

General Synod – Holy Orders, Relinquishment and Deposition Canon 2004 Adopting Ordinance 2005

Explanatory Statement

Introduction

1. The Holy Orders Relinquishment and Deposition Canon 2004 provides for a process whereby a member of clergy who desires to be relieved from his or her Holy Orders can seek a deposition from those Orders by consent or through voluntary relinquishment.
2. Section 3 provides that a person in Holy Orders may relinquish the exercise of those Orders and provides a method for doing so.
3. Section 4 provides for an alternative procedure (to relinquishment) to allow a member of clergy to seek the deposition of Holy Orders by the bishop of a diocese with the consent of the member of clergy.
4. Section 6 provides for an instrument of deposition to be used where deposition of a person from Holy Orders is pursuant to the sentence of a tribunal.

Registration and the giving of notice

5. Section 7 provides for the registration of the instrument recording relinquishment or deposition in the register of the bishop and on the National Register. It also provides for the delivery of a copy of the instrument to the bishop of the diocese in or for which the person the subject of the instrument was ordained.
6. Section 8 provides that the bishop may give notice of the relinquishment or deposition, including the circumstances relevant to the relinquishment or deposition, to such persons as the bishop considers necessary.

The effect of relinquishment or deposition

7. Section 9 regulates the future conduct of persons who have relinquished the exercise of or been deposed from Holy Orders.

Revocation

8. Section 11 provides for a process by which a person who has relinquished the exercise of or been deposed from Holy Orders may petition the Metropolitan of the Province in which the person resides, or if the person resides in an extra-provincial diocese, the Primate, to revoke the instrument of relinquishment or deposition.

Relinquishment of Holy Orders Ordinance 1994

9. Currently a person in Holy Orders who holds a licence or authority of the Archbishop in the Diocese of Sydney may voluntarily relinquish his or her orders pursuant to the Relinquishment of Holy Orders Ordinance 1994 (the "Relinquishment Ordinance"). To date the Relinquishment Ordinance has proved to be adequate, but there is merit in having national uniformity in this area.
10. Clause 3 of the adopting ordinance provides that a person cannot give a notice under clause 2 of the Relinquishment Ordinance on and from the commencement of the adopting ordinance. This means that no future relinquishments can be made under the Relinquishment Ordinance although persons who have voluntarily relinquished their Holy Orders under the Relinquishment Ordinance will continue to be subject to the provisions of that ordinance.
11. The canon must be adopted by ordinance before it has effect in Sydney. The bill is promoted to enable the Synod to adopt the canon.

Recommendation

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

For and on behalf of the Standing Committee

STEVE LUCAS
Legal Officer

22 August 2005