

# Anglican Schools Ministry Ordinance 2015

## Explanatory Report

### Key points

- The bill regulates the conduct of ministry within the Anglican schools of the Diocese and replaces the *School Chapels and Chaplains Ordinance 1975*.
- It expresses an expectation that schools and parishes have a shared commitment to partnership in proclaiming the Lord Jesus Christ to both the school and parish communities, irrespective of whether or not the school is extra-parochial.
- It provides for the appointment, dismissal and suspension of chaplains and assistant chaplains.
- It sets out the duties, qualifications and licensing requirements for chaplains and assistant chaplains.
- It provides that the strategic planning process of a school should incorporate a ministry plan, which is to include the delivery of Christian Education, the delivery of Biblical Studies to all years of the School, strategies for providing pastoral care to staff and students, and strategies for presenting the gospel to the school community.

### Purpose

1. The purpose of this report is to provide explanatory notes for the bill for the *Anglican Schools Ministry Ordinance 2015* (the “bill”), which is being promoted to the 2<sup>st</sup> session of the 50<sup>th</sup> Synod in 2015 pursuant to resolution 2/14 which is as follows –

“Synod, noting the report 4/13 Review of *School Chapels and Chaplains Ordinance 1975*, requests the Standing Committee to consult with Chaplains and Heads of Diocesan Schools in respect to the exposure draft and to bring a bill for an ordinance to the 2015 session of the Synod having regard to any comments that are received.”

### Recommendation

2. The Synod pass the bill as an ordinance of the Synod.

### Background

3. A sub-committee was first appointed by the Standing Committee in 2009 to review the *School Chapels and Chaplains Ordinance 1975* (the “1975 Ordinance”).

4. The Synod received a report from the sub-committee at its 2012 session and resolved to encourage Synod members and school councils to consider and comment on the report with a view to amending legislation being brought to the 2013 session.

5. In 2013, the Synod received a further report from the sub-committee summarising the submissions that had been received. The Synod resolved to request the Standing Committee to appoint a further committee, with appropriate representation from chaplains and heads of schools (or their nominees), to consider the submissions and bring amending legislation to the 2014 session.

6. The Standing Committee appointed a committee composed of Mr Tony Willis (Chair), Dr Bryan Cowling (Director of the Anglican Education Commission), Mrs Jodi Crain (Chaplain of Roseville College), the Rev Dr Nick Foord (Community Chaplain, Shore), Mrs Sue Middlebrook (Head of Tara Anglican School for Girls) and Dr David Nockles (Head of Macarthur Anglican School).

7. The Committee considered that the 1975 Ordinance should be replaced rather than amended. The Committee introduced a bill at the 2014 session of Synod as an exposure draft. The Synod resolved that further consultation be undertaken with schools and chaplains with a view to bringing a bill to the 2015 session of Synod, having regard to any submissions received.

8. The Committee received submissions from the Anglican Education Commission, Campbelltown Anglican Schools Council, Sydney Anglican Schools Ministry Association Committee, SHORE School, Ms B Lihou (Chaplain, SCECGS Redlands), St Andrew's Cathedral School and Tara Anglican School for Girls. The Archbishop also met with a number of chaplains at the end of April 2015 and heads of schools

in May 2015. The Committee has been informed about these discussions. The Committee has had regard to these submissions and discussions in revising the bill.

9. One member of the Committee, the Rev Dr Nick Foord does not support the proposed Ordinance in its current form. Dr Foord's concern is that the proposed Ordinance only requires that the Archbishop be consulted by the Head of a School prior to dismissing a chaplain. Dr Foord considers the Archbishop's approval should be required. Dr Foord has asked that this report note that he was the only clergyperson and chaplain on the Committee. While Mrs Crain is a lay chaplain and also a member of the Committee, she commenced maternity leave before the Committee deliberated on the question of the dismissal of chaplains.

### **Explanation**

10. The purpose of the bill is to regulate ministry within the Anglican schools of the Diocese. It will replace the 1975 Ordinance.

#### *Clause 3: relationship between schools and parishes*

11. The bill contains a statement of expectation in clause 3(1) that schools and parishes have a shared commitment to partnership in proclaiming the Lord Jesus Christ to both the school and parish communities. This is the case irrespective of whether or not the school is extra-parochial.

12. The 1975 Ordinance contains provisions for making extra-parochial declarations concerning schools. The bill provides for the declaration process to revert to the *Extra-Parochial Ordinance 1918* (the "1918 Ordinance") except that the provisions in the bill for the appointment and removal of chaplains will apply in place of clause 2 of the 1918 Ordinance.

13. Clauses 4, 5 and 6 of the bill apply only in relation to extra-parochial schools. Clause 7 regulates chaplaincy in schools which have not been declared extra-parochial.

#### *Clause 4: appointment, dismissal and suspension of chaplains and assistant chaplains*

14. A chaplain is defined in clause 2, in relation to a school which is extra-parochial, as being "a person who holds a position within the School that primarily involves the delivery of Christian ministry to the School community".

15. Clause 4 provides for the head of a school to appoint and dismiss chaplains and assistant chaplains in and for the school, in consultation with the school council and the Archbishop. The head may also temporarily suspend a chaplain or assistant chaplain but must provide immediate notification of the suspension to the Archbishop.

16. This is a change from the 1975 Ordinance under which –

- (a) appointment is by the school council with the approval of the Archbishop, and
- (b) dismissal is by the school council with notification of the dismissal to the Archbishop, whereupon the Archbishop has power to revoke the chaplain's licence in accordance with certain disciplinary ordinances and the Anglican Church of Australia Constitution Act 1902.

17. The Committee considers that the appointment of staff is a matter for the head (being the most senior executive of the school) rather than the school council (whose primary function is governance). However the role of the chaplain and assistant chaplain is such that the head must consult with the school council and the Archbishop before making an appointment. However the Archbishop must also give his licence before the person put forward by the head can become the chaplain; so in effect, an appointment can only proceed with the Archbishop's approval.

18. The requirement for the head to consult the school council and the Archbishop in relation to dismissal will provide an opportunity for the school council and the Archbishop to attempt to persuade the head not to proceed with the dismissal should they have reservations. The Committee considered whether it would be preferable to require a head to obtain the Archbishop's approval before dismissing a chaplain. The majority favoured the Archbishop's role being limited to consultation. As noted at paragraph 9, one member of the Committee, the Rev Dr Nick Foord considers that the Archbishop's approval should be required.

#### *Clause 5: duties, qualifications and licensing of chaplains*

19. Clause 5(1) sets out a high level duty statement for school chaplains, being "to teach the students the doctrines of Christ and to exercise a pastoral ministry within the school community, especially to staff and students". This will complement such other duties as may be apportioned by the head of the school from time to time.

20. By clause 5(2), it will be mandatory for the head of a school to apply to the Archbishop for a licence for any person who is proposed to be a chaplain in the school. As discussed above, a head will only be able to appoint a person as a chaplain if that licence is granted.

21. By clause 5(3) a chaplain's licence must include a provision that it will cease upon the chaplain ceasing to be a member of the staff of the school. There will not be a further step whereby the Archbishop considers the revocation of the chaplain's licence since the licence will cease according to its terms upon the dismissal of the chaplain.

22. By clause 5(4) if a chaplain ceases to hold the licence (whether due to resignation or revocation) he or she will cease to be entitled to act as chaplain or to hold himself or herself out as being the chaplain. However loss of the licence will not have the effect of dismissing the chaplain from being a member of the staff of the school. This would be a second step initiated by the head. Alternatively a head could decide to retain the person as a staff member in a capacity other than chaplain.

23. By clauses 5(5) and (6), a chaplain may be an ordained or lay person, but must hold a qualification in theology, commensurate to the position (preferably a bachelor degree), that is acceptable to the Archbishop. This is the minimum requirement. The Archbishop may see fit to impose other requirements before issuing a licence.

24. By clause 5(7) a person may only be given the title chaplain if the requirements of clause 5 have been satisfied.

*Clause 6: assistant chaplains*

25. An assistant chaplain is defined in clause 2 as being "a person who is responsible to and assists the Chaplain in their duties".

26. The requirements in clause 6 for the qualifications and licensing of assistant chaplains are materially equivalent to those required for chaplains in clause 5.

*Clause 7: chaplaincy in schools that are not extra-parochial*

27. By clause 7(1), in the case of a school that is not extra-parochial, the rector of the parish in which the school is situated (or predominantly situated) will be the chaplain of the school. However by clause 7(2) the rector may apply to the Archbishop to license another person as chaplain in place of the rector, or as assistant chaplain to assist the rector in his duties as chaplain. A person who has been licensed under clause 7(2) can be suspended or dismissed by the Head in accordance with clause 7(3).

*Clause 8: school ministry plan*

28. By clause 8, the strategic planning process of a school should incorporate a ministry plan, which is to include –

- (a) the delivery of Christian Education,
- (b) the delivery of Biblical Studies to all years of the School,
- (c) strategies for providing pastoral care to staff and students, and
- (d) strategies for presenting the gospel to the school community.

29. The term "Christian Education" is defined in clause 2 as being – "the presentation of the whole curriculum within a Christian worldview founded on the gospel of the Lord Jesus Christ, as well as any distinctive Biblical Studies curriculum".

30. This requirement has been inserted in recognition that Anglican ministry within diocesan schools involves more than the appointment of a chaplain, though the chaplain and the strategic planning process of a school work hand in hand. It is hoped that the clause will provide a formal basis for heads, school councils and chaplains to engage in strategic planning concerning ministry within their schools.

*Clause 9: chapels*

31. The bill makes brief provision for the licensing of chapels and the custody of service registers. Increasingly schools are utilising multipurpose facilities for chapel services.

*Clause 10: Transition*

32. It is not intended that any person holding the position of chaplain or assistant chaplain in a school be disqualified from that position by virtue of the introduction of the requirements in clauses 5 and 6. Any such person will be deemed to meet the requirements to the extent they apply to the chaplain or assistant chaplain in that school. If a chaplain or assistant chaplain leaves their current school and applies to be a chaplain or assistant chaplain at another school, they will need to meet the requirements in clauses 5 and 6 in relation to that new position.

33. Any school declared extra-parochial under the 1975 Ordinance will be deemed to have been declared extra-parochial under the 1918 Ordinance.

*Clause 11: Repeal*

34. The bill will repeal the 1975 Ordinance.

*Clause 12: Commencement*

35. The bill will commence on 1 January 2016.

For and on behalf of the Standing Committee.

ROBERT WICKS  
*Diocesan Secretary*

17 August 2015