

2/03 Congregations of other churches joining the Anglican Church in the Diocese of Sydney

21/04 Associated Churches

(An initial report from the Standing Committee)

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Background

1. By resolution 2/03 the Synod, in view of the alarming developments in other Protestant Churches and the possibility of some congregations wishing to associate with or join the Anglican Church in this Diocese, requested that the Standing Committee appoint a committee to consult with the Archbishop on any changes in ordinances, necessary or desirable to facilitate such moves and to bring any necessary ordinances to affect such changes to the next ordinary session of the Synod.

2. By resolution 21/04 the Synod requested that the Standing Committee –

- (a) consider the means by which non-Anglican churches might be recognised as associated churches of the Diocese and the benefits which may arise for both the Diocese and those churches by reason of such association, and
- (b) prepare such ordinances as it thinks necessary to provide for such association.

3. The Standing Committee appointed a committee to consider these resolutions comprising Mr Michael Orpwood QC (appointed as chair), Dr Philip Selden, Mr Neil Cameron, Bishop Peter Tasker, Canon John Woodhouse, Dean Phillip Jensen, Mr Robert Tong and Canon Bruce Ballantine-Jones. The committee met on 2 occasions.

4. This report outlines –
- which non-Anglican churches should be eligible to associate with the Diocese,
 - the benefits that such association is likely to bring,
 - the form of association and the proposed action to be taken to facilitate association.

Which non-Anglican churches should be eligible to associate?

5. The committee's central proposition is that association should be aimed at strengthening Bible-based churches. For the purposes of this reference, Bible-based churches will be drawn from 2 main sources, namely –

- (a) Congregations who wish to leave their denominational structure and wish to be associated with the Diocese. Some of these congregations were also looking to transfer legal ownership of "congregational property" to the Anglican Church Property Trust, although the committee noted that this would not be possible without State legislation.
- (b) Independent churches who wish to have access to diocesan services, in particular inter-changeability of ministry staff with the Diocese and access to benefits such as long service leave, superannuation etc. There is also a desire to access information that is provided in respect of things such as tax, employment and salary packaging, insurance, occupational health and safety and child protection. It was recognised that if these services were made available to such churches, they should contribute to the cost of providing them.

6. It is possible that there are also Bible-based churches that want to stay within their denominational structure but who nevertheless want to associate with the Diocese. Association with such churches is likely to have its complications however in some cases a level of association may be possible.

7. Given the diverse range of churches with whom the Diocese may want to associate, the committee considered that any criteria for association should be flexible. For example it may be appropriate to define "Bible-based" by reference to the doctrinal criteria used in the Use of Church Property Ordinance 1995. Another important factor would be the qualities of the minister and his ministry. It would also be important to ensure that there is consistency of approach in relation to the ministers of associated churches and ministers working in the Diocese (eg the current policy on excluding divorced persons from ordination).

8. Beyond these matters, the committee considers that each church should be considered on a case by case basis. The committee also considered that the Synod or the Standing Committee would be the appropriate body to make a decision regarding association.

9. The committee noted that, in time, some associated churches may want to be formally incorporated into the Diocese. Provided such churches were situated in the Diocese, this could be achieved either –

- (a) by the creation of a provisional parish around, say, the building in which the church meets, or
- (b) by making the church a recognised church.

Benefits of association

10. The committee considered the benefits of association for both independent churches and the Diocese.

11. The benefits for independent churches include –

- (a) Firstly, independent churches can feel lonely and long for “connectedness”. A key part of connectedness is continuity of ministry. Establishment of relationships with a broader structure could make it easier for an independent church to know where its next minister and other staff members are coming from. Stability through formalisation of relationship is therefore a main reason for and benefit of association.
- (b) Secondly, independent churches may want the integrity of the Anglican name.
- (c) Thirdly, independent churches may want access to the range of benefits that are available to diocesan ministries such as the Superannuation Fund, continuity of service for the purposes of the long service leave and other services that the Diocese can provide.

12. There are a number of benefits that flow to the Diocese by reason of association –

- (a) Most importantly, association allows the Diocese to support Bible-based churches in a way that cannot be achieved through Anglican structures. This in turn prevents the Diocese from becoming introspective.
- (b) The committee also considered that if associated churches were given a seat on the Synod, there would be a helpful infusion of evangelical thinking on the Synod.
- (c) Finally, the committee notes that Sydney is becoming ethnically diverse which is coupled with many people who would traditionally form part of the membership of churches in the Diocese leaving Sydney. Therefore

another advantage of associating with churches is the creation of a process of ongoing maintenance of diocesan membership outside Sydney as its traditional membership base leaves Sydney.

Form of association and proposed action to facilitate association

13. The committee considers that the form of association should be by way of agreement. The nature of the relationship should be purely voluntary and severable at any stage by either party.

14. The only ordinance that would be required, at least to establish association, would be one passed by the Synod by which the Standing Committee can on a case by case basis having regard to broadly defined criteria authorise, say, the Diocesan Secretary to enter into an agreement for association with a church.

15. There is however a need to take certain action, including amendments to various ordinances, to facilitate the availability of the benefits and services to churches which become associated with the Diocese. The action proposed to be taken is set out in the annexed table.

16. It is also proposed to consult with independent churches and other relevant bodies to ensure the benefits and services to be offered to associated churches and the terms on which they might be offered are appropriate. The committee wishes to ensure that these arrangements form the basis of an effective partnership for the purposes of strengthening Bible-based churches whether they be independent or within the Diocese.

Recommendations of committee

17. The committee recommended that –

- (a) the Standing Committee endorse the consultation process referred to in paragraph 16 of this report, and
- (b) following such consultation, an ordinance and form of association agreement be drafted to give effect to the proposed action referred to in the annexed table and the principles of association set out in this report and that such ordinance be brought to the Standing Committee with a view to its promotion to the forthcoming session of the Synod “by request of the Standing Committee”, and
- (c) the Standing Committee approve the printing of a suitable form of this report for the forthcoming session of the Synod on the understanding that an updated report may be prepared depending on the outcome of the consultation referred to in paragraph (a).

Standing Committee's response

18. In response to the recommendations of the committee, the Standing Committee –

- (a) endorsed the consultation process referred to in paragraph 16 of this report, and
- (b) requested that following such consultation –
 - (i) a further report incorporating the results of such consultation as well as the legal matters involved in this proposal be brought to the Standing Committee, and
 - (ii) an ordinance and form of association agreement be drafted to give effect to the proposed action referred to in the annexed table and the principles of association set out in this report and that such ordinance be brought to the Standing Committee with a view to its promotion to the forthcoming session of the Synod “by request of the Standing Committee”, and
- (c) approved the printing of this report for the forthcoming session of the Synod on the understanding that an updated report may be prepared depending on the outcome of the consultation referred to in paragraph (a).

For and on behalf of the Standing Committee.

ROBERT WICKS
Diocesan Secretary
17 August 2005

Associated churches – proposed action

Proposed characteristics/ consequences of association	Action to be taken	Legislation required?	Other comments
Establishment and form of association	Prepare ordinance enabling the Synod or the Standing Committee to authorise the Diocesan Secretary to enter into an "association agreement". Draft form of association agreement.	Yes	Eligibility for association to be decided on a case by case basis having regard to broadly defined criteria. Association agreement is to be revokable at any time by either the associated church or the Synod/Standing Committee.
Synod membership	Amend Synod Membership Ordinance 1995 to provide associated church representation on Synod.	Yes (Synod ordinance)	Suggest each associated church be entitled to 2 Synod representatives being its senior pastor (by whatever named called) and one other. The senior pastor should be deemed to be part of the house of clergy for voting purposes. Representatives of associated churches would not be entitled to participate in "regional" ballots.
Inter-changeability of Anglican clergy between associated churches and the Diocese	Amend Presentation and Exchange Ordinance 1988 to provide that "good and sufficient reason for refusing to accept the presentation" does not include the fact that a clergyman has	Yes	Associated churches should acknowledge reciprocal inter-changeability for Anglican clergy moving from the Diocese to the associated church.

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	ministered in an associated church.		
Membership of Superannuation Fund	Consult with Sydney Diocesan Superannuation Board regarding the extension of membership rules of the AMP sub-fund to cover staff of associated churches.	Maybe	Contributions to super fund paid directly by associated church (as employer) rather than through the PCR system.
Long Service Leave –General Synod LSL Fund (for Anglican clergy working in associated churches)	Nil	N/A	The LSL Canon applies to service rendered by certain members of the clergy in a diocese or a participating organisation. Anglican clergy ministering in associated churches (and who are not licensed by the bishop of the diocese) are not eligible to be members of the LSL Fund unless such clergy are regarded as on missionary service as prescribed by the Board and approved by the GS Standing Committee (see definitions of "member of the clergy" and

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			<p>"service").</p> <p>Section 38(3) of the LSL Canon provides a mechanism by which clergy who return to the Diocese may be permitted to resume membership of the Fund (thereby preserving some continuity) upon payment of an appropriate "catch-up" contribution.</p>
<p>Long Service Leave –Sydney LSL Ordinance (for Anglican clergy and other staff working in associated churches)</p>	<p>Amend the Long Service Leave Ordinance 1973 to provide continuity of service for LSL leave purposes between work in associated churches and work in parishes and organisations of the Diocese.</p>	<p>Yes</p>	<p>The amendments to the Long Service Leave Ordinance 1973 may include –</p> <ol style="list-style-type: none"> 1. Amending the definition of "organisation" to include each associated church. 2. If Anglican clergy working in an associated church are not regarded as workers for the purposes of the Long Service Leave Act, amending the definitions of "Other Service" and "member of the clergy" to enable such persons to have access to the leave entitlements for members of the clergy who render other service under clause 15A of

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			<p>the Ordinance.</p> <p>Consider whether the association agreement should require corresponding continuity of service entitlements to be enshrined in the constitution of the associated church.</p>
Insurance coverage (ACPT)	<p>Amend the Church Insurances Ordinance 1981.</p> <p>Consult with the Property Trust and insurance brokers re inclusion of associated churches as an "insured" under relevant policies.</p>	Yes	<p>Paid by separate invoice rather than PCR system.</p> <p>Brokers will need to determine whether inclusion of associated churches will alter risk profile under relevant diocesan insurance policies.</p> <p>Associated churches should agree to comply with risk management policies of the Diocese and to provide any information the Diocese may require from time to time for the purposes of managing risk.</p>
Access to general diocesan services provided by SDS	<p>Consult with Sydney Diocesan Secretariat and, if appropriate, amend the Sydney Diocesan Secretariat Ordinance 1973 to extend its powers, authorities and duties to include the provision of</p>	Yes	<p>Paid by separate invoice rather than PCR system.</p> <p>Sydney Diocese Secretariat should agree to amendment of its constituting ordinance and also to provide access to general services.</p>

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	administrative, secretarial and accountancy services to associated churches.		
Sickness and Accident Fund	Amend the Sydney Diocesan Sickness and Accident Fund Ordinance 1969 to cover appropriate categories of ministry staff in associated churches.	Yes	<p>Fund covers clergy ministering in parishes. What categories of ministry staff in associated churches should be covered in order to maintain equivalent coverage with parishes?</p> <p>Need to consider risk profile of those in an associated church that the Fund might cover.</p> <p>Need to consider whether Fund can receive contributions which are not church trust property ("tainted trust question")</p> <p>Paid by separate invoice rather than PCR system.</p>
Stipends Continuance	Consult with insurance brokers to determine whether Stipends Continuance policy held by the Secretariat covers or can be extended to include appropriate categories of ministry staff in associated churches.	No	<p>Stipend continuance covers clergy ministering in parishes. What categories of ministry staff in associated churches should be covered in order to maintain equivalent coverage with parishes?</p> <p>Paid by separate invoice rather than PCR system.</p>

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Clergy Removals Fund	Amend Clergy Removals Fund Ordinance 2003 to provide assistance to appropriate categories of ministry staff in associated churches.	Yes	Fund covers clergy ministering in parishes. What categories of ministry staff in associated churches should be covered in order to maintain equivalent coverage with parishes? Need to consider whether Fund can receive contributions which are not church trust property ("tainted trust question") Paid by separate invoice rather than PCR system.
Finance and Loans	Consult with Finance and Loans Board and, if appropriate, amend the Sydney Church of England Finance and Loans Board Ordinance 1957 to enable the Board to offer unsecured loans to associated churches.	Yes	
Entitlement of associated churches to use the "Anglican" name.	Nil	N/A	Under section 4 of the Use of Church Names Canon 1989, an associated may apply to the Archbishop-in-Council for a certificate authorising the use of the Anglican name by an associated church situated in the Diocese.

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Proposed characteristics/ consequences of association	Action to be taken	Legislation required?	Other comments
			Not able to authorise use of Anglican name by associated churches situated outside the Diocese however references to being associated with the Anglican Church in the Diocese may be acceptable.
Obligation to pay PCR charges	Nil	N/A	Use of PCR system to collect contributions from associated churches not appropriate since PCR system is directly tied to troy database and the licensing of clergy. Separate invoicing for contributions proposed.
Reporting requirement to Synod	Nil	N/A	Associated churches should agree to provide Synod with yearly audited financial statements and reports.
Capacity of Professional Standards Unit to regulate/investigate conduct of clergy and ministry staff in associated churches	Consult with the Director of Professional Standards Unit about amending the Church Discipline Ordinance 2002 to cover ministers and others leaders in associated churches.	Yes	Main issue is the capacity of Diocese to deal with issues affecting its reputation arising from its association with independent churches. Associated churches should agree to adopt "Faithfulness in Service" as relevant standard and, in particular, to comply with all screening and other child protection laws.

Proposed characteristics/ consequences of association	Action to be taken	Legislation required?	Other comments
			Associated churches should agree to submit to the processes of the Church Discipline Ordinance 2002 (and other relevant disciplinary ordinances in the Diocese from time to time). Consider whether association agreement should require this to be enshrined in the constitution of the associated church.