

Delegation of Powers Ordinance 1998 Amendment Ordinance 2014

Explanatory Statement

Purpose of the bill

1. The purpose of the bill for the *Delegation of Powers Ordinance 1998 Amendment Ordinance 2014* ("the bill") is to delegate to the Standing Committee the power to assent to certain bills for canons sent by the General Synod Standing Committee to the Synod pursuant to section 28A of the Constitution of the Anglican Church of Australia (the "Constitution").

Recommendation

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

Background

3. The *Constitution Amendment (Chapter V) Canon 2010* (the "Canon") included in the Constitution a new section 28A which provides a procedure for passing canons while the General Synod is not in session. The inclusion of section 28A in the Constitution came into force on 1 July 2014, following at least $\frac{3}{4}$ of diocesan synods including the synods of all Metropolitan Sees assenting to the Canon.

4. The procedure under section 28A requires that a bill for a canon may be sent by the General Synod Standing Committee to each diocesan synod. The canon is passed if at least $\frac{3}{4}$ of the diocesan synods in Australia, including all Metropolitan Sees, assent to it by ordinance, and if all assents are in force at the same time.

5. If the canon imposes a financial liability on a diocese, concurrent assent is required from all diocesan synods.

6. Bills for a canon which alter the Constitution or which deal with or concern the ritual, ceremonial or discipline of the Church cannot be passed using this procedure.

7. Section 28A allows for a diocesan synod to delegate its power to assent to a bill for a canon to the diocesan council of the diocese. Section 28A also allows a diocesan council to assent to a bill for a canon in exercise of its delegated authority by ordinance or resolution.

Delegation of Powers

8. The bill delegates to the Standing Committee the power to assent to a bill for a canon under section 28A.

9. The scope of the delegation under the bill enables the Standing Committee to assent to a bill for a canon by ordinance only. It is not proposed to give the Standing Committee delegated authority to assent to a bill for a canon by resolution. This is because, unlike ordinances, resolutions –

- (a) do not require the assent of the Archbishop to come into force,
- (b) cannot be referred to the Synod by any 3 members of the Standing Committee, and
- (c) have no basis under the constitutions for NSW dioceses, including Sydney.

For and on behalf of the Standing Committee

ROBERT WICKS
Diocesan Secretary

17 September 2014