

General Synod – Constitution Alteration (Sections 17 and 23) Canon 1992 Assenting Ordinance 1993

Explanatory Statement

Introduction

1. Under section 67 of the constitution ("Constitution") of the Anglican Church of Australia being the schedule to the Anglican Church of Australia Constitution Act 1961, the General Synod may, by canon, alter the provisions of the Constitution.

Canon No. 13, 1992

2. The Constitution Alteration (Sections 17 and 23) Canon 1992 ("Canon") was passed by the General Synod in 1992. The text of the Canon is set out in the Schedule to the bill. The purpose of the Canon is to amend sections 17 and 23 of the Constitution.

3. Section 17 of the Constitution deals with the composition of the General Synod. Section 17(4) provides that the number of representatives of each diocese on the General Synod shall be determined in accordance with the table annexed to the Constitution. There was doubt as to the time at which the number of representatives was to be determined. The amendment to section 17(4) purports to clarify this. The relevant date will be the date on which the mandate for a session of General Synod is signed and sealed by the Primate.

4. Section 23 of the Constitution deals with the convening and holding of ordinary and special sessions of General Synod. Specifically, section 23(b) deals with the convening of special sessions of General Synod. Currently section 23(b) permits a specified percentage of the members of a house to request that the Primate convene a special session of General Synod. The Primate must act on the request. Currently there is no express requirement for the persons requesting the special session to provide details to the Primate as to the proposed business at the special session.

5. The amendment to section 23(b) will mean that when a special session of General Synod is requested, the request must be accompanied by and specify the business which the persons making the request require to be considered at the special session.

6. Under the Constitution, the Canon does not come into effect unless and until at least three quarters of the diocesan synods of the church, including all the metropolitan sees, have assented to it by ordinance and with all such assents to be in force at the same time.

Recommendation

7. The Standing Committee recommends that Synod assent to the Canon.

For and on behalf of the Standing Committee

MARK PAYNE
Legal Officer

1 September 1993