

Provincial Synod Constitution Amendment Ordinance 1998 Assenting Ordinance 1998

Explanatory Statement

Purpose of the Bill

1. The purpose of the bill is to assent to the Provincial Synod Constitution Ordinance 1998, made by the Provincial Synod of the Province of New South Wales in February 1998.

Background

2. Under the 23rd of the 1902 Constitutions the bishops and clerical and lay representatives of the dioceses in New South Wales shall meet in Provincial Synod under such articles and provisions as may have been or may from time to time be passed by the Provincial Synod and assented to by all the dioceses.

3. Acting under the 23rd of the 1902 Constitutions, the Provincial Synod has made the Provincial Synod Constitution Ordinance of 1907 as amended, (the "Provincial Synod Constitution") to which each diocese in New South Wales has given its assent. Among other things, the Provincial Synod Constitution -

- (a) specifies that the Provincial Synod is to consist of 3 houses;
- (b) provides a formula for determining the number of representatives from each diocese;
- (c) provides for meetings of the Provincial Synod and the manner of convening the Synod; and
- (d) specifies the powers of the Synod, including the power to make rules, ordinances and determinations.

4. Clause 9 of the Provincial Synod Constitution provides as follows -

"That no Rule or Ordinance or Determination of the Provincial Synod shall make any alteration in the Articles, Liturgy or Formularies of the Church except in conformity with any alteration which may be made therein by any competent authority of the Church of England in England."

5. With the creation of the Anglican Church of Australia (as it is now known) in 1962, clause 9 is an unnecessary restriction on the powers of the Provincial Synod. The 24th of the 1902 Constitutions, which was in similar terms to clause 9, was repealed by Act of Parliament in 1976.

6. In 1970 the Provincial Synod made the Provincial Synod Constitution Amendment Ordinance 1970 No. 2 in which the Provincial Synod authorised its Standing Committee to promote to the Parliament of New South Wales a bill to repeal clause 9 of the Provincial Synod Constitution. However, for whatever reason, the promotion of the bill to the Parliament did not proceed.

7. The Provincial Synod Constitution Amendment Ordinance 1998 purports to delete clause 9 of the Provincial Synod Constitution. Under section 41 of the Constitution of the Anglican Church of Australia, the Ordinance needs to receive assent by ordinance of the Synod of each diocese in New South Wales.

Recommendation

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

For and on behalf of the Standing Committee

MARK PAYNE
Diocesan Secretary

17 August 1998