the funds of the Sydney Diocesan Secretariat, the Glebe Administration Board or the Endowment of the See?

To which the President replied –

I am informed the answers are as follows –

- (a) The members of the Diocesan Executive Board are –
 - Archbishop Harry Goodhew
 - Bishop Paul Barnett
 - Bishop Brian King
 - Bishop Reg Piper
 - Bishop Ray Smith
 - Bishop Peter Watson
 - Mr David Fairfull
 - Mr Neil Cameron
 - Dr Stephen Judd
 - The Rev Phillip Jensen
 - Mr Warwick Olson
 - Mr Richard Lambert

Archdeacon Stan Skillicorn attends meetings as the Archbishop's personal assistant and Mr Warren Gotley is the Secretary of the Board. Neither is a member of the Board.

The Archbishop, the Assistant Bishops and Archdeacon Skillicorn receive stipends from the Endowment of the See.

- (b) Allen Allen & Hemsley (of which Mr Neil Cameron is a partner) and Mr Richard Lambert have received professional fees from the Sydney Diocesan Secretariat or the Glebe Administration Board during the last 12 months. Messrs David Fairfull and Warren Gotley are employees of the Sydney Diocesan Secretariat.

16. Pymble Tribunal Ordinance 1962 and Incapacity and Inefficiency Ordinance 1906 (2)

Mr Francis Beazley asked –

- (a) What are the guidelines for supplying copies of evidence given to the Commissioners appointed under the Inefficiency and Incapacity Ordinance 1906 to people beyond the Commission?
- (b) Is it a fact that the Commissioners appointed under the Inefficiency and Incapacity Ordinance 1906 agreed to supply copies of evidence gathered by the Commissioners to the solicitor representing the persons who laid the charges under the Tribunal Ordinance 1962, together with the former rector's warden?
- (c) If this evidence was supplied to the said solicitor on the basis of his role as the Diocesan Advocate –
 - (i) is it necessary for the Diocesan Advocate to review this Commission's evidence; and
 - (ii) why was it not considered that a conflict of interest may arise where the Diocesan Advocate and the complainant's legal counsel are the same person?

To which the President replied –

- (a) There are no guidelines in the 1906 Ordinance for supply of evidence to other parties. There are, however, practical constraints like the duty of confidentiality owed to those who give evidence, the law of defamation and the need to act circumspectly so as not to negate any insurance cover there may be against defamation.
- (b) I am unable to answer this question. The Commissioners were responsible for conducting their own affairs.
- (c) This question seeks an opinion on a matter of law and is out of order under Standing Order 27.

17. Pymble Tribunal Ordinance 1962 and Incapacity and Inefficiency Ordinance 1906 (3)

The Rev Ian Fauchon asked –

- (a) What is the role of the Advocate?
- (b) Who appoints the Advocate?
- (c) Is there any requirement that the Advocate be a member of the Anglican Church of Australia in this Diocese?
- (d) Where does the present Advocate attend church?

To which the President replied –

I am informed the answers are as follows –

- (a) The role of the Advocate is set out in clauses 23 and 24 of the Tribunal Ordinance 1962. In brief the Advocate's role is to prosecute a charge if requested by the persons who make a charge and, together with the Archbishop and the Chancellor, to make and alter rules for the conduct of the Tribunal's business.
- (b) Under clause 23 of the Tribunal Ordinance 1962 the Advocate is appointed by the Standing Committee.
- (c) The qualifications for appointment of the Advocate are set out in clause 23 of the Tribunal Ordinance 1962 which requires the Advocate to be a barrister or solicitor of not less than 7 years' standing.
- (d) Standing Order 27 cannot be used to elicit personal information of this type.

18. General Synod Assessments (1)

The Rev Noel Pilcher asked –

- (a) Has the Standing Committee conducted any recent review of the nature and extent of the obligation to pay General Synod assessments?
- (b) If a review was made, were any conclusions reached and recommendations adopted?

To which the President replied –

I am informed the answers are as follows –

Standing Order 27 cannot be used to obtain information which is readily available to members of the Synod.

See pages 58 to 66, 275 and 276 of the Standing Committee's report to the Synod. A report on General Synod Finances, prepared by a committee consisting of Bishop (now Archbishop Goodhew, Mr D.S. Marr, Dr L.A. Scandrett and Mr R. Tong), was a briefing paper for parts of these reports. The conclusions reached by this committee were adopted by the Standing Committee, resulting in a request to the Standing Committee of the General Synod to arrange its assessment information in a certain manner. This is reported in item 2.6 on page 276.

19. AMC

Mrs Jean Gill asked –

- (a) Which organisation is responsible for the publication of "Southern Cross"?
- (b) Who are the members of that organisation and where do they usually attend church?
- (c) Did that organisation receive from the Archbishop or Standing Committee a direction not to publish any material on the Pymble dispute following publication of the Archbishop's letter sent to all Synod members?
- (d) Did that organisation itself decide not to publish any material on the Pymble dispute? If so, when, what were the terms of that resolution and who was present at the meeting when it was passed?

To which the President replied –

I am informed the answers are as follows –

- (a) The Anglican Media Council.
- (b) The names of the members of the Anglican Media Council are set out on page 34 of the 1994 Year Book. Standing Order 27 cannot be used to obtain the information requested in the second part of the question.
- (c) No.
- (d) No. It was a decision of the editor of "Southern Cross".

20. General Synod Assessments (2)

The Rev Dane Courtney asked –

- (a) Before the Standing Committee made its recommendation that both the General Synod Statutory Assessment and the General Synod Special Assessment be paid in full, was it aware of any short payment of either assessment by any other diocese?

Questions & Answers for the 1994-1995 session of the 43rd Synod

- (b) Can the Synod be informed whether another diocese has not paid either its Statutory Assessment or Special Assessment in the past 3 years?

To which the President replied –

I am informed the answers are as follows –

- (a) No.
- (b) This question is outside the scope of Standing Order 27. I am informed that there are news items on this matter in last week's edition of Church Scene.

21. Pymble Tribunal Ordinance 1962 and Incapacity and Inefficiency Ordinance 1906 (4)

Mr Lewis Patrick asked –

- (a) Has the Standing Committee sought any legal advice on the role of the Diocesan Advocate under the Tribunal Ordinance 1962 and, specifically, whether the Diocesan Advocate has any function under that Ordinance in relation to the Board of Enquiry? If so, what is the substance of that advice?
- (b) Where the Diocesan Advocate acts for persons who are parishioners promoting a charge against their minister, does the Advocate take instructions from those parishioners or from the Synod?
- (c) Is there provision for the Diocesan Advocate to delegate his functions when the Advocate is a member of the parish to which the charges relate?

To which the President replied –

I am informed the answers are as follows –

- (a) No.
- (b) This question requires a legal opinion and so is out of order under Standing Order 27.
- (c) No.

22. Women Deacons

The Rev David Armstrong asked –

- (a) How many ordained women are in full time parochial employment in the Diocese?
- (b) Of this number how many are in first appointments? And how many are in second or further appointments?

To which the President replied –

I am informed the answers are as follows –

- (a) 9
- (b) 6 are first appointments and 3 are second or subsequent appointments.

23. DEB (2)

The Rev Graham Crew asked –

- (a) What power does the Diocesan Executive Board have to require diocesan organisations to co-operate with it?
- (b) How many times has the Diocesan Executive Board met since its establishment?

- (c) Have any reports of those meetings been provided to the Standing Committee?
- (d) What is the attendance record of the Diocesan Executive Board members?

To which the President replied –

- (a) None.
- (b) 4 times.
- (c) No.

(d) <i>Member</i>	<i>Meetings Attended</i>	<i>Leave of Absence</i>
Bishop Paul Barnett	4	-
Mr Neil Cameron	1	3
Mr David Fairfull	3	1
Archbishop Harry Goodhew	4	-
The Rev Phillip Jensen	2	-
Dr Stephen Judd	2	-
Bishop Brian King	4	-
Mr Richard Lambert	1	3
Mr Warwick Olson	3	1
Bishop Reg Piper	4	-
Bishop Ray Smith	4	-
Bishop Peter Watson	4	-

24. University Chaplains

Dr Ann Young asked –

- (a) To which university campuses within the Diocese are chaplains licensed by the Archbishop?
- (b) Which of these chaplaincies are supported by grants from this Synod?

To which the President replied –

I am informed that the answers are as follows –

- (a) The following persons have been appointed as university chaplains –
 - Canon R.C. Forsyth - Sydney University
 - The Rev G. Banister - Macquarie University
 - The Rev P.D. Jensen - University of New South Wales
 - The Rev S.E. Edwards - Wollongong University

In addition the following persons act as university chaplains –

- The Rev S.T. Gooch - University of Western Sydney (Nepean Campus)
- The Rev G.R. Bates - University of Western Sydney (Hawkesbury Campus)
- The Rev M.R. Blake - University of Western Sydney (Macarthur Campus)
- The Rev R.G. Mills - University of Western Sydney (Macarthur Campus)
- The Rev S.P. Robinson - University of Western Sydney (Quakers Hill Campus)

- (b) It is not clear what "supported" means. Each of the members of the clergy referred to in (a), other than the Rev G. Banister, is also licensed to a parochial unit as rector, curate in charge or assistant minister. The stipend of such persons is paid by the parochial unit to which they

are licensed. However funding, either in whole or in part, may be provided through the Income and Expenditure Ordinance.

25. Women's Ministry (1)

Ms Julia Baird asked –

Would the Archbishop please indicate when the Diocese will receive the first report on women's ministry in the Diocese interim or full, from Archdeacon Dianne Nicolios, Archdeacon for the Advancement of the Ministry of Women?

To which the President replied –

Archdeacon Nicolios is seeking to provide a response to the Standing Committee by February 1995.

26. Pymble Tribunal Ordinance 1962 and Incapacity and Inefficiency Ordinance 1906 (5)

Mr Stephen Hodgkinson asked –

- (a) In respect of the proposed grant of \$100,000 for clerical disciplinary enquiries -
 - (i) Who made the application to the Financial Priorities Committee?
 - (ii) What information was provided to the Financial Priorities Committee?
 - (iii) Why has no provision been made for this category by way of a 1996 and 1997 forward projection?
- (b) As it is understood that actual diocesan expenditure on clerical disciplinary enquires presently exceeds \$200,000, what specific powers (if any) does Standing Committee possess to authorise expenditure of money other than the amounts budgeted in the annual income and expenditure ordinance?

To which the President replied –

- (a)
 - (i) There was no application to the Financial Priorities Committee. The Standing Committee made the decision itself on the advice of the Finance Committee.
 - (ii) See the answer to (a)(i).
 - (iii) The Standing Committee has not considered this matter.
- (b) The Standing Committee may authorise expenditure –
 - (i) under clause 4 of the Standing Committee Ordinance 1897;
 - (ii) under clause 10 of the Assessment Authorisation Ordinance 1975;
 - (iii) under items of the 7th Schedule of the Endowment of the See Ordinance 1977, subject to the approval of the Archbishop; and
 - (iv) under any other ordinance which conveys authority to allocate funds or to incur expenditure.

27. Pymble Tribunal Ordinance 1962 and Incapacity and Inefficiency Ordinance 1906 (6)

The Rev Philip Griffin asked –

Has the Standing Committee adopted any policy to pay costs and/or compensation to a clergy person who is charged with an offence under the Tribunal Ordinance or who has had representations made against him or her under the Incapacity and Inefficiency Ordinance, where that clergy person is cleared of the charge or satisfactorily answers the representation?

To which the President replied –

No.

28. Resolution 22/92

The Rev John McIntyre asked –

- (a) What progress, if any, has been made by Standing Committee in relation to motion 22/92 which urges "Standing Committee to report on how a percentage of all future discretionary investments of the Sydney Anglican Diocese might be restructured with a view to assisting the provision of low income housing, with the long-term goal of achieving 1% of the total investment portfolio by the year 2000"?
- (b) If there has been no progress made on this matter, what good reason has Standing Committee given not to attend to the urging of Synod to pursue the stated objective of motion 22/92?

To which the President replied –

I am informed the answers are as follows –

At the First Session of the 43rd Synod a report from the Standing Committee was received by the Synod on motion 22/92. The report is found on pages 452 to 455 of the 1994 Year Book.

In the report the Standing Committee noted that there were basically 2 options –

- (a) Synod allocates funds each year from the Income and Expenditure Ordinance for low-income housing; or
- (b) Synod directs the Glebe Administration Board to invest specific funds in low income housing.

The Standing Committee also expressed the view that having regard to other pressing claims on the Diocesan Endowment it was inappropriate to allocate specific funds from the Income and Expenditure Ordinance and it would be imprudent to invest in these types of projects as part of a general investment policy.

The Synod has not given the Standing Committee any further directions in this matter.

29. Presidential Address

Dr Laurie Scandrett asked –

Will the Presidential Address that is printed for posterity in the 1994 Synod Summary in the 1995 Year Book be –

- (a) a transcript of the verbal presentation given by the Archbishop on Monday 10 October 1994; or
- (b) the printed address as circulated to the members of the Synod during the dinner break on Monday 10 October 1994; or
- (c) a combination of the above?

If the Presidential Address to be recorded for posterity is to be a "combination of the above" will it be noted what parts were not presented verbally and whether any parts presented verbally are not included in the published text?

What has been the practice in the recent past regarding the editing of a Presidential Address before it appears in the Synod Summary?

To which the President replied –

I am informed the answers are as follows –

The Registrar is responsible for the preparation of the 1995 Year Book. He has not yet determined what will or will not be printed in the Book.

In the recent past the practice has been to publish the Presidential Address in the form circulated to Synod members.

30. Sydney Diocesan Retirements Ordinance 1969

Dr Laurie Scandrett asked –

- (a) On what date did the Sydney Diocesan Retirements Ordinance 1969 come into effect?
- (b) How many clergy in the Diocese of Sydney still "hold an office" such that this Retirements Ordinance does not apply to their retirement?
- (c) What is the age (in years and months) of the youngest of these clergy?
- (d) Are discussions ever held between Diocesan representatives and the clergy not subject to the Sydney Diocesan Retirements Ordinance 1969 regarding the timing of their retirement?
- (e) To the best of knowledge is there any resolution of Standing Committee or Synod, plan, strategy or thought to repeal the Incapacity and Inefficiency Ordinance 1906 after the retirement of the last clergyman not subject to the Sydney Diocesan Retirements Ordinance 1969?

To which the President replied –

I am informed the answers are as follows –

- (a) On 16 October 1969. The Sydney Diocesan Retirements Ordinance 1969 was repealed by the Retirements Ordinance 1993 which, among other things, preserves the rights of persons licensed or appointed prior to the 1969 Ordinance.
- (b) 5 clergy hold an office which is not subject to a retirement age under the Retirement Ordinance 1993.
- (c) 60 years and 3 months.
- (d) On the basis that the reference to the 1969 Ordinance is meant to be a reference to the Retirements Ordinance 1993, the answer is yes.
- (e) The review of the Tribunal Ordinance 1962 and the Incapacity and Inefficiency Ordinance 1906 is the subject of current consideration: see items 32 to 36 of the Standing Committee's Supplementary Report.

31. Pymble Tribunal Ordinance 1962 and Incapacity and Inefficiency Ordinance 1906 (7)

The Rev Neil Prott asked –

- (a) During the year ended 30 September 1994, which of the corporations listed in the 2nd Schedule to the Accounts Ordinance 1975 have paid legal fees to the firm of Allen Allen & Hemsley?
- (b) How much was paid by each of these corporations?
- (c) Who were the Allen Allen & Hemsley partners responsible for the various matters?

To which the President replied –

I am informed the answers are as follows –

This question cannot be answered quickly: 30 corporations would have to be written to and the answers would need to be collated.

Because of the number of corporations this would be an expensive and time-consuming operation.

Information of this kind would need to be obtained pursuant to a motion of which notice has been given.

32. Synod Mailing Labels

The Rev Neil Prott asked –

In respect of the purchase and use of a set of Synod members' mailing labels –

- (a) Who formulated the wording of the second paragraph p 18 of the "*7th Handbook*" and on what authority?
- (b) What are all the requirements that must be met so that a member of Synod can obtain a set of labels from the diocesan office?
- (c) Are the details available to members on computer disk? If not, why not?
- (d) In what kind of circumstances would a Synod member's request for a set of labels be referred to the Standing Committee as suggested on p 18?
- (e) If members of the Parish of Pymble used such labels, did they satisfy the requirements?

To which the President replied –

I am informed the answers are as follows –

- (a) The Diocesan Secretary, on the basis of past policy of the Synod and the Standing Committee. Most of the requirements pre-date 1967.
- (b) See the first and second paragraphs of page 18 of *The 7th Handbook*. The subject matter must be concerned with the Synod elections, a matter on the agenda for a Synod session, or a report tabled or to be tabled at a session.
- (c) No. The request has not been made and would need to be considered. There are a number of changes to the data every year and a large number of changes every 3 years.
- (d) For example, if the material to be circulated did not meet the requirements in (b), or if the material was considered defamatory.
- (e) This year 1 set of labels was sold to a Synod representative from Pymble for 1 mailing. The Diocesan Secretary considered the requirements had been met.

33. Pymble Tribunal Ordinance 1962 and Incapacity and Inefficiency Ordinance 1906 (8)

The Rev Jerryl Lowe asked –

If a clergyman is removed from his Parish under the "Incapacity and Inefficiency Ordinance" will his superannuation benefits be affected in any way?

To which the President replied –

I am informed the answers are as follows –

This question is out of order under Standing Order 27 since it asks for a legal opinion.

34. Clergy Discipline Ordinance 1994

Mr Kevin Luke asked –

In regard to the Clergy Discipline Ordinance 1994 on page 241 of the Annual Report clause 15:2 goes (1)(b), then (3) is this a numbering error or has (2) been deleted somehow.

To which the President replied –

I am informed the answers are as follows –

This is a typographical error which was to be rectified at the second reading stage. No subclause has been deleted.

35. Pymble Tribunal Ordinance 1962 and Incapacity and Inefficiency Ordinance 1906 (4A)

Mr Lewis Patrick asked –

Will the reports of the Enquiry Committee and the Commissioners of Inquiry into the Reverend David Gilmour under the Incapacity and Inefficiency Ordinance 1906 ever be made available to members of Synod and, if so, when?

To which the President replied –

The reports were given to the Archbishop. He is not presently of a mind to release them as indicated in the Presidential Address.

36. Pymble Tribunal Ordinance 1962 and Incapacity and Inefficiency Ordinance 1906 (3A)

The Rev Ian Fauchon asked –

In respect of their recent action under the Incapacity and Inefficiency Ordinance –

- (a) For how many months did the 3 Commissioners meet under the Incapacity and Inefficiency Ordinance to receive evidence and prepare the Particulars of Circumstance?
- (b) How many pages are taken up by the Particulars of Circumstances?
- (c) How long did the Commissioners give the Rev D. Gilmour to reply to the Particulars of Circumstance?
- (d) What relief and/or allowances were provided by the Diocese to the Rev D. Gilmour so that he could adequately respond to the Particulars of Circumstances?
- (e) Did the Commissioners send additional material to the Rev D. Gilmour to answer 2 weeks after they sent him the original Particulars of Circumstance?
- (f) Did the Commissioners allow the Rev D. Gilmour extra time to respond to this additional material?

To which the President replied –

I am informed the answers are as follows –

The Commissioners were appointed on 22 March 1994 and they handed their response to the Archbishop on 23 September 1994.

No further information is available.

37. Women Deacons (2)

The Rev Tim Harris asked –

- (a) How many women have been ordained to the diaconate within the Diocese of Sydney?
- (b) Of those women, how many are still engaged in full time Anglican ministry within the Diocese of Sydney?
- (c) How many have left the Diocese, or indicated that they intend to leave the Diocese?

To which the President replied –

I am informed the answers are as follows –

- (a) 28
- (b) 19
- (c) 5

38. Resolution 10/94

The Rev Tim Harris asked –

Has the Diocesan Doctrine Commission taken any action in response to Resolution 10/94 of the last session of Synod?

To which the President replied –

I am informed the answer is follows –

The Diocesan Doctrine Commission regrets that, due to the pressure of other matters, resolution 10/94 is still subject to its inquiry.

39. Women's Ministry (2)

The Rev Gary Nelson asked –

- (a) In reference to the Archbishop's Presidential address on "the ministry to women" when and by what process did the policy of "preaching in the church by women ... under the oversight and headship of the local presbyter as a contemporary expression of the restrictions appearing in scripture" become our adopted position?
- (b) Where do people stand who may disagree with this adopted position?

To which the President replied –

I am informed the answer is follows –

- (a) The reference is my appreciation of the present position as expressed by ordinances of the Synod (especially the General Synod - Ordination of Women to the Office of Deacon Canon 1985 Adopting Ordinance 1987, the Church Grounds and Buildings Ordinance 1990 and the Ordinal).
- (b) An opinion of this kind cannot be given in an answer to a question.

40. Public Liability Insurance

The Rev Gary Nelson asked –

On page 101 of the *7th Handbook* section 15.13 reference is made to Public Liability Insurance –

- (a) is this cover applicable to GFS and CEBS groups?
- (b) if it is what does the insurance component of branch fees to GFS and CEBS meant to cover?

To which the President replied –

This question seeks a legal opinion and is out of order under Standing Order 27. The Insurance and Building Supervisor of Sydney Diocesan Secretariat may be able to give further information on application.

41. Membership of Standing Committee (2)

The Rev Brian Telfer asked –

- (a) What members of the Standing Committee are elected and who are appointed and by whom?

- (b) Is the Chief Executive Officer a servant of the Standing Committee?
- (c) To whom is he responsible?
- (d) What are the personal/spiritual requirements of a person appointed to be a Chief Executive Officer?
- (e) What appointed members, if any, are under the control of the Chief Executive Officer?
- (f) What appointments have been the responsibility of the Chief Executive Officer in the last 12 months?
- (g) In appointments made by the Chief Executive Officer, is it required that Christian men and women (ie men and women committed to gospel ministry), with excellence in their particular field, be appointed?

To which the President replied –

I am informed the answers are as follows –

- (a) The names of the members of the Standing Committee, in various categories are listed on page 5 of the Standing Committee's report. There are 50 members.

The Archbishop is an ex-officio member. In effect, he is elected by the Synod.

The 5 Assistant Bishops are ex-officio members. Each was appointed as an Assistant Bishop by the Archbishop after a process which effectively gave the Standing Committee a veto.

The 5 Archdeacons, being Area Archdeacons, are ex-officio members. Each was appointed as an Archdeacon by the Archbishop. The Standing Committee is always asked to approve an appointment as funding requires the approval of both the Archbishop and the Standing Committee.

The Dean is an ex-officio member. He is appointed as Dean by the Archbishop subject to the concurrence of the Cathedral Chapter.

The Chancellor and the Registrar are ex-officio members. Each is appointed to his office by the Archbishop. In the case of the Registrar, the approval of the Archbishop and the Standing Committee is required for funding.

The Secretaries of the Synod are ex-officio members. They are elected as Secretaries by the Synod.

There are 13 clergy and 22 laypersons elected by the Synod.

- (b) The reference to "Chief Executive Officer" is not clear. I will answer this and the following questions on the basis that it refers to the Chief Executive Officer of Sydney Diocesan Secretariat. The present Chief Executive Officer of Sydney Diocesan Secretariat is 1 of the 22 lay persons elected as members of the Standing Committee by the Synod and he has the same rights and responsibilities as other members.
- (c) The Chief Executive Officer of Sydney Diocesan Secretariat is responsible to the Board of Sydney Diocesan Secretariat for carrying out his duties as Chief Executive Officer.
- (d) This question seeks an opinion and is out of order under Standing Order 27.
- (e) There are no "appointed" members of the Standing Committee, only elected and ex-officio members. Of the 50 members, Mr Warren Gotley is a staff member of Sydney Diocesan Secretariat with specific responsibility for the Secretarial Division, which provides secretarial services primarily to the Synod, the Standing Committee, the Property Trust and the Glebe Administration Board. For disciplinary purposes, he is under the control of the Chief Executive Officer.

- (f) All new staff members of Sydney Diocesan Secretariat being,
1 Accounting Trainee,
1 Building Supervisor,
3 Secretaries,
1 Acting General Manager (Property & Mortgages) (Temporary Appointment), and
1 Portfolio Administrator.
- (g) This is a matter for the Chief Executive Officer and Sydney Diocesan Secretariat.

42. "Induction Service"

Mr John Baxter asked –

- (a) In the last 12 months how many requests have been received by the Archbishop pursuant to section 4 of the 1961 Constitution for authorisation to use an "induction service"?
- (b) How many of these requests were approved?
- (c) Was such a request made in respect of the induction service for the Rev David Gilmour in the parish of Pymble, and was that request granted?

To which the President replied –

- (a) None.
- (b) Not applicable.
- (c) In the present circumstances, I am not willing to answer such specific questions concerning Pymble.

43. Pymble Tribunal Ordinance 1962 and Incapacity and Inefficiency Ordinance 1906 (9)

The Rev Peter Johnson asked –

Is it the case that expert historical opinion has been presented to the effect that the Incapacity and Inefficiency Ordinance was originally intended to cover cases of mental and physical illness only?

To which the President replied –

I am informed that this question is out of order under Standing Order 27 since it contains statements of opinion.

44. Pymble Tribunal Ordinance 1962 and Incapacity and Inefficiency Ordinance 1906 (9A)

The Rev Peter Johnson asked –

Whose advice did the Archbishop seek in canvassing the opinion expressed in the Presidential Address that "proceedings under the 1906 Ordinance against David Gilmour and the enquiry into his ministry at Pymble" do not "threaten the position of every or nearly every Rector in the Diocese"? And was the advice given "legal" or "pastoral" in nature?

To which the President replied –

I did not ask and had no need to ask for advice. The opinion expressed is self evident having regard to the nature and terms of the Incapacity and Inefficiency Ordinance as indicated in the Presidential address.

45. Pymble Tribunal Ordinance 1962 and Incapacity and Inefficiency Ordinance 1906 (9B)

The Rev Peter Johnson asked –

On what "pastoral" grounds has "legal opinion" been sought by the Commissioners and the Archbishop under the Incapacity and Inefficiency Ordinance, given the teaching of 1 Corinthians 6?

To which the President replied –

I am informed that this question is out of order under Standing Ordinance 27(2).

46. DEB (3)

The Rev Neil Flower asked –

- (a) What is the Diocesan Executive Board?
- (b) How does it function, and what are its terms of reference?
- (c) Was it set up by ordinance of Synod?
- (d) If so, which ordinance?
- (e) How are its members elected?
- (f) What authority does it have, and from whence does it derive this?
- (g) Does/can it exercise any authority over Standing Committee?
- (h) Does/can it exercise any authority over Synod?
- (i) Does it have a budget?

To which the President replied –

Strictly speaking most of this question is out of order as most of the information was given to the Synod in reports last year and this year and is available in published material. The Board was established by the Standing Committee arising from Archbishop Robinson's Commission of Enquiry into the ministry organisations of the Diocese. The Commission envisaged the formation of a Diocesan Executive Board to help develop mission and vision statements, in the creation of an environment conducive to the achievement of the vision, to help build the necessary capabilities in the Diocese, and to help inspire the enthusiastic pursuit of this mission and vision.

None of this is new: members have only to look at the report received by the Synod last October and printed on pages 371 and 372 of the 1994 Year Book.

On my suggestion the Standing Committee established the Diocesan Executive Board, consisting of ex-officio and elected members, with the following terms of reference –

- (a) To prepare, beginning the financial year 1996, draft Synod Budgets for the Standing Committee under clause 9 of the Assessment Authorisation Ordinance 1975.
- (b) To recommend, in consultation with the Archbishop, mission and vision statements for approval by the Archbishop-in-Council.
- (c) To transmit the mission and vision to the whole Diocese and try to create an environment conducive to the achievement of this vision.
- (d) To make recommendations to the Archbishop-in-Council about whether and how the role of the Board should be expanded.
- (e) To report on any other matters referred to it by the Archbishop, the Archbishop-in-Council or the Standing Committee.
- (f) To make a comprehensive report on its operations in 3 years so that the continuation of the Board can be reviewed.

The "Archbishop-in-Council" is the Archbishop acting on the advice of the Standing Committee. It functions through meetings at which resolutions are passed. Most of this information is printed on pages 15 and 16 of the Standing Committee's report to this Synod session.

The membership of the Board will be reviewed in October 1996 when the membership of all committees appointed by the Standing Committee is reviewed. (The membership and terms of reference of all committees of the Standing Committee is reviewed every 3 years.)

As to authority, the Board has only the authority of its terms of reference. A committee of the Standing Committee has no authority over the Standing Committee, although in some cases a committee may exercise delegated authority to act in the place of the Standing Committee. The Board cannot exercise authority over the Synod.

The Board does not have a budget: its operating costs are covered in the allocations made to the Standing Committee for Diocesan Services.

47. Committee re Sexual Misconduct

Ms Karin Sowada asked –

- (a) When will the Committee responsible for drafting guidelines to deal with allegations of sexual misconduct by clergy and other diocesan employees complete its deliberations?
- (b) Is there a timetable for the public release and circulation of these guidelines, and if so, when will this occur?
- (c) Is the Committee aware of any such allegations which may require forthcoming action on the part of the Diocese?

To which the President replied –

- (a) The Committee was not responsible for drafting guidelines but was established by the Standing Committee –
"To report to the Archbishop as soon as possible on the prevention, detection and investigation of sexual misconduct by clergy, employees of parishes and diocesan organisations, and to consider subsequent counselling procedures for all persons involved."
- (b) The Committee has finished its work and has reported to me. I have informed the Standing Committee. The report is a detailed one and I have advised that it needs further reflection. In the interim I proposed that a doctor or other suitable person be appointed, probably in 3 areas of the Diocese, who will be available to be consulted by people who believe they have suffered some form of sexual abuse. The Standing Committee has agreed to make funds available for this purpose.
- (c) This was not within the Committee's terms of reference.

48. Women on Synod Committees

Deaconess Margaret Rodgers asked –

- (a) How many women Synod representatives were invited to serve on the Synod committees appointed on Monday 10 October, the first day of this session of Synod?
- (b) If the answer to the previous question is "none", is there a policy decision against women Synod representatives being invited to serve on these committees? If so, what is its rationale?
- (c) If there is no justifiable policy decision, why were no women Synod representatives invited to serve on the Synod committees?

To which the President replied –

I am informed the answers are as follows –

- (a) The Synod committees appointed on Monday 10 October 1994 were the Committee of Elections and Qualifications, the Committee for the Order of Business, the Minute Reading Committee and the Committee re matters referred to in the Presidential Address. There was 1 woman synod member invited to serve on the committees.

(b), (c) These questions do not have to be answered.

49. Pymble Tribunal Ordinance 1962 and Incapacity and Inefficiency Ordinance 1906 (10)

The Rev Hugh Cox asked –

With respect to the initiation of any enquiry under the Incapacity and Inefficiency Ordinance –

- (a) Has any attempt been made to clarify the original intention of the Ordinance and the specific context in which it was first drafted?
- (b) If the answer is "yes", has the judgement been made public in any form?
- (c) Given that the Synod has not received any clear judgements on the original intention of the Ordinance, what assurance can be given that this legislation will not be indiscriminately applied against clerical members of Synod in the future?
- (d) How can such clerical members be assured that the Ordinance is not invoked in a range of ways that cannot be reasonably anticipated?
- (e) Will the Synod receive a clear statement on the precise meaning of "incapacity and inefficiency" in order to avoid this serious situation developing?

To which the President replied –

I am informed the answers are as follows –

- (a) Yes.
- (b) No.
- (c), (d) These parts of the question are out of order under Standing Order 27. I refer the question to the relevant section of the Presidential address.
- (e) This question is out of order under Standing Order 27 since it requires a statement about future actions. I do not know what the Synod may or may not receive in future.

50. Pymble Tribunal Ordinance 1962 and Incapacity and Inefficiency Ordinance 1906 (4B)

Mr Lewis Patrick asked –

Did the Enquiry Committee concerning the Rev David Gilmour under the Incapacity and Inefficiency Ordinance 1906 give David Gilmour any opportunity to address the Committee or to make comments on the allegations against him?

To which the President replied –

I am informed the answer is as follows –

The Incapacity and Inefficiency Ordinance does not require the Enquiry Committee to give the clergyman the opportunity to address it. It is understood that Mr Gilmour was not invited to address the Committee and that Mr Gilmour did not seek that opportunity.

The Ordinance provides for an opportunity for the clergyman to proffer an explanation and give evidence in the second stage which occurs only if the matter is referred to the Commissioners appointed under the Ordinance.

51. Parochial Statistics

Mr Kevin Luke asked –

- (a) Is it true that Average Sunday Attendances in the Year Book for Parochial Statistics will be deleted from the 1995 Year Books onwards.

- (b) In the era of accountability under whose advice was the decision made to exclude this information in the future?

To which the President replied –

I am informed the answer is as follows –

Parochial statistics are now collected by the Archdeacons with the assistance of the Home Mission Society (see item 2.5 on page 8 of the Report of the Standing Committee). No decision has been made on whether those statistics will be published in the 1995 Year Book.

52. Pymble Tribunal Ordinance 1962 and Incapacity and Inefficiency Ordinance 1906 (11)

The Rev Alan Hamilton asked –

- (a) Did the Chancellor inform the Archbishop of the interpretation by which the Incapacity and Inefficiency Ordinance could be applied?
- (b) Did the Chancellor together with Justice Young persuade the Enquiry Committee of this interpretation of this ordinance and its applicability?
- (c) Did the Chancellor recommend to Standing Committee the procedure of the Commissioners being advised by "neutral" counsel assisting, rather than allowing the parties to have their own legal representation?
- (d) Did the Chancellor at the same time acknowledge to the Standing Committee his part if any in advising the Enquiry Committee of the legal interpretation of the ordinance?
- (e) Did the Chancellor choose the counsel assisting the Enquiry Committee without reference to David Gilmour and his legal representatives?
- (f) Did the Chancellor advise the Commissioners upon their task and method of operation?

To which the President replied –

I am informed the answers are as follows –

- (a) Strictly this question is out of order since it seeks information which is already public knowledge. I have already provided this information to the Synod in my Presidential address.
- (b) Strictly this question is out of order because of the inferences and imputations which it makes. The Enquiry Committee received a legal opinion from the Chancellor and Mr Justice Young.
- (c) The Chancellor recommended the procedure of the Commissioners being assisted by counsel assisting. It was made clear that this did not restrict the right of Mr Gilmour to have his own legal advisers.
- (d) No.
- (e) The Commissioners chose the counsel and solicitors to assist them. Mr Gilmour was given the opportunity to object but did not.
- (f) The Chancellor recommended to the Commissioners that they follow the procedures of a Royal Commission. The Commissioners determined their own procedures.

53. Pymble Tribunal Ordinance 1962 and Incapacity and Inefficiency Ordinance 1906 (12)

Mrs Jean Gill asked –

Is the Archbishop aware of –

Questions & Answers for the 1994-1995 session of the 43rd Synod

- (a) Any indications of threats of resignation if the Rector of Pymble is not removed from the Parish?
- (b) Any indications of threats of further legal action whether in Church Tribunals or the Civil Courts if the Rector of Pymble is not removed from his Parish?

To which the President replied –

In the present circumstances I am not prepared to answer these questions.

54. Pymble Tribunal Ordinance 1962 and Incapacity and Inefficiency Ordinance 1906 (13)

The Rev Jim Ramsay asked –

In respect to the initiative by the Archbishop to commence action under the Incapacity and Inefficiency Ordinance against the Rector of Pymble, what criteria or guidelines exist to assist the Archbishop to determine whether or not to make such a representation under the Ordinance for the removal of one of his own clergy from his living? Will such criteria or guidelines be tabled in the Synod so that –

- (a) lay persons might gauge when they could successfully request the Archbishop to take action to remove the Minister? and
- (b) clergy might know against what criteria their ministry is measured?

To which the President replied –

It is competent for any person to make a representation to a member of the Enquiry Committee not only the Archbishop as the question suggests. In the present circumstances I am not prepared to offer any further answer to this question, particularly as a member of this Synod has advised the Synod that the Rector of Pymble has received or may receive advice to pursue action in the civil courts on matters to which this question relates.

55. Pymble Tribunal Ordinance 1962 and Incapacity and Inefficiency Ordinance 1906 (14)

Mr Tim Tunbridge asked –

- (a) Is it a fact that on or about 24 December 1993, Bishop Paul Barnett made a representation to the Enquiry Committee under the Incapacity and Inefficiency Ordinance in respect of the Rev David Gilmour, whilst charges made against Mr Gilmour under the Tribunal Ordinance were still being considered by the Board of Enquiry?
- (b) Did the Chancellor or the Diocesan Advocate provide legal advice to the Archbishop or the Standing Committee on the question of "double jeopardy" in respect of 2 sets of proceedings against the same person running simultaneously, one under the Tribunal Ordinance and the other under the Incapacity and Inefficiency Ordinance? If so, is such legal advice available to members of Synod?

To which the President replied –

I am informed the answers are as follows –

- (a) Strictly this question is out of order since it seeks information which is already publicly available. However the answer is yes.
- (b) No. Neither the Chancellor nor the Diocesan Advocate have given or been asked to give any legal advice on the matter referred to in the question.

56. Pymble Tribunal Ordinance 1962 and Incapacity and Inefficiency Ordinance 1906 (3B)

The Rev Ian Fauchon asked –

With reference to my previous question number 17 of which notice was given on 10 October and answered on 11 October, what word or words in which section of Standing Order 27 were relied on to prevent an answer being given to part (d) of that question?

To which the President replied –

I am informed that strictly this question is out of order under Standing Order 27. Nevertheless the following comments may assist. Standing Order 27(1) permits the asking of questions on a matter relating to any motion or matter connected with the business of the Synod or any committee, board or commission of the Synod or any committee, board or commission established by or under an ordinance or resolution of Synod. Standing Orders 27(2) and (4) further limit the nature of the questions which can be asked as does Standing Order 72 which incorporates the rules, forms and practice of the Legislative Assembly of NSW into the Standing Orders. Questions cannot be asked which seek personal information of the type sought by Mr Fauchon in the question of which he gave notice on 10 October 1994.

57. Women Deacons (3)

The Rev Gary Nelson asked –

- (a) What endorsement was originally placed on the licences of women deacons in our Diocese concerning the liberty to preach?
- (b) Has there been any change to this endorsement? If so, what is the nature of this change?

To which the President replied –

I am informed the answers are as follows –

- (a) The licence of an assistant minister (which includes a deacon licensed as an assistant minister) authorises the licensee, so far as is relevant, to "perform the office of Assistant Minister in the said parish in reading the Common Prayer in preaching sermons subject to the principles of church order contained within the Holy Scriptures...". The quoted words have been included in such licences since women were able to be ordained as deacons in this Diocese.
- (b) No.

58. Pymble Tribunal Ordinance 1962 and Incapacity and Inefficiency Ordinance 1906 (15)

Mr Trevor Cork asked –

- (a) What are the total legal costs paid to date by the Standing Committee in relation to proceedings taken under –
 - (i) the Tribunal Ordinance; and
 - (ii) the Incapacity and Inefficiency Ordinance?;
- (b) Given that the Incapacity and Inefficiency Ordinance does not specifically deal with the appointment of solicitors to assist either the Enquiry Committee or the Commissioners, who decided to appoint solicitors to work with either or both the Committee or the Commissioners?
- (c) When was that decision made?
- (d) Which firm of solicitors was appointed?
- (e) Was the same firm of solicitors retained to perform work in relation to the Tribunal Ordinance and the Incapacity and Inefficiency Ordinance?
- (f) If the same firm of solicitors was retained to perform work under both Ordinances, was the question of any possible conflict of interest taken into account before the solicitors concerned were appointed to act under the Incapacity and Inefficiency Ordinance?

Questions & Answers for the 1994-1995 session of the 43rd Synod

- (g) Was Standing Committee or any other person or body who appointed the solicitors concerned to act under the Incapacity and Inefficiency Ordinance satisfied that no such conflict of interest existed?
- (h) What hourly rate has been charged by the solicitors for their work in relation to the Tribunal Ordinance and the Incapacity and Inefficiency Ordinance?
- (i) Who are the individual solicitors from the firm appointed who have worked with the Committee and the Commissioners?
- (j) When the firm of solicitors concerned was appointed did Standing Committee or any other person or body by whom the appointment was made seek quotations from other legal firms, whose partners are active members of this Diocese, to ensure that the work was done at the lowest available hourly rate by suitably qualified practitioners?
- (k) If the answer to question (k) is "No", why not?

To which the President replied –

I am informed the answers are as follows –

- (a) (i) Nil
- (ii) This information is already publicly available. Mr Cook is referred to note 2 to the report on Clerical Enquiries contained in the Supplementary Report of the Standing Committee.
- (b) The Commissioners and the Standing Committee.
- (c) 27 March 1994
- (d) Barker Gosling.
- (e) No. No firm was retained to perform work under the Tribunal Ordinance.
- (f) By reason of the answer to (e), this question does not have to be answered.
- (g) By reason of the answers to (e) and (f), this question does not have to be answered.
- (h) There was no work undertaken in relation to the Tribunal Ordinance. In relation to the work undertaken in relation to the Incapacity and Inefficiency Ordinance, the hourly rate for the partner was \$200 (reduced from \$300) and for an employed solicitor \$100 (reduced from \$130).
- (i) In the present circumstances, I do not believe it appropriate to answer this question.
- (j), (k) A quotation was received which as indicated in paragraph (h) involved a significant discount. This quotation was accepted.

59. Pymble Tribunal Ordinance 1962 and Incapacity and Inefficiency Ordinance 1906 (16)

The Rev Brian Telfer asked –

- (a) Who currently are the nominators of the parish of Pymble?
- (b) Who were the nominators that sought Mr Gilmour and invited him to the parish?
- (c) Prior to the arrival of Mr Gilmour to the parish of Pymble did the nominators in a parish bulletin of December 1992 express their pleasure in his coming in the following words - "He has described himself concerning his function in the parishes that of a 'captain-coach', leading ministry from the front, but also pushing it from behind. He wants to facilitate the congregation in its drive to Christian maturity and growth. Although we considered a tremendous number

of other clergymen, David's gifts were outstanding. We report that not only we, but the entire diocesan panel, were unanimous in our nomination of him"?

- (d) Does the Diocesan Advocate, counsel the nominators in this matter?
- (e) Does the Diocesan Advocate represent and counsel all interested parties within the parish of Pymble?
- (f) Has the Diocesan Advocate advised the President of Synod and the Bishop of the Area in this matter?

To which the President replied –

I am informed the answers are as follows –

- (a) I take it that the reference to "nominators" in this and the remaining parts of the question is a reference to the parish representatives on the Presentation Board for the Parish of Pymble, elected under the Presentation and Exchange Ordinance 1988. At this time the parish representatives are –
 - Mr N.M. Cameron
 - Mr P. Copleston
 - Mr P. Grogan
 - Mr G. Kells
 - Mrs A. Loupis
- (b) The question is outside Standing Order 27 since it purports to make a statement of fact which is not fact. The role of the Presentation Board (of whom the parish representatives comprise half the membership) is to present to the Archbishop a clergyman in priests orders to be appointed and licensed by the Archbishop to the incumbency of the parish (see clause 19(1) of the Presentation and Exchange Ordinance 1988). The Archbishop then offers to appoint the clergyman presented to him. It is not the function of the parish representatives to invite a clergyman to a parish.
- (c) I have no knowledge of the matter referred to by Mr Telfer. However since the question contains quoted material, presumably Mr Telfer already knows the answer to the question.
- (d),(e),(f) The functions of the Diocesan Advocate are set out in the Tribunal Ordinance 1962. Those functions were referred to in the answer to the question asked by Mr Fauchon on 11 October 1994.

60. Moore Theological College

The Rev Brian Telfer asked –

- (a) Has the Council of Moore College within the past 12 months sought legal advice relating to actions of either the Principal or his staff?
- (b) If so, what were the circumstances relating to the Council's seeking such advice?

To which the President replied –

I am informed the answers are as follows –

- (a) Yes.
- (b) The issue related to the liability of the Council (if any) for advice or recommendations which may have been given or made by a member of the faculty of Moore College.

61. Pymble Tribunal Ordinance 1962 and Incapacity and Inefficiency Ordinance 1906 (5A)

Mr Stephen Hodgkinson asked –

- (a) What, if any, restraint exists to limit the number of cases that may be brought before the Tribunal in the same calendar year?
- (b) In the event that the Tribunal and/or Commissioners of Enquiry find in favour of an accused clergy person, will costs and compensation be awarded to that person? If so, how will the amount be determined, and who will meet the cost?

To which the President replied –

I am informed the answers are as follows –

- (a) There are no such restraints. The criteria for bringing a charge are set out in the 1961 Constitution, the Tribunal Ordinance and the Offences Ordinance. Those criteria limit the circumstances in which charges can be brought.
- (b) There is no accused person before the Commissioners of Enquiry and presumably the questioner is referring to the person about whom representations have been made under clause 1 of the Incapacity and Inefficiency Ordinance 1906. Neither the Tribunal Ordinance 1962 nor the Incapacity and Inefficiency Ordinance 1906 provides for this to be done.

62. Pymble Tribunal Ordinance 1962 and Incapacity and Inefficiency Ordinance 1906 (17)

The Rev Clive Norton asked –

- (a) Is it a fact that the Standing Committee was advised of the hourly rates charged by the solicitors re the Clerical Enquiries in relation to Pymble? What were they?
- (b) Given the unforeseen length and complexity of the enquiries does a question of equitable treatment arise from the fact that whereas the barrister agreed to act without charge, the solicitors' fees and charges of around \$181,000 are now to be paid by us the members of this Diocese?

To which the President replied –

I am informed the answers are as follows –

- (a) The Standing Committee was advised periodically about the costs being incurred in relation to the Commissioner's enquiry, and in particular the legal fees. The hourly rates on which those fees were based were specified in paragraph (h) of the answer to Mr Cook's question.
- (b) This question requires an opinion and so is out of order under Standing Order 27. However if the Synod was of the view that it was inequitable that counsel assisting was not paid for his services, it could allocate an appropriate sum from the Income and Expenditure Ordinance to make payment to counsel.

63. Licences for Lay Persons

Mr Robert Tong asked –

- (a) Is it a fact that authorities and licences issued to lay persons no longer allow lay persons to conduct baptism?
- (b) If the answer to (a) is "yes", from which date and by what authority are requests for permission to baptise no longer issued?
- (c) What reasons exist for this policy change?

To which the President replied –

- (a), (b) Each authority and licence issued to a lay person varies depending upon the circumstances. It has been the case for some time that not all lay persons are permitted to conduct baptism.

- (c) There has been no policy change.

64. Pymble Tribunal Ordinance 1962 and Incapacity and Inefficiency Ordinance 1906 (18)

The Rev Allan Blanch asked –

With reference to the Incapacity and Inefficiency Ordinance 1906 –

- (a) has any historical research been conducted into the purposes of the Ordinance when it was formulated and passed? And, if so
- (b) to what conclusions did that historical research lead?

To which the President replied –

I am informed the answers are as follows –

- (a) Yes.
- (b) In the present circumstances I am not prepared to answer this question, particularly as a member of Synod has advised the Synod that the Rector of Pymble has received or may receive advice to pursue action in the civil courts on matters to which this question may relate.