

Anglican Schools Ministry Ordinance 2016

Explanatory Report

Key Points

- A revised form of bill for the *Anglican Schools Ministry Ordinance 2016* is being promoted to Synod in place of the bill considered by the Synod in 2015 following consultation
- The revised form of bill provides, among other things, that –
 - the Head of a Diocesan School that is extra-parochial may appoint chaplains and assistant chaplains with the approval of the School Council
 - the Head may, in consultation with the Archbishop and with the approval of the School Council, dismiss chaplains and assistant chaplains
 - the Head applies for a licence for a chaplain or assistant chaplain

Purpose

1. The purpose of this report is to provide explanatory notes for the bill for the *Anglican Schools Ministry Ordinance 2016* (the “Bill”), which is being promoted to the 3rd ordinary session of the 50th Synod in 2016 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). Bishop Chris Edwards was subsequently appointed to the Committee.

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. Following this consultation process, a bill for the *Anglican Schools Ministry Ordinance 2015* was brought to the 2015 session of Synod. This bill reached the “committee stage” during which a number of amendments were made to the text of the bill. At that point further consideration of the bill was deferred until the next session of Synod and the Standing Committee was requested to –

- (a) consult with the Chairs, Heads and Chaplains of Anglican schools in respect to a suitable form of the bill and any matters of principle identified in any proposed amendments to the text of the bill which have not been dealt with at this session,
- (b) invite the Chairs, Heads and Chaplains to send any comments on the bill and matters of principle to the Diocesan Secretary by 31 March 2016, and

- (c) make arrangements to resume consideration of the bill at the next session having regard to any comments that are received.

9. The Diocesan Secretary wrote to Chairs, Heads and Chaplains on 17 December 2015 inviting them to comment on the bill and any matters of principle arising from proposed amendments that were not dealt with at Synod. The letter enclosed a copy of the bill, the proposed amendments and a consultation paper prepared by the Standing Committee setting out the primary issues of principle.

10. Submissions were received from the following persons –

- (a) The Rev Craig Foster (Chaplain, St Andrew’s Cathedral School),
- (b) The Rev Dr Nick Foord (Chaplain, SHORE),
- (c) The Rev Martin Robinson (Governor, The King’s School),
- (d) Mr Bill Shields (Chair, Nowra Anglican College),
- (e) Ms Jann Robinson (Principal, St Luke’s Grammar School),
- (f) The Rev Ian Millican (Chair, Abbotsleigh),
- (g) The Rev Alex Koch (Chaplain, St Catherine’s School Waverley), and
- (h) Mr David Minty (Chair, Penrith Anglican College, Mamre Anglican School and Roseville College).

11. The Archbishop also met with the heads of Schools on 5 May 2016 which, among other things, included discussion about the bill.

Amendments to the Bill

12. Following this consultation, the Committee proposes the following amendments to the form of bill that emerged from the “committee stage” at the 2015 session of Synod –

- (a) inserting a definition of “Head” (clause 1),
- (b) deleting provision for the Head to exercise any of the School Council’s functions under the Ordinance in consultation with the School Council (former clause 4),
- (c) providing that the Head of a Diocesan School that is extra-parochial may appoint chaplains and assistant chaplains with the approval of the School Council (clause 4(1)),
- (d) providing that the Head of a Diocesan School may, in consultation with the Archbishop and with the approval of the School Council, dismiss chaplains or assistant chaplains (clauses 4(2)),
- (e) providing that it is the Head rather than the School Council who applies for a licence for a chaplain or assistant chaplain (clauses 5(2) and 6(1)),
- (f) specifying that a licence must provide that it ceases upon the chaplain or assistant chaplain’s ceasing to hold office (clauses 5(2) and 6(1)),
- (g) making consequential changes to maintain consistency in the appointment, dismissal and suspension of chaplains of Diocesan Schools that are not extra-parochial (clause 7),
- (h) providing that the constituting ordinance of a School prevails over the Anglican Schools Ministry Ordinance 2016 to the extent of any inconsistency (clause 11), and
- (i) providing for the Archbishop to delegate any of his functions under the Ordinance to an Assistant Bishop (clause 13).

General Explanation of the Bill

13. 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

14. 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.

15. 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.

16. 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

17. 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”.
18. Clause 4(1) provides for the head of a school to appoint chaplains and assistant chaplains in and for the School, with the approval of the school council.
19. Clause 4(2) provides for the head to dismiss chaplains or assistant chaplains in consultation with the Archbishop and with the approval of the school council.
20. The head may also temporarily suspend a chaplain or assistant chaplain but must provide immediate notification of the suspension to the Archbishop (clause 4(3)).
21. 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*.

Clause 5: duties, qualifications and licensing of chaplains

22. 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.
23. 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. A chaplain’s licence must include a provision that it will cease upon the chaplain’s ceasing to hold the office of chaplain as 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.
24. By clause 5(3) 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.
25. By clause 5(4), 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. They should, wherever possible, also hold a qualification in education. This is the minimum requirement. The Archbishop may see fit to impose other requirements before issuing a licence.
26. By clause 5(5) a person may only be given the title chaplain if the requirements of clause 5 have been satisfied.

Clause 6: assistant chaplains

27. An assistant chaplain is defined in clause 2 as being “a person who is responsible to and assists the Chaplain in their duties”.
28. 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

29. 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. However the person will only take up this position if appointed by the Head. A person who has been licensed under clause 7(2) can be temporarily suspended or dismissed by the Head in accordance with clause 7(3).

Clause 8: school ministry plan

30. 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.

31. 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”.

32. 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: Chaplains of Anglican Schools

33. The Bill defines an “Anglican School” to be “an Anglican school, not being a Diocesan School, which is situated in the Diocese. In other words, an Anglican school that is not constituted by ordinance of the Synod or in relation to which the Synod is empowered to make ordinances.

34. The Ordinance cannot apply directly to such schools, however it can apply to members of clergy of the Anglican Church of Australia. Clause 9(2) provides that no member of clergy (other than the Rector of the relevant parish) is to act as chaplain or assistant chaplain of an Anglican School unless licensed to do so by the Archbishop.

35. The entitlement of the Rector to be the chaplain of the school ceases while for the duration that another member of clergy holds a licence as chaplain of the school (clause 9(3)).

Clause 10: chapels

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

Clause 11: Interaction with School Constitutions

37. The Bill provides that the constituting ordinance of a school will prevail over the terms of the Anglican Schools Ministry Ordinance 2016 to the extent of any inconsistency.

Clause 12: Transition

38. 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.

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

Clause 13: Delegation by the Archbishop

40. The Bill makes provision for the Archbishop to delegate any of his functions under the Ordinance to an assistant bishop.

Clause 14: Repeal

41. The Bill will repeal the 1975 Ordinance.

Clause 12: Commencement

42. The Bill will commence on 1 January 2017.

For and on behalf of the Standing Committee.

ROBERT WICKS
Diocesan Secretary

24 August 2016