

## Retirements Ordinance 1993 Amendment Ordinance 1999

### Explanatory Statement

#### Introduction

1. The Sydney Diocesan Retirements Board (the "Board") is established under the Retirements Ordinance 1993 to make recommendations to the Archbishop about extensions of the retirement age for a minister (other than the Archbishop, an Assistant Bishop, the Dean and an Archdeacon). By clause 10 of the Ordinance the Board consists of -

- (a) a chairman and an alternate chairman, each of whom must be an Assistant Bishop nominated by the Archbishop;
- (b) 5 ministers appointed by the Archbishop-in-Council, each of whom must be a member of the Synod; and
- (c) 5 lay members appointed by the Archbishop-in-Council, each of whom must be a member of the Synod.

#### Discussion

2. The effect of the Retirements Ordinance 1993 Amendment Ordinance 1999 (the "Ordinance") is to remove the requirement that a member of the Board also be a member of the Synod.

3. If this requirement is removed, there will be a larger "pool" of persons who might be considered for membership of the Board. The Ordinance does however impose a requirement that a lay member of the Board must prior to being appointed make a declaration that he or she is a communicant member of the Anglican Church of Australia (clause 2(d)).

4. It is arguable that membership of the Synod gives Board members a reasonable familiarity with the system of Church government, the ordinances of the Church, issues such as clerical tenure, and a feel for the mind of the Synod on issues which might arise in the course of the Board's deliberations. If membership of the Synod is no longer a qualification for membership, then persons could be appointed who do not possess this understanding.

5. Further, by removing the requirement that a clerical member be a member of the Synod, assistant ministers could be appointed to the Board. Such appointments could give rise to an apparent conflict of interest in that some may consider that it is in the interests of an assistant minister not to approve an extension of the retirement age of a parish minister.

6. On balance however Standing Committee considers that the arguments for passing the Ordinance outweigh the arguments against passing the Ordinance.

#### Recommendation

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

For and on behalf of the Standing Committee

ROBERT WICKS  
*Legal Officer*

30 September 1999