

General Synod – Constitution Amendment (Table Annexed) Canon 1995 Assenting Ordinance 1996

Explanatory Statement

1. The table annexed to the Constitution of the Anglican Church of Australia sets out the formula for determining a diocese's representation at the General Synod but the diverse system of licencing clergy between dioceses has meant that the present table does not provide a uniform result. The Constitution Amendment (Table Annexed) Canon 1995 of the General Synod (the "Canon") seeks to amend the table to provide a more uniform result so far as calculating a diocese's representation at the General Synod.

2. Under the table, the number of clerical and lay representatives of a diocese at General Synod is determined by dividing the number of "clergymen" of the diocese by 20 and if on the division there is a remainder of 10 or more, the diocese is entitled to one more clerical and one more lay representative.

3. Presently, the term "clergymen" is defined in the table to mean persons licensed by the bishop to the cure of souls in a parish or in charge of a parochial district or similar pastoral division, or assistant curates licensed in a parish, such persons being in priests' orders and resident in the diocese concerned. The definition extends to a bishop, dean, archdeacon, canon, principal, vice-principal and tutor in priest's orders of a university or theological college, headmaster of a school or chaplain or other clergyman in priest's orders licensed to other distinct official position in the diocese, provided that in the case of a chaplain of a school college, hospital or other institution the chaplaincy involves regular spiritual ministrations to persons therein resident or students attendant thereat.

4. The Canon proposes that the reference to "clergyman" in the table be replaced with the word "clergy". In addition the definition of "clergymen" will be deleted and replaced with a definition of the word "clergy". The word "clergy" will mean the number of persons in the order of bishop, priest or deacon ordinarily resident in the diocese who are -

- (a) incumbents, whether full time or part time, stipendiary, part time stipendiary or non-stipendiary; or
- (b) clergy engaged on a full time basis or substantially full time basis in providing services for or in connection with The Anglican Church of Australia, or part thereof and paid a stipend or other remuneration for such services who are not incumbents, whether attached to a parish or otherwise.

5. The new definition of "clergy" is different from the definition of "clergymen" in 2 significant respects. First, deacons will now be eligible to be counted in determining the number of "clergy" of the Diocese. Secondly, clergy licensed to parishes, other than the incumbent, will only be taken into account if their service is full time or substantially full time. Sydney is unlikely to be disadvantaged by the changes.

6. Under clause 67(1)(c) of the Constitution, the Canon will only come into effect if at least $\frac{3}{4}$ of the diocesan synods (including all the metropolitan sees) give assent by ordinance to the Canon, with all such assents being in force at the same time.

Recommendation

7. The Standing Committee recommends that the Synod pass the bill as an ordinance.

For and on behalf of the Standing Committee

MARK PAYNE
Legal Officer

30 August 1996