

General Synod - The Use of the Surplice Canon 1977 Adopting Ordinance 1977 Amendment Ordinance 1996

Explanatory Statement

Background

1. The Use of the Surplice Canon 1977 of the General Synod of the Anglican Church of Australia (the "Canon") permits the synod of a diocese, by ordinance, to relieve a minister of his obligation to use a surplice during his ministrations.
2. By the General Synod - The Use of the Surplice Canon 1977 Adopting Ordinance 1977 (the "Ordinance") the Synod of the Diocese of Sydney adopted the Canon and provided relief from the obligation to wear a surplice. Under the Ordinance a minister need not wear a surplice while conducting a service in -
 - (a) a hospital;
 - (b) a private house;
 - (c) a place which is not licensed for public worship; or
 - (d) a place licensed for public worship in the circumstances allowed by the other rules in the Ordinance.
3. Clause 3 of the Ordinance, which provides a number of rules for dispensing with the use of a surplice in a place licensed for public worship, is in the following terms -
 - "3. (1) A minister need not, in a place licensed for public worship in which there is customarily conducted more than one service each Sunday, wear a surplice while conducting one of such services each Sunday.
 - (2) A minister need not, in a place licensed for public worship in which there is customarily conducted only one service each Sunday, wear a surplice while conducting one of such services in each calendar month.
 - (3) In the course of making any determination as to the service or services at which a minister need not wear a surplice as aforesaid, the rector or minister concerned shall consult with the parish council of the parochial unit in which the church, where the service is or services are to be held, is situated.
 - (4) The provisions of this clause shall not apply to any service where a bishop is a minister thereof.
 - (5) The provisions of this clause shall apply until the later of 31 October 1993 or 18 months after the passing by the General Synod of a canon concerning the vesture of ministers."

4. The Ordinance also provides that where a minister proposes dispensing with a surplice, he must have due regard to the occasion and the congregation concerned before exercising that relief. The minister must also have due regard to the appropriateness of his dress when conducting services.

5. The Ordinance has a sunset clause: the rules for dispensing with the use of a surplice in a church (being the rules set out in paragraphs (a) to (d) of 3 above) apply until the later of 31 October 1993 or 18 months after the passing by the General Synod of a canon concerning the vesture of ministers.

Purpose of the Bill

6. The bill proposes to amend clause 3 of the Ordinance to deal with 2 matters -

- (a) to extend until 31 December 1997 the application of the rules for dispensing with the use of a surplice in a place licensed for public worship; and
- (b) to allow the surplice to be dispensed with at a service in a place licensed for public worship where a bishop is a minister, if the bishop gives his approval.

7. The General Synod passed a canon concerning the Vesture of Ministers in July 1995. Unless the sunset clause is revised, the rules for dispensing with the use of a surplice will lapse in January 1997.

8. The Synod currently has legislation before it dealing with clergy robes and, in due course, may consider legislation to adopt the General Synod canon concerning the Vesture of Ministers. However since such legislation may not be dealt with by January 1997, it is desirable to extend the life of the present rules.

9. It is desirable to give flexibility to allow a bishop to approve of the dispensing of the use of the surplice at a service where the bishop is to be a minister and where the dispensing of the use of the surplice is in accordance with the other rules set out in that Ordinance. It may be appropriate for a bishop visiting a church in the Diocese to approve of the surplice not being worn at a service in which the bishop is to participate if the minister customarily dispenses with the use of a surplice at that service in accordance with the other rules set out in the Ordinance.

Recommendation

10. 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