

24/08 Review of General Synod Legislation

(A report from the Standing Committee.)

Background

1. The General Synod Canons Committee (the "Committee") has been undertaking a review of all General Synod legislation in force in the Diocese. By resolution 24/08, the Synod resolved as follows with respect to this review –

Synod notes that the Standing Committee is undertaking a review of all General Synod legislation currently in force in the Diocese. The Synod requests a report on the review at its next session.

2. This report has been prepared in response to the request in resolution 24/08.

Canons in Force

3. The General Synod canons currently in force in this Diocese are listed in the Appendix. The list does not include canons which are 'exhausted', in the sense that they have no ongoing operation (such as a canon to amend the Constitution which has obtained the requisite majorities to effect the change). Nor does it include canons regulating constitutional bodies such as the Appellate Tribunal or Special Tribunal.

4. Any canon which affects the order and good government of the Church within or the church trust property of the Diocese must be adopted before it will come into force in our Diocese. Pursuant to s 30(d) of the 1961 Constitution any canon that has been adopted may be excluded at a later date.

5. The canons in the Appendix are categorised according to the Committee's recommendations on whether a canon should be retained, excluded or further considered.

6. Those canons recommended for retention are considered currently useful to the Diocese.

7. Those canons recommended for exclusion are considered of little or no use to the Diocese or may impose restrictions or limitations which are either unnecessary or unhelpful. These canons are –

- (a) See Finance and Information Canon (14/66),
- (b) Alternative Tables of Lessons Canon (17/85),
- (c) Archdeacons Canon (12/95), and
- (d) Chancellors Canon (04/01).

8. The See Finance and Information Canon 1966 requires the preparation of a report on the remuneration and emoluments of the bishop of a see whenever a see shall become or be declared to be vacant. The report is to be provided to the person elected or appointed as bishop of the see and also to the metropolitan of the Province. The Committee considers that although such a report has a limited use, this can be achieved, for example, through an amendment to the Archbishop of Sydney Appointment Ordinance 1982. It is proposed that the matter be addressed in the course of review of that ordinance.

9. The Alternative Tables of Lessons Canon 1985 authorises use of an Alternative Table of Lessons to those in the Book of Common Prayer or An Australian Prayer Book. The Canon is unnecessary as no authorisation from the General Synod is needed for an alternative table of lessons to be followed. Furthermore the matter is provided for in the Church Ministry (Lessons) Ordinance 1995.

10. The Archdeacons Canon 1995 authorises a bishop to collate a person to be an archdeacon provided that person is in Holy Orders. A bishop does not require authority from the General Synod to collate archdeacons. The Canon is unnecessary.

11. The Chancellors Canon 2001 provides for the appointment of a chancellor by the bishop of a diocese. A bishop does not require authority from the General Synod to appoint a chancellor. The Canon also contains restrictions by setting out qualifications for appointment, a period of tenure and a declaration that is required to be made upon a person being appointed as a chancellor.

12. The canons identified for further consideration may be useful to the Diocese, although their usefulness may not be immediately obvious. Further work would be needed to assess which of these canons should be retained and which excluded. The Committee has sought direction from the Standing Committee as to whether this work should be undertaken.

Response and Recommendation of the Standing Committee

13. The Standing Committee has requested that –
- (a) the Committee to undertake a review of those canons identified in the Appendix as requiring further consideration and to bring a report about these canons to the Standing Committee in due course, and

- (b) a bill for the exclusion of those canons identified in the Appendix for exclusion be promoted to the Synod "by request of the Standing Committee" and recommends that the Synod pass the bill as an ordinance.

For and on behalf of the Standing Committee

ROBERT WICKS
Diocesan Secretary

25 August 2009

Appendix

Canons recommended for retention	
10/66	Long Service Leave Canon
07/69	Order of Deaconesses Canon
12/73	Lay Assistants at Holy Communion
01/77	Australian Prayer Book Canon
02/77	Long Service Leave Amendment Canon
03/77	The Use of the Surplice Canon
06/85	Admission of Children to Holy Communion Canon
09/85	Long Service Leave Canon (Amendment) Canon
16/85	Ordination Service for Deacons Canon
10/89	Use of Church Names Canon
08/92	Long Service Leave Canon
11/92	Canon Law Repeal Canon
06/95	Long Service Leave Canon Amendment Canon
11/01	Long Service Leave (Amendment) Canon

Canons recommended for exclusion	
14/66	See Finance and Information Canon
17/85	Alternative Tables of Lessons Canon
12/95	Archdeacons Canon
04/01	Chancellors Canon

Canons requiring further consideration	
04/62	Offences Canon
03/66	Consecration of Bishops Canon
07/73	Form of Declaration and Assent Canon
14/73	Admission to Holy Communion Canon
06/77	Godparents Canon
03/81	Solemnisation of Matrimony Canon
07/81	Offences Amendment Canon
15/81	Matrimony (Prohibited Relationships) Canon
01/85	Reception Canon
18/85	Ordination of Women to the Office of Deacon Canon

Canons requiring further consideration	
09/92	Canon Concerning Authority on Certain Matters Canon
14/95	Reception Canons Amendment Canon
18/95	Bishop (Incapacity) Canon
01/98	Bishop (Incapacity) (Amendment) Canon
13/98	Canon Concerning Services
14/98	Canon Concerning Confirmation
20/98	Offences Canon Amendment Canon
21/98	Canon Concerning Baptism
10/01	Holy Communion Canon
10/04	Holy Orders, Relinquishment and Deposition Canon
15/07	National Register Canon