

General Synod – Constitution Amendment (Relations with Other Churches) Canon 2004 Assenting Ordinance 2005

Explanatory Statement

Introduction

1. The Constitution Amendment (Relations with Other Anglican Churches) Canon 2004 substitutes a new section 6 in the Constitution (“new section 6”). The canon has been made in response to recommendations from the Constitutional Review Committee, presented to the General Synod in 2001, concerning the Church’s relations with other parts of the Anglican Communion.
2. The existing section 6 provides:

“This Church will remain in communion with the Church of England in England and with churches in communion therewith so long as communion is consistent with the Fundamental Declarations contained in this Constitution.”
3. The new section 6 continues to provide that the Anglican Church of Australia remains in communion with the Church of England in England so long as communion is consistent with the Fundamental Declarations. Unless otherwise prescribed by canon of General Synod, the canon continues to provide that the Anglican Church of Australia remains in communion with churches in communion with the Church of England in England as long as communion is consistent with the Fundamental Declarations.
4. However the new section 6 also enables the General Synod to make canons declaring those churches with which the Anglican Church of Australia is in communion or specifying conditions for entering into such communion. The General Synod may not make such canons unless communion is or will, if the relevant conditions are met, be consistent with the Fundamental Declarations. Further, no such canon comes into effect until at least $\frac{3}{4}$ of diocesan synods, including all metropolitan sees, have assented to it by ordinance and all such assents are in force at the same time.
5. Subsection 6(7) provides that nothing in the new section 6 prevents the bishop of a diocese or the synod of a diocese from determining, in accordance with the powers, authorities, duties or functions of the bishop or synods, any matter relating to communion affecting the diocese.
6. The constitutional amendment preserves the self-executing exclusion of communion that is inconsistent with the Fundamental

Declarations while allowing each diocese to make its own arrangements with respect to communion where this is in accordance with its powers, authorities, duties and functions.

7. Under section 67(1)(c) of the Constitution, the Constitution Amendment (Relations with Other Anglican Churches) Canon 2004 will not come into effect unless at least $\frac{3}{4}$ of the diocesan synods, including all metropolitan sees, have assented to it by ordinance with all such assents to be in force at the same time.

Recommendation

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

For and on behalf of the Standing Committee.

STEVE LUCAS

Legal Officer

17 August 2005