

## General Synod 2017 Legislation

(A report of the Standing Committee.)

### Key Points

- It is recommended that this Synod –
  - (a) assent to the *Constitution (Appellate Tribunal) Amendment Canon 2017*,
  - (b) adopt the *Special Tribunal (Limitation Period) Canon 2017*,
  - (c) not adopt the *Canon Concerning Confessions (Revision) Canon 2017*,
  - (d) not adopt the *Canon Concerning Confessions (Vulnerable Persons) Canon 2017*.
- The *General Synod – Safe Ministry to Children Canon 2017 Adopting Ordinance 2017* has not yet commenced. A separate report will be provided regarding this matter.

### Purpose

1. The purpose of this report is to outline the Standing Committee's recommendations with respect to legislation passed by the General Synod in 2017.

### Recommendations

2. Synod receive this report.
3. Synod –
  - (a) assent to the *Constitution (Appellate Tribunal) Amendment Canon 2017*,
  - (b) adopt the *Special Tribunal (Limitation Period) Canon 2017*,
  - (c) not adopt the *Canon Concerning Confessions (Revision) Canon 2017*,
  - (d) not adopt the *Canon Concerning Confessions (Vulnerable Persons) Canon 2017*.

### Background

4. Under the constitution (Constitution) of the Anglican Church of Australia (set out in the Schedule to the Anglican Church of Australia Constitution Act 1961 – see [www.sds.asn.au](http://www.sds.asn.au)), the General Synod has power to make canons for the order and good government of the church. The General Synod also has power, by canon, to amend the Constitution.

5. Not all canons come into effect when they are passed. For example, where a canon affects the order and good government of the Church in a diocese, the canon does not come into effect in that diocese unless the diocese *adopts* the canon by ordinance. Further, a canon to amend the Constitution only comes into effect if the requisite number of diocesan synods report their *assent* to the canon. In the case of certain provisions of the Constitution the canon only comes into effect if it receives *assent* from all dioceses.

6. Where a proposed canon affects the ritual, ceremonial or discipline of the Church the usual procedure is that the canon is only passed provisionally. It then becomes known as a provisional canon. Under the Constitution, a provisional canon is referred to each diocese for *assent* or *dissent*. If all dioceses *assent* to the provisional canon then it becomes a canon. If a diocese *dissents*, the provisional canon must be reconsidered at a future session of General Synod.

- If at that future session the provisional canon is passed by a two-thirds majority of the members of each house of General Synod, it becomes a canon.
- If passed, but not by a two-thirds majority, it is again referred to diocesan synods for assent or dissent.

7. In any event if the provisional canon becomes a canon, the canon does not have effect in a diocese until the diocese by ordinance *adopts* that canon.

### 17th General Synod

8. The 17<sup>th</sup> General Synod was held in Maroochydore from 3-8 September 2017.
9. The 17<sup>th</sup> General Synod consisted of 259 members of whom 71 were from the Diocese of Sydney. Resolutions, canons and rules were passed at the session, and elections also took place for General Synod boards and committees. A report outlining these matters was provided to the Synod at its session in October 2017.

### Canons passed by the General Synod in 2017

10. In 2017 the General Synod passed the following canons –

- Canon 01/17 - Appellate Tribunal Amendment (Qualification) Canon 2017\**
- Canon 02/17 - Constitution (Appellate Tribunal) Amendment Canon 2017*
- Canon 03/17 - Appellate Tribunal Amendment (Reserve List) Canon 2017\**
- Canon 04/17 - Safe Ministry to Children Canon 2017\*\**
- Canon 05/17 - Episcopal Standards (Child Protection Canon) 2017\*\**
- Canon 06/17 - Constitution (Jurisdiction of Special Tribunal) Amendment Canon 2017\*\**
- Canon 07/17 - Offences Amendment Canon 2017\*\**
- Canon 08/17 - Redress for Survivors of Abuse Canon 2017\**
- Canon 09/17 - Disclosure of Information Canon 2017\**
- Canon 10/17 - National Register Amendment Canon 2017\**
- Canon 11/17 - Special Tribunal Amendment Canon 2017\**
- Canon 12/17 - Special Tribunal (Limitation Period) Canon 2017*
- Canon 13/17 - Long Service Leave (Revision of Entitlement) Canon 2017\**
- Canon 14/17 - Long Service Leave (Notification of Participating Organisation) Canon 2017\**
- Canon 15/17 - Canon to Ratify the Amended New South Wales Provincial Synod Constitution\**
- Canon 16/17 - Canon Concerning Confessions (Revision) Canon 2017*
- Canon 17/17 - Canon Concerning Confessions (Vulnerable Persons) Canon 2017*
- Canon 18/17 - Holy Orders (Removal from Exercise of Ministry) Canon 2017\*\**
- Canon 19/17 - Canon Concerning Services Amendment Canon 2017\*\**
- Canon 20/17 - NATSIAC Amendment Canon 2017\**
- Canon 21/17 - Strategic Issues, Commissions, Task Forces and Networks Amendment Canon 2017\**
- Canon 22/17 - Missionary Dioceses (Amendment Canon) 2017\**

### Canons in force

11. Several of the canons passed by the General Synod in 2017 have taken effect because they do not affect the order and good government or the church trust property of the Church in a diocese. These canons are marked with a single asterisk in the above list.

### Canons adopted or assented to by our Synod in 2017

12. At its session in October 2017, the (Sydney) Synod adopted, or assented to, the following canons (also marked with a double asterisk in the above list) –

- Canon 04/17 - Safe Ministry to Children Canon 2017*
- Canon 05/17 - Episcopal Standards (Child Protection Canon) 2017*
- Canon 06/17 - Constitution (Jurisdiction of Special Tribunal) Amendment Canon 2017*
- Canon 07/17 - Offences Amendment Canon 2017*
- Canon 18/17 - Holy Orders (Removal from Exercise of Ministry) Canon 2017*
- Canon 19/17 - Canon Concerning Services Amendment Canon 2017*

### Canons recommended to be adopted or assented to by our Synod in 2018

13. Of the remaining Canons passed by General Synod in 2017, the General Synod Relations Committee (the Committee) has recommended that the Synod assent to the *Constitution (Appellate Tribunal) Amendment Canon 2017* and adopt the *Special Tribunal (Limitation Period) Canon 2017*.

*Canon 02/17 – Constitution (Appellate Tribunal) Amendment Canon 2017*

14. Any canon which amends the Constitution does not come into effect until at least three-quarters of the diocesan synods (including all the metropolitan sees) have assented to the canon by ordinance (with all such assents to be in force at the same time).

15. The *Constitution (Appellate Tribunal) Amendment Canon 2017* provides a head of power in the Constitution to allow the General Synod to deal with part-heard matters. The amendment canon also removes the mechanism where members of the tribunal select replacements for members unable to sit on the tribunal, by providing for a reserve list membership.

*Canon 12/17 – Special Tribunal (Limitation Period) Canon 2017*

16. The *Special Tribunal (Limitation Period) Canon 2017* amends the *Special Tribunal Canon 2007* by deleting paragraph 4 of the First Schedule. This has the effect that the only offences subject to the limitation period of 12 months will be those that are set out in paragraphs 1, 2 and 3 of the First Schedule (breach of faith, ritual or ceremonial; drunkenness; wilful failure to pay just debts). Other offences will be exempt from that limitation period.

**Canons not recommended for adoption by our Synod**

17. The *Canon Concerning Confessions (Revision) Canon 2017* and the *Canon Concerning Confessions (Vulnerable Persons) Canon 2017* relate to issues regarding confidentiality and the circumstances in which confessions must be disclosed. The principal canon (the *Canon Concerning Confessions 1989*) which these canons amend, is not in force in the Diocese of Sydney. The Committee therefore recommends that the Synod not adopt these Canons.

**Safe Ministry to Children Canon 2017**

18. At its session in 2017, the (Sydney) Synod passed the *General Synod – Safe Ministry to Children Canon 2017 Adopting Ordinance 2017*, which has not yet commenced. Clause 3 of that ordinance (regarding commencement) provides –

‘Except for this clause, this Ordinance commences on a date determined by resolution of the Standing Committee or on a date to be determined at the next ordinary session of this Synod, if the Standing Committee has not resolved that the Ordinance should commence by that date.’

19. The Standing Committee has not yet determined by resolution a date for this ordinance to commence. A separate report about this matter is provided to the Synod.

For and on behalf of the Standing Committee.

DANIEL GLYNN  
*Diocesan Secretary*

28 August 2018