

General Synod – Constitution Alteration (Making of Canons) Canon and Bill 1989 Assenting Ordinance 1993

Explanatory Statement

Introduction

1. The Constitution Alteration (Making of Canons) Canon and Bill were made by the General Synod in 1989. The text of the Canon is set out in the schedule to the bill. The Bill is in identical terms.
2. Under section 67(1)(c) of the constitution ("Constitution") of the Anglican Church of Australia, being the schedule to the Anglican Church of Australia Constitution Act 1961, the Canon and the Bill do not come into effect unless and until every diocesan synod has given assent by ordinance and those assents are in force at the same time.
3. In 1991 Synod declined to assent to the Canon and Bill. Sydney is the only diocese which has not given assent.

1989 Canon and Bill

4. The 1989 legislation is to alter sections 27, 28 and 67 of the Constitution to enable the General Synod to adopt standing orders which will permit it to depart from the "Westminster" system of the first reading, second reading, committee and third reading stages for canons and bills. The Canon and Bill were complicated by the failure of some diocesan synods to deal with the Constitution Alteration Canon 1987 before the 1989 session of the General Synod.
5. The Constitution Alteration Canon 1987 has now come into force. Accordingly, the changes which the Canon and Bill make to the Constitution are those set out in the second schedule to the Canon.
6. The Constitution, to a considerable degree, assumes that the General Synod will follow the "Westminster" System in making canons. Thus, a bill for a canon must be read and passed a first and second time, it must be considered in Committee and reported back with or without amendment and it must be read and passed a third time. Section 67 of the Constitution assumes that there will be second and third readings. The "Westminster" system ensure that the views of the minorities are heard and makes the "gagging" of debate more difficult.
7. The principal concern of the Sydney Synod when it declined assent in 1991 was that procedures which were intended to replace the "Westminster" system were not then in effect. Subsequently, General Synod standing orders have been adopted which, to a large extent, appear to meet the concerns of the Synod.

Recommendation

8. The Standing Committee recommends that Synod assent to the Canon and Bill.

For and on behalf of the Standing Committee

MARK PAYNE
Legal Officer

1 September 1993