

## 2008 Report of the Standing Committee

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### 1. Introduction

#### 1.1 Charter

The Standing Committee is constituted under the Standing Committee Ordinance 1897. Its duties arise under a number of ordinances and include the following –

- (a) making arrangements for the meetings of the Synod and preparing the Synod's business, and
- (b) acting as a council of advice to the Archbishop (the "Archbishop-in-Council"), and
- (c) considering and reporting upon matters referred to it by the Synod and carrying out the Synod's resolutions, and
- (d) deliberating and conferring upon all matters affecting the interests of the Church, and
- (e) making ordinances under delegated powers, and
- (f) preparing and administering parochial cost recoveries and Synod appropriations and allocations, and
- (g) appointing persons to fill casual vacancies among persons elected by the Synod to boards etc, and
- (h) monitoring the finances of diocesan organisations.

#### 1.2 Access

Meetings are held in the Chapter House, St Andrew's Cathedral. Mail should be addressed to "The Diocesan Secretary, Standing Committee of Synod, PO Box Q190, QVB Post Office NSW 1230" (telephone (02) 9265 1555; fax (02) 9261 4485; e-mail [rjw@sydney.anglican.asn.au](mailto:rjw@sydney.anglican.asn.au)). Office hours are 9 am to 5 pm.

A report on each meeting is published a few days after the meeting on the Secretariat's website at [www.sds.asn.au](http://www.sds.asn.au).

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### **1.3 Meetings and members**

Since September 2007 we have met 11 times. The names of the members will be listed in the 2008 Diocesan Year Book and on the Secretariat's website at [www.sds.asn.au](http://www.sds.asn.au).

During the year, the following change took place to the membership of the Standing Committee –

- His Honour Acting Judge Peter Grogan ceased being a member upon his resignation as Chancellor.

### **1.4 Management and structure**

Each meeting of the Standing Committee is like a small Synod meeting. The major committees are –

Audit Committee	Ordination Training Fund Committee
Mission Board	Research Committee
Finance Committee	Social Issues Executive
General Synod Canons Committee	Stipends and Allowances Committee
Ordinance Reviewers and Panels	Work Outside the Diocese Committee

Other committees are appointed from time to time for special tasks. We thank God for the faithfulness and expertise of the people who serve on our committees.

### **1.5 Resignation of His Honour Acting Judge Peter Grogan as Chancellor**

In June we noted that the Archbishop had accepted, with regret, the resignation of His Honour Acting Judge Peter Grogan as Chancellor of the Diocese. We gave thanks to God for Peter's tireless work as Chancellor and his wise, considered and godly advice. We assured Peter and his wife, Val, of our sincere appreciation, best wishes and prayers. During the vacancy in the office of Chancellor, the Archbishop appointed Mr Robert Tong as Acting Chancellor.

#### **1.5A Appointment of His Honour Acting Judge Peter Johns as Chancellor**

The Archbishop informed us that he had appointed His Honour Acting Judge Peter Johns as Chancellor to fill the vacancy created by the resignation of His Honour Acting Judge Peter Grogan. Peter will commence in this role after Synod this year. We congratulated Peter on his appointment.

#### **1.5B Retirement of Archdeacon Geoff Huard**

We noted the retirement of Archdeacon Geoff Huard as the Archdeacon of Liverpool in November. We gave thanks to God for Geoff's contribution to our meetings as a member over the past 19 years and extended our prayers and best wishes to Geoff and his wife for a fruitful ministry following his retirement.

### **1.6 50<sup>th</sup> Anniversary of the consecration of Sir Marcus Loane**

We conveyed our congratulations, prayers and best wishes to Sir Marcus Loane on the 50<sup>th</sup> anniversary of his consecration as a bishop. We noted that Sir Marcus was the first Australian born Archbishop and the first Australian born Primate. We gave thanks to God for Sir Marcus' many years of faithful biblical leadership and ministry in the Diocese of Sydney.

### **1.7 Appointment of Mr Tony Willis as assistant to the Bishop of Wollongong**

During the year, Mr Tony Willis was appointed as assistant to the Bishop of Wollongong. We congratulated Mr Willis on his appointment and agreed until such time as Mr Willis may be elected to a seat on the Standing Committee, he is welcome to attend meetings and to speak but not to vote.

### **1.8 Appointment of Deaconess Margaret Rodgers as President of the NSW Council of Churches**

We congratulated Deaconess Margaret Rodgers on her appointment as President of the NSW Council of Churches.

### **1.9 Appointment of Dr Karin Sowada as CEO of the Anglican Deaconess Institution**

We congratulated Dr Karin Sowada on her appointment as Chief Executive Officer of the Anglican Deaconess Institution Sydney Ltd.

## **2. The Diocesan Mission**

### **2.1 Diocesan Mission Strategy**

In 2002, the Synod adopted the mission strategy for the Diocese including the following Mission Statement –

“To glorify God by proclaiming our Saviour the Lord Jesus Christ in prayerful dependence on the Holy Spirit, so that everyone will hear his call to repent, trust and serve Christ in love, and be established in the fellowship of his disciples while they await his return.”

The initial goal of the Mission adopted by the Synod is –

“To see at least 10% of the population of the region of the Diocese in Bible-based churches in 10 years.”

The fundamental aim of the strategy is –

“To multiply Bible-based Christian fellowships, congregations and churches which equip and nurture their members and expand themselves, both in the Diocese and ‘in all the world’.”

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The Mission Strategy continues to direct much of the work we have undertaken during the year. A more complete statement of the Mission Strategy and the four policies that underlie the strategy are printed in *Acts, Ordinances & Regulations 2005 Edition*.

We have prepared a report for the Synod at the midpoint of the Mission about the achievements and challenges in becoming an missional diocese. We requested that motions be moved at the Synod to facilitate discussion at the Synod of the matters raised in the report and to facilitate the preparation of a strategic plan for the Mission for Synod's consideration next year. See item 4.9.

### **2.2 Connect09**

By resolution 33/07 the Synod enthusiastically endorsed the campaign of evangelistic contact with all people in the Diocese known as Connect09. It encouraged all parishes, regional councils and diocesan organisations to work in fellowship with us, the Mission Board and Evangelism Ministries to ensure the effective planning and implementation of Connect09.

In December 2007, we passed the Connect09 Amendment Ordinance 2007 which formally established the Connect09 Management Committee under the chairmanship of the Archbishop. The Management Committee has the following functions for the purposes of implementing Connect09 –

- to prepare a strategic plan for the period 2008 to 2010 and revise the plan from time to time,
- to identify the key criteria by which progress in implementing the strategic plan can be assessed,
- to provide a copy of the strategic plan and any revised plan to the Standing Committee as soon as practicable,
- to prepare updated financial forecasts for Connect09 every 6 months,
- to report to each meeting of the Standing Committee a summary of the progress in implementing the strategic plan assessed against the key criteria and current financial information for Connect09,
- to approve the payment of expenses for the purpose of implementing Connect09 subject to any limit determined by the Standing Committee.

We set a limit of \$150,000 for the Management Committee to approve the payment of expenses. We also received a strategic plan from the Management Committee.

A progress report about Connect09 is printed separately.

See also items 4.17 and 8.8.

### 2.3 Mission Board

We delegated to the Mission Board our functions under the Connect09 Ordinance 2007. The delegation was made on the basis that –

- (a) copies of each strategic plan and revised plan prepared by the Connect09 Management Committee are provided to us, and
- (b) a consolidated form of the progress report provided by the Connect09 Management Committee is provided to us every 3 months, and
- (c) not less than 25% of the members of the Mission Board may, in a particular matter, require the exercise of any authority within this delegation to be exercised by us.

We agreed that our members may have access to all Mission Board minutes and any attachments referred to in those minutes except for attachments which the Archbishop identifies as confidential by reason of commercial or pastoral sensitivity.

### 2.4 Mission Property Fund

We determined under the Mission Property Ordinance 2002 that \$8.6 million should be applied as a matter priority to support a number of “brownfields” projects throughout the Diocese. The projects which received support are –

Parish	Total anticipated cost of project	Funding support
Annandale	\$ 2,400,000	\$ 1,000,000
Auburn (St Thomas')	\$ 500,000	\$ 450,000
Berowra	\$ 2,400,000	\$ 900,000
Broadway	\$ 13,500,000	\$ 1,750,000
Dapto	\$ 2,500,000	\$ 1,100,000
Glenmore Park	\$ 2,000,000	\$ 900,000
Marrickville	\$ 280,000	\$ 170,000
Naremburn	\$ 3,400,000	\$ 500,000
Rooty Hill	\$ 2,750,000	\$ 1,150,000
<i>Contingency</i>		\$ 680,000
<b>Total</b>	<b>\$ 29,730,000</b>	<b>\$ 8,600,000</b>

We commended the Mission Property Committee, the staff of the Secretariat and the Mission Board on the work done on receiving applications, investigating proposals and reporting on submissions in relation to funding support. At our request, we also received a report from the Mission Board responding to a number of issues raised by the Rev Dr Tim Foster about this support.

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We varied the trusts of the Mission Property Fund to allow \$250,000 from the Fund to be applied by the Mission Property Committee to assist the funding of feasibility studies for the development of parish properties.

### **3. Actions with the Archbishop**

#### **3.1 Estate of Late M.A. Grant (Sisters' Endowment)**

The Archbishop-in-Council appropriated \$40,000 from this Estate for distribution by the Archbishop to assist clergy, clergy widows and clergy children or orphans who are in need.

#### **3.2 Parishes of Campsie, Picton, Port Kembla and Brighton/Rockdale – right of nomination**

The parishes of Campsie, Picton, Port Kembla and Brighton/Rockdale became vacant during the year but the Archbishop was unable to declare that any of these parishes had complied with clause 5 of the Nomination Ordinance 2006. Each matter was referred to the Archbishop-in-Council which determined that, in the circumstances, none of the parishes should have the benefits under the Ordinance.

#### **3.3 Parramatta '54 Free Fund**

The income of this fund is to be distributed among the objects of the Diocese of Sydney as determined by the Archbishop-in-Council. A distribution of \$9,741 was made in February to pay the costs of the Sydney bishops and 3 NSW Provincial bishops attending the 2007 Australian Bishops' Conference. A further distribution of \$11,387 was made in June to pay the costs of the Sydney bishops and 3 NSW Provincial bishops attending the 2008 Australian Bishops' Conference.

#### **3.4 Extension of retirement age of Archdeacon Geoffrey Huard**

Acting with the Archbishop, we extended the retirement age of Archdeacon Geoffrey Huard until 30 November 2008 under clause 5(1)(b) of the Retirements Ordinance 1993.

#### **3.5 Extension of retirement age of Archdeacon Ken Allen**

Acting with the Archbishop, we extended the retirement age of Archdeacon Ken Allen until 21 November 2009 under clause 5(1)(b) of the Retirements Ordinance 1993.

#### **3.6 Extension of retirement age of the Rev Ian Cox**

During the year the Archbishop announced that the Rev Ian Cox would be appointed as the next Archdeacon of Liverpool from 1 December 2008 following the retirement of Archdeacon Geoffrey Huard. Acting with the Archbishop, we extended the retirement age of Mr Cox until 31 December 2011 under clause 5(1)(b) of the Retirements Ordinance 1993.

### **3.7 Rules for the conduct of the business of the Diocesan and Disciplinary Tribunals**

The Archbishop-in-Council made rules under clause 72 of the Discipline Ordinance 2006 for the conduct of business of the Diocesan Tribunal and the Disciplinary Tribunal.

## **4. Financial and Property Administration**

### **4.1 Accounts, Audits and Annual Reports Ordinance 1995**

Organisations of the Synod which manage church trust property must report annually to the Synod. These reports include audited accounts and must be lodged, together with liquidity reports, by 30 June each year. A different lodgement date has been approved for two organisations, Anglicare and Anglican Retirement Villages, whose financial year ends on 30 June.

The annual reports and audited accounts for about 40 organisations will be tabled in the Synod. Any major problems found by the Finance Committee from a review of these accounts will be reported.

During the year we amended the Accounts, Audits and Annual Reports Ordinance 1995 to strengthen the reporting requirements and risk management practices of organisations which report under the ordinance. See item 4.15.

### **4.2 Audited accounts of the Standing Committee**

The audited accounts for the Synod Fund are printed separately. For the year ending 31 December 2007 and for each subsequent year, we requested that the Sydney Diocesan Account (a small group of sub-trusts and clearing accounts) and the Clergy Services group of accounts be reported on an amalgamated basis with the Synod Fund.

### **4.3 Borrowing limits for organisations**

We approved an increased borrowing limit for 7 organisations.

We also revised the information that must be submitted before we undertake a review of the borrowing limit for a diocesan organisation.

### **4.4 Ordination training fund**

From this Fund, bursaries are available to –

- (a) candidates studying through Moore Theological College or Youthworks College for ordination in Sydney, and
- (b) candidates studying through Moore Theological College or Youthworks College for commissioning as Diocesan Lay Workers in Sydney.

Bursaries of \$293,000 were paid in 2007 (\$355,375 in 2006).

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### 4.5 Ordinances

The following table shows the number of ordinances passed and assented to in 2002 to 2007 and in 2008 to 25 September.

	2002	2003	2004	2005	2006	2007	2008
Standing Committee	69	57	48	50	48	45	23
Synod	12	8	6	8	5	3	0
	81	65	54	58	53	48	23

A separate report lists the ordinances passed by us since the 2007 session of the Synod. There are 13 ordinances of particular interest.

The Diocesan Endowment Amendment Ordinance 2007 changed the formula used to calculate the amount distributed annually to the Synod from the Diocesan Endowment. The change was made to ensure that, as far as possible, the real value of the Diocesan Endowment is maintained and to establish a higher degree of stability in the amount distributed from year to year.

The Synod Appropriations and Allocations Ordinance 2007 appropriated actual funds available for 2008 and, subject to some adjustments, applied such funds in accordance with the Synod's intention expressed in the Synod Appropriations and Allocations Ordinance 2005. The adjustments involved a reallocation of some funds for the Ordination Training Fund toward strategic mission purposes under Policy 3 and the provision of sufficient funds to meet the administration costs associated with Connect09 in 2008.

The Connect09 Amendment Ordinance 2007 formalised the establishment of the Connect09 Management Committee and provided for various functions to be undertaken by the Management Committee for the purposes of implementing Connect09. See item 2.2.

The Church Trust Property (Declaration of Certain Purposes and Objects) Ordinance 1979 Amendment Ordinance 2007 confirmed that the "social covenants" prescribed under clause 2 of the Church Trust Property (Declaration of Certain Purposes and Objects) Ordinance 1979 apply only to the use of church trust property under a lease. See item 5.9.

The William Branwhite Clarke College Ordinance 1987 Amendment Ordinance 2007 implemented a number of changes to the composition and governance structure of the College and its Council. The changes made by the Ordinance generally reflect the Diocesan Policy Statement on Education passed by the Synod last year.

The National Register (Access and Disclosure) Ordinance 2008 provided for access to and disclosure of information in the Register established under the National Register Canon 2007 pending further consideration of this matter by the Synod in 2008. See item 7.4.

The Synod Elections Amendment Ordinance 2008 provided that a member of the Synod or the Standing Committee who nominates a person to be elected as a member of a School Council must certify that the person will sign the Statement of personal faith set out in the Diocesan Policy Statement on Education before attending a meeting of the Council. See item 5.13.

The Pastoral Care and Assistance Appropriation Ordinance 2008 provided for the application of \$135,000 from the Diocesan Endowment for the purpose of making payments of financial assistance to claimants under the Pastoral Care and Assistance Scheme.

The Sydney Diocesan Sickness and Accident Fund Ordinance 1969 Amendment Ordinance 2008 provided for the payment of medical, hospital, rehabilitation and related expenses incurred by locum tenens as a result of ministry related sickness or injury.

The St Catherine's School Waverley Ordinance 1922 Amendment Ordinance 2008 reduced the size of the school council and implemented a number of changes to the composition and governance structure of the school and its council. The changes made by the Ordinance generally reflect the Diocesan Policy Statement on Education passed by the Synod last year.

The Synod Estimates and Parochial Cost Recoveries (Alignment of Strategy) Ordinance 2008 amended the Synod Estimates Ordinance 1998 and the Assessment and Charges Ordinance 1975 to require ordinances for Synod triennial funding and cost recoveries charges to be prepared for the 2<sup>nd</sup> ordinary session of each Synod instead of the 1<sup>st</sup> ordinary session. It also required a strategic plan to be prepared for the 2<sup>nd</sup> ordinary session of the 48<sup>th</sup> Synod and the 1<sup>st</sup> ordinary session of each Synod thereafter. See items 4.9 and 4.13.

The Accounts, Audits and Annual Reports Ordinance 1995 Amendment Ordinance 2008 strengthened the reporting requirements and risk management practices of organisations to which the Accounts, Audits and Annual Reports Ordinance 1995 applies. See item 4.15.

The Mission Property (Variation of Trusts) Ordinance 2008 varied the trusts of the Mission Property Fund set out in the Mission Property Ordinance 2002 to allow \$250,000 from that Fund to be applied by the Mission Property Committee to assist the funding of feasibility studies for the development of parish properties.

#### **4.5A Clergy Removals Fund**

We considered a bill for the Clergy Removals Fund Ordinance 2003 Amendment Ordinance 2008. The bill restricts benefits payable to parishes from the Clergy Removals Fund to those parishes which the Archbishop determines are under financial hardship. The bill does not

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make any change to the benefits payable on the death or retirement of a member of the clergy. We requested that the bill be promoted to the Synod.

The bill and an explanatory statement are printed separately.

### **4.6 Parochial cost recoveries - arrears**

The following table compares the arrears of cost recovery charges as at 30 June 2006, 2007 and 2008.

<b>No Arrangements</b>	<b>2006</b>	<b>2007</b>	<b>2008</b>
	<b>\$</b>	<b>\$</b>	<b>\$</b>
Berala	5,129	4,203	-
Beverly Hills	1,849	-	-
Bossley Park	516	-	-
Cabramatta	19,727	-	-
Campsie	6,819	11,645	-
Chester Hill	1,264	-	-
Dulwich Hill	16,291	20,460	-
Glenmore Park	-	-	17,922
Picton	2,627	1,313	-
Richmond	2,041	1,967	-
Rouse Hill	17,736	-	-
St Clair	14,660	-	-
Smithfield Road	29,662	-*	-
<b>Total</b>	<b>118,321</b>	<b>39,588</b>	<b>17,922</b>

\* Last year the Finance Committee declared it expedient to remit \$12,000 being the arrears of parish cost recovery charges owed by the parish of Smithfield Road relating to 2004, in recognition of the considerable costs and efforts of the parish in absorbing the provisional parish of St James' Smithfield.

### **4.7 Annual financial returns from parishes**

Under clause 5 of the Assessment and Charges Ordinance 1975 parochial units are required to lodge their annual financial returns (including audited financial statements) by 15 April for the previous year ending 31 December.

As at 30 April 2008, 88 parochial units (33%) had not lodged a complete annual financial return, although 8 of those had lodged part of the required information. By 14 July this had improved to 24 (9%) and 5 respectively.

The Finance Committee has processes in place to remind parishes of their obligations under the Ordinance, assist with any enquiries and

review the returns lodged. The Finance Committee also works with the regional archdeacons to investigate and report to us on the status of the audited financial statements and annual financial returns for these parochial units.

#### **4.8 Local revenues test for parish status**

The parishes of Canterbury with Hurlstone Park, Paddington, Picton, Port Kembla and Lakemba each had local revenues below the requisite amount in 2007. However in each case these parishes had sufficient local revenues in at least one of the previous 2 years. These parishes have been advised of the importance of ensuring their 2008 and future revenues meet the relevant threshold figures.

#### **4.9 Synod Appropriations and Allocations for 2009**

Under clause 3 of the Synod Estimates Ordinance 1998 we were required to prepare for the 1<sup>st</sup> ordinary session of the 48th Synod a proposed ordinance which contains estimates for 2009, 2010 and 2011 of –

- the amount required for meeting the cost of sittings of the Synod, the maintenance of the diocesan offices and the expenses of such other diocesan activities and commitments as, in our opinion, should be supported, and
- the amount which, in our opinion, should be granted to organisations under the control of Synod or to other organisations, and
- the amount of income available from endowments or other trusts for meeting the amounts referred to above in the relevant financial year.

During the year we amended the Synod Estimates Ordinance 1998 to require –

- a strategic plan for the Mission to be prepared for the 2<sup>nd</sup> ordinary session of the 48<sup>th</sup> Synod and the 1<sup>st</sup> ordinary session of each Synod thereafter, and
- a proposed ordinance to be prepared for the 2<sup>nd</sup> ordinary session of each Synod which contains Synod funding estimates for the following 3 years reflecting the strategic plan.

As a consequence of this change the next bill for triennial Synod funding will be prepared for the 2<sup>nd</sup> ordinary session of Synod in 2009. A bill for the Synod Appropriations and Allocations Ordinance 2008 providing for interim Synod funding for 2009 has been prepared for this session of the Synod. The bill and an explanatory report are printed separately.

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### **4.10 Strategic project allocations for 2008**

During the year we agreed to allocate funds to the following strategic projects in 2008 under the Synod Appropriations and Allocations Ordinance 2005 –

- \$35,000 to the Georges River Regional Council under Policy 2a to support a Diocesan Women's Ministry to Muslims Worker, and
- \$310,000 to Moore College under Policy 3 for the New Library Project.

### **4.11 Special allocations for 2006 – 2008 triennium**

Under clause 5A(1)(b) of the Synod Appropriations and Allocations Ordinance 2007 we applied –

- \$25,000 to the Western Sydney Regional Council under Policy 2a to support the establishment of the StanHope Gardens congregation, and
- \$65,000 to the Georges River Regional Council under Policy 2a to support a Diocesan Women's Ministry to Muslims Worker, and
- \$218,000 to Moore College under Policy 3 for the New Library Project, and
- \$52,000 to the Sydney Diocesan Secretariat under Policy 4 for supporting the Ordinance Reform Group.

### **4.12 Special capital appropriations from the Diocesan Endowment**

We agreed, as a matter of policy, that before consideration is given to any proposal for a special appropriation from the capital of the Diocesan Endowment, the proposal will be referred to the Glebe Administration Board for its advice in light of all the circumstances applicable at that time. We also agreed that, subject to the Glebe Administration Board providing its advice within a reasonable time frame, further consideration of the proposal will be deferred until we have received that advice.

### **4.13 Parochial cost recoveries for 2009**

Under clause 11 of the Assessment and Charges Ordinance 1975, we are required to prepare an ordinance which specifies the cost recoveries charge and ministry and property costs to be paid by each parochial unit over a 3 year period, or the method or methods by which those charges may be determined. During the year we amended the Assessments and Charges Ordinance 1975 to require the cost recoveries ordinance to be prepared for the 2<sup>nd</sup> ordinary session of each Synod instead of the 1<sup>st</sup> ordinary session of each Synod. This change means that the Synod will consider the cost recoveries charge at the same time it considers its triennial funding arrangements.

A bill for the Parochial Cost Recoveries Ordinance 2008 has been prepared to provide for an interim cost recoveries charge for 2009. The bill and an explanatory report are printed separately.

#### **4.13A Calculation of net operating receipts of a parochial unit**

We requested that a bill for the Cost Recoveries Ordinance 2008, replacing the Assessment and Charges Ordinance 1975, be promoted to the Synod. The primary purpose of the bill is to reduce the administrative burden on parishes by eliminating the need for a separate Annual Financial Return. It is proposed to achieve this by directly linking each element in the calculation of the net operating receipts of a parish to a line item in the Prescribed Financial Statements. It is also proposed to simplify and reduce the number of elements included in this calculation.

The bill and an explanatory report are printed separately.

#### **4.14 Endowment of the See (various approvals)**

The stipends, allowances, superannuation, long service leave, housing and office costs of the Archbishop, Assistant Bishops, the Registrar and Archdeacons, the salaries of the registry staff (including the Archives), and the stipend, allowances, superannuation, long service leave and housing costs of the Dean are met from the Endowment of the See. These costs are not a charge on Synod funds except for \$65,000 in 2008 for the promotion of women's ministries.

#### **4.15 Prudential standards for diocesan organisations**

Last year we received a report about the reputational risks to the Anglican name if a large diocesan organisation were to experience significant financial difficulty. At our request, a survey of diocesan organisations was undertaken to gain an understanding of the corporate governance procedures currently in place and to identify possible weaknesses and possible enhancements.

Responses were received from 26 of the 37 organisations surveyed.

In response to the survey, we requested the Sydney Diocesan Secretariat to consult with organisations on our behalf about the survey results and about a proposed model of financial and risk management reporting for diocesan organisations.

Following this process of consultation, we made a number of changes to strengthen the reporting requirements and risk management practices of organisations required to report under the Accounts, Audits and Annual Reports Ordinance 1995. In particular the changes –

- require all organisations –
  - (i) to maintain a satisfactory system of risk

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- management, and
- (ii) to state in their annual report to Synod whether such a system has been maintained, and
- require all organisations to submit to us the following internal management financial information –
  - (i) profit and loss, balance sheet and cash flow data,
  - (ii) a brief explanation of any significant variations between reported actual and budget financial data and any remedial action taken in response, and
  - (iii) key borrowing covenants or ratios with an explanation of trends over time together with any other information in relation to an organisation's borrowings we determine from time to time, and
- require larger organisations to also submit to us key performance ratios with an explanation of significant movements, and
- require larger organisations to submit their internal management financial information including explanation of key performance ratios to us 3 months after the end of each Financial Year and 3 months after the end of each Half Year.

These changes come into effect on 31 December 2008.

### **4.16 Stipends, allowances and benefits for 2009**

A report on stipends, allowances and benefits for 2009 is printed separately.

### **4.17 Connect09 Costs for 2009**

Under the Connect09 Ordinance 2007 we are required to report to the Synod about –

- any increase we determine should be made to the "administration costs" for Connect09 in 2009, and
- the amounts necessary to calculate the "resource costs" payable by parishes in 2009.

A report about this matter is printed separately.

### **4.18 Asbestos inspection charge**

By clause 3(3) of the Asbestos Inspection (Special Charge) Ordinance 2007 we are required to report to each session of the Synod about –

- an estimate of the costs of the program payable in the following year, and
- the asbestos inspection charge estimated to be payable

by each relevant parochial unit in the following year and details of how that charge is calculated.

A report about this matter is printed separately.

#### **4.19 Greenoaks Apartments**

By clause 9 of the Bishopscourt Backblock Development and Land Sale Ordinance 2004, we are required to report to each ordinary session of the Synod about –

- progress of the development authorised by the ordinance, now called “Greenoaks Apartments”, and
- application of the sale proceeds of the land the subject of the development, and
- action taken by us in response to the statement of intention under clause 8(3) of the ordinance.

A report about this matter is printed separately.

#### **4.20 Legal costs of respondents for the Diocesan and Disciplinary Tribunals**

In October we approved a scale of costs under clause 69(2) of the Discipline Ordinance 2006 for the purposes of reimbursing certain legal costs incurred by a respondent in proceedings before the Tribunal.

We subsequently received a request from a solicitor acting for a respondent in Tribunal proceedings that an amount in excess of the amount payable under the scale of costs be paid to the respondent. In response to this request, we –

- established a committee to review the adequacy of the scale of costs, and
- established a further committee to report on the merits of paying an additional amount to the respondent making the request, and
- requested the Director of the Professional Standards Unit to prepare rules for consideration by the Archbishop-in-Council under clause 72 of the Discipline Ordinance 2006.

Having considered reports from both committees, we approved a revised scale of costs for the purposes of clause 69(2) of the Discipline Ordinance 2006 effective from 1 May 2008. We also agreed to pay to the respondent making the request an additional amount calculated in accordance with the revised scale.

We subsequently recommended to the Archbishop that rules prepared by the Director of the Professional Standards Unit be made under clause 72. See item 3.7.

#### **4.21 Significant parish property developments**

During the year the Property Trust advised us of persons known to be acting as consultants in relation to significant property projects. We requested the Property Trust to provide a report on this matter to us and other relevant boards and committees on an annual basis.

#### **4.22 Gilbulla Memorial Conference Centre Sale Ordinance 2001**

During the year Anglican Youthworks informed us about its intention to actively pursue various camping and conference centre options in the Sydney region and beyond. Youthworks requested that we make available to it the proceeds arising from the sale of Gilbulla (\$2.4 million) in order to purchase a new conference centre.

We agreed to release the sale proceeds to Youthworks. In agreeing to this, we –

- noted that at the time Gilbulla was sold, it was managed by the camping and conferencing division of the organisation now known as Youthworks, and
- requested that Youthworks report to us within 3 months on progress in acquiring a new conference centre.

The requested progress report was subsequently provided.

#### **4.23 Policy on capitalisation of income**

During the year we agreed to adopt the following policy in relation to the proportion of income which should generally be capitalised in order to preserve the real value of funds invested by the Property Trust –

- where funds are held in order to purchase, replace or develop real property, 100% of the income should be capitalised, and
- where funds are held to provide an endowment or income stream and are predominately invested in the Long Term Pooling Fund, no portion of the income should be capitalised, and
- where funds are held to provide an endowment or income stream and are not predominately invested in the Long Term Pooling Fund, 30% of the income should be capitalised.

We agreed that the policy should be reflected in every new ordinance that is promoted to us and every ordinance that comes before us for review. At our request, the Diocesan Secretary has written to all parishes which currently have money held by the Property Trust under an existing ordinance suggesting they incorporate the new policy on capitalisation in their ordinance.

#### **4.24 Diocesan gift deductible school building fund for parishes**

We approved in principle an ordinance to establish a diocesan tax deductible fund to assist parishes in undertaking school building projects. The ordinance enables parishes to receive gifts for such projects and forward them to the Property Trust as an addition to the fund. It is intended that gifts received for a particular parish project will be applied toward that project unless the parish agrees that they can be used for other eligible projects within the fund.

We agreed to the proposed ordinance being submitted to the Australian Tax Office (ATO) for endorsement as a deductible gift recipient (DGR) fund. We intend to consider the ordinance again once the ATO has considered its endorsement of the fund.

#### **4.25 The Cowper Room**

We considered a report from the Chief Executive Officer of the Glebe Administration Board about the possibility of building a new Cowper Room in St Andrew's House following the old room becoming unavailable in January 2006 as a result of the refurbishment work in St Andrew's House.

At our request the Glebe Administration Board also provided us with costing and feasibility information about using a renovated Chapter House as a possible equivalent to the Cowper Room together with other options.

Having received costing information about possible alternative venues, we requested the Secretariat to work with the Cathedral Chapter to bring us an appropriate recommendation for refurbishment of the Chapter House together with an appropriate proposal for funding this work.

We have not yet received this further information.

### **5. General Administration**

#### **5.1 Elections**

The appointment of persons to serve on committees etc. continued to be a major part of our business. Some appointments are to fill casual vacancies among Synod appointees, and these appointments fall vacant at this coming Synod session. Other appointments are made by the Standing Committee in its own right.

From October 2007 to June 2008, 41 such positions were filled (46 for the period November 2006 to June 2007).

#### **5.2 Membership of the Synod**

Under part 7 of the Synod Membership Ordinance 1995, the Archbishop is entitled to nominate a number of ministers to be

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members of the 48<sup>th</sup> Synod. The maximum number of ministers who may be nominated cannot exceed 10% of the total number of “parochial ministers” (as defined in the ordinance) determined on 1 January 2008. The Registrar has advised that this number is 24.

The Archbishop advised that he intended nominating 24 ministers as members of the 48<sup>th</sup> Synod under part 7.

For every nominated minister proposed to be nominated by the Archbishop, we can elect a lay person to be a member of the 48<sup>th</sup> Synod under part 8 of the ordinance. We have elected 24 lay persons to be members of the 48<sup>th</sup> Synod.

In addition, under part 6 of the ordinance, we may declare up to 7 Diocesan Boards, departments or organisations to be “nominated organisations” for the purposes of the 48<sup>th</sup> Synod. The effect of such a declaration is that the Chief Executive Officer of the nominated organisation is a member of the 47<sup>th</sup> Synod. We have declared the following organisations to be “nominated organisations” –

Anglicare  
Anglican Media  
Anglican Retirement Villages  
Anglican Youthworks  
Moore Theological College  
Sydney Diocesan Secretariat  
Sydney Anglican Schools Corporation

### **5.3 Reports from regional councils**

Under clause 9 of the Regions Ordinance 1995 each regional council must give us an annual report for inclusion in our report to the Synod. The annual reports are printed separately, together with any reports for the reclassification of provisional parishes as parishes under the Parishes Ordinance 1979.

### **5.4 Affiliated churches**

During the year we received applications for affiliation under the Affiliated Churches Ordinance 2005 from –

- The Lakes Evangelical Church, and
- Maitland Evangelical Church, and
- Stanthorpe Evangelical Community Church.

We declared each of these churches to be affiliated with the Diocese under clause 4(1) of the Affiliated Churches Ordinance 2005. We also entered into affiliation agreements with these churches under clause 5(1) of the Ordinance. The affiliation with these churches brings to 6 the number of independent evangelical churches affiliated with the Diocese under the Ordinance.

By clause 10 of the Affiliated Churches Ordinance 2005 we are required to report to the first ordinary session of each Synod about any –

- (a) declaration of affiliation we have made under the Ordinance, and
- (b) affiliation agreement we have entered into under the Ordinance, and
- (c) ordinances we have passed and other action we have taken to enable “approved benefits” under the Ordinance to be properly provided to an affiliated church.

A report about these matters is printed separately.

### **5.5 Bullying in parishes**

In 2006 we appointed a committee –

- to suggest a definition of “bullying” in the context of parishes (having regard to the definition in “*Faithfulness in Service*”), and
- to review the adequacy of existing policies and procedures in the Diocese relevant to dealing with bullying by clergy and other church workers in parishes and to recommend any further policies and procedures that should be implemented, and
- to suggest how clergy and other church workers can best be informed about the nature of bullying in parishes and the existence of relevant policies and procedures for dealing with bullying.

The committee has reported to us on these matters. We are in the process of considering the committee’s report.

### **5.6 Public holidays for clergy**

We agreed in principle that clergy should be entitled to those public holidays which are generally provided to employees except where the clergy’s duties otherwise require and on the basis that such holidays do not accrue. We requested that this principle be incorporated into the stipends and allowances circular sent to parishes.

### **5.7 Long service leave**

During the year we agreed in principle that lay ministers who are ordained as deacons should be provided with continuity of service for long service leave purposes. We also agreed to a number of other changes to existing continuity of service arrangements for persons employed by parishes and diocesan organisations. In order to give effect to these matters, we requested the Diocesan Secretary to prepare an ordinance for consideration at a future meeting.

The Diocesan Secretary has not yet prepared an ordinance for this

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purpose.

### **5.8 Sydney Diocesan Education and Book Committee**

In 2006 we agreed in principle that the Sydney Diocesan Education Book Committee should be disbanded and its assets allocated equally between Anglican Youthworks and Moore Theological College. We also requested that an ordinance for this purpose be prepared for our consideration.

Since making this request, a number of matters have emerged which need to be resolved before an ordinance can be prepared. We will consider an ordinance once these matters have been resolved.

### **5.9 Consumption of alcohol on church property**

In 2006 we received a report on the legal issues surrounding the consumption of alcohol on church trust property. In particular the report considered –

- our capacity to enforce the “social covenants” declared by us under the Church Trust Property (Declaration of Certain Purposes and Objects) Ordinance 1979, and
- whether these covenants have any application to the use of church property outside the context of trade and commerce, for example at church functions.

At our request the Property Trust and the Glebe Administration Board reported to us about any problems experienced with or arising from the inclusion of the various social covenants in leases, including any difficulty experienced with enforcement. The Social Issues Executive also reviewed the various forms of social covenant used by the Property Trust and the Glebe Administration Board in leases and advised us of the appropriateness of the terms of those covenants.

We confirmed that the social covenants for the use of church trust property declared under clause 2 of the Church Trust Property (Declaration of Certain Purposes and Objects) Ordinance 1979 apply only to the use of church trust property pursuant to a lease.

Following a policy debate on the consumption of alcohol, we asked the Archbishop to appoint a group to bring us a draft policy addressing whether and in what circumstances alcohol consumption should be permitted –

- (a) at private social gatherings on church trust property, and
- (b) at advertised and/or public ministry events (whether or not held on church trust property), and
- (c) on church trust property leased for commercial purposes.

We have not yet received a draft policy on these matters. However our intention is that, having considered the policy, we will revisit the

appropriateness of the social covenants to be included in leases of church trust property.

#### **5.10 Membership of the Archbishop on the councils of diocesan schools and organisations**

Last year we requested the Legal Officer to prepare a report summarising –

- the Archbishop's role in relation to each diocesan school and organisation, and
- the role and responsibilities inherent in the positions of "President" and "Visitor", and
- the legal responsibilities of members of a body corporate constituted by or under the Anglican Church of Australia (Bodies Corporate) Act 1938.

Upon receiving the report we intend to use it as the basis of a policy discussion on the membership of the Archbishop on the councils of diocesan schools and organisations.

#### **5.11 Review of Archbishop of Sydney Appointment Ordinance 1982**

It is customary to review the processes by which the Archbishop of Sydney is elected at an appropriate time after the election of an Archbishop (the last being in 2001). We appointed a committee last year to review the Archbishop of Sydney Appointment Ordinance 1982.

The committee has met although its report has not yet been finalised.

#### **5.12 NSW Ecumenical Council**

During the year, we agreed –

- to elect diocesan representatives on the NSW Ecumenical Council for a 3 year term at the first meeting after the 1<sup>st</sup> session of each Synod as part of the 3-yearly cycle of committees we elect, and
- as a matter of practice, only to elect up to 5 persons as representatives on the Council, although reserving our right to elect up to 7 persons.

#### **5.13 Election of persons to school councils**

In 2007 the Synod passed the Diocesan Policy Statement on Education. One of the requirements of the Policy is that a person sign a Statement of personal faith before taking up office on a school or university college council. In order to give proper expression to this requirement we made the following regulation –

"In accordance with the Diocesan Policy Statement on Education passed by the Synod on 24 September 2007 (the 'Policy'), any member who nominates a person for

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election by the Standing Committee to a school or university college council is to certify to the Standing Committee that the person –

- (a) is willing to sign the 'Statement of personal faith and support for the Christian ethos and charter of the organisation' in the form set out in Part A of the Appendix to the Policy as amended from time to time, and
- (b) will do so upon his or her election to such council and prior to the person attending any meeting of the council."

We also agreed that the Schedule to the Synod Elections Ordinance 2000 should be amended –

- to enshrine the certification as a requirement in part 7 of the Schedule for the purposes of the Standing Committee filling casual vacancies on school councils, and
- to include the certification as a requirement under rule 3.2(2) of the Schedule for making a nomination for Synod elections, and
- to amend part 7 of the Schedule to provide that a failure to sign the requisite statement of faith within a suitable period after being elected to a council gives rise to a casual vacancy on the relevant council.

We subsequently passed the Synod Elections Amendment Ordinance 2008 to give effect to these matters.

### **5.14 Letter from the Rev Dr Keith Mascord**

We considered a letter received from the Rev Dr Keith Mascord. Following consideration of the letter we –

- encouraged the Archbishop to take steps to raise the profile of the standards of personal behaviour and conduct in pastoral relationships required of all clergy and other church workers in the Diocese, outlined in the *Faithfulness in Service* code, particularly sections 4 and 6, and
- requested the Safe Ministry Board to report (with recommendations) on the adequacy of grievance procedures in the areas of pastoral relationships and personal behaviour covered by sections 4 and 6 of the *Faithfulness in Service* code (with reference to the procedures outlined in section 3).

We subsequently received a report about the steps taken by the Archbishop to raise the profile of the standards of personal behaviour

and conduct in pastoral relationships of clergy and church workers.

We have not yet received a report from the Safe Ministry Board about the adequacy of grievance procedures in the area of pastoral relationships and personal behaviour.

#### **5.15 Declaration of Hornsby Anglican Chinese Church as a provisional recognised church**

During the year we received notification that the Hornsby Anglican Chinese Church had been declared to be a Provisional Recognised Church under clause 12C of the Recognised Churches Ordinance 2000. We extended our prayers and best wishes to the Rev Hooi Wan Cheng and the members of the church as they continue their ministry in the fellowship of the Diocese.

#### **5.16 Venue for Synod in 2008**

We considered the possibility of holding the first day of Synod in 2008 in a venue which would enable an audience broader than Synod members to be invited. We considered that this would be desirable in light of the work being undertaken by the Connect09 management committee.

Having investigated a significant number of possible venues, we considered that, for reasons of cost and availability of alternative venues, each day of the Synod session in 2008 should continue to be held in the Wesley Centre.

#### **5.17 Synod elections**

During the year we considered the possibility of using electronic means of communication for appropriate aspects of the Synod elections process, including sending notice of elections, receiving nominations and précis of candidates and sending confirmation of nominations. We requested the Diocesan Secretary –

- to prepare for our consideration an ordinance to amend the Synod Elections Ordinance 2000 to enable electronic communication to be used in the Synod elections process, and
- to investigate and report back to us on the options available for the conduct of online ballots in the case of pre-Synod elections and elections to fill regional vacancies on the Standing Committee.

The Diocesan Secretary has not yet reported to us on these matters.

#### **5.18 Diocesan Policy Statement on Education**

By resolution 32/07 the Synod adopted the Diocesan Policy Statement on Education and authorised us to make amendments to the Policy provided such amendments are reported to the next session of the Synod.

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During the year we made a number of amendments to the Policy. A report about these amendments is printed separately.

### **5.19 NSW Council of Churches**

We requested Mr Philip Gerber and Mr Armon Hicks to produce a brief paper on the NSW Council of Churches, including its membership structure.

We have not yet received a paper on this matter.

### **5.20 Delegated authority of the Finance Committee**

We requested the Diocesan Secretary, in consultation with the Finance Committee, to review the delegated authority of the Finance Committee in dealing with extensions of master trust ordinances, and bring a report to us on the matter.

The Diocesan Secretary has not yet provided a report on the matter.

### **5.21 Pastoral care of respondents and complainants in disciplinary proceedings**

We requested the Safe Ministry Board to report on the adequacy of provisions that exist for the advice and pastoral care of respondents/offenders and respondents' associates along with further comments, as needed, regarding the care of complainants/victims and the work of the Parish Recovery Team.

We have not yet received a report from the Safe Ministry Board on this matter.

### **5.22 Mamre Christian College Erskine Park**

During the year we were informed by the Sydney Anglican Schools Corporation that it had acquired as one of its schools Mamre Christian College at Erskine Park. The school will be renamed "Mamre Anglican School" and will come under the governance oversight of the school council of Penrith Anglican College.

## **6. Relations with Government**

### **6.1 Sudanese immigrants**

In October, we indicated that, while pleased that Australia offers a safe haven for those fleeing violence in many parts of the world, we were nonetheless disturbed that comments by the Federal Immigration Minister about African immigrants in general, and Sudanese in particular, had led to a perceived increase in hostilities to Sudanese living in Australia.

We therefore –

- urged all Australian governments to set an example in heeding the command of God, originally given to the nation of Israel: "The alien living with you must be

treated as one of your native-born. Love him as yourself, for you were aliens in Egypt. I am the LORD your God (Leviticus 19:34).”, and

- requested that governments provide generous assistance and support to those from other cultures to help them settle into the Australian community, and
- asked public figures to refrain from comments which reflect badly on specific groups in the community, and which may be used by others as an excuse for violence.

At our request, the Diocesan Secretary conveyed these views to members of the Federal and NSW Parliaments. We also requested the Sydney representatives on General Synod to move motions similar to the above at the 2007 Session of General Synod.

## **6.2 Taxation of commercial activities undertaken by charities**

We received a report about a judgement of the full Federal Court concerning the taxable status of an entity known as Word Investments Pty Ltd (“Word”). Word is connected with, and provides an income stream to, Wycliffe Bible Translators Australia.

The question before the Court was whether or not a company which has a charitable purpose in the distribution of its profits, is to be denied the character of a charitable institution because the activities by which it gains its profit do not, of themselves, bear the character of charity. In determining this question Allsop J indicated that the true character of an entity is to be determined by having regard to its objects, purposes and activities as a whole. On this basis Word Investments was able to establish that it was a charitable institution and therefore income tax exempt even in respect of activities which might otherwise be regarded as commercial.

It is understood that the Commissioner of Taxation has been granted leave to appeal this decision to the High Court.

## **6.3 Jury duty**

During the year we considered various proposals from the NSW Law Reform Commission concerning amendments to the Jury Act 1997. One of the amendments proposed is to replace the present “as of right” exemption from jury duty for clergy and to replace it with a test which would enable clergy to be excused for good cause determined on a case by case basis.

At our request, the Chancellor made a submission to the NSW Attorney General expressing our concerns about these proposed reforms. We also requested that letters expressing our concerns be sent to the Premier, the Leader of the Opposition and the Shadow Attorney General.

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In expressing our concerns, we noted that, in addition to clergy, the NSW Law Reform Commission is proposing that doctors, dentists, pharmacists and emergency services employees, being classed as persons who currently have an exemption from jury duty as of right, should be required to make a personal application to be excused from jury duty for good cause.

### **6.4 Tribunal proceedings concerning the Anti Discrimination Act**

During the year we were informed of legal proceedings brought against a Christian service organisation in the Administrative Decisions Tribunal for the organisation's refusal to foster a child to a same-sex couple. In determining that the organisation had unlawfully discriminated against the couple on the grounds of homosexuality, the Tribunal found that the exemption given to religious bodies under section 56 of the Anti Discrimination Act 1977 did not provide a basis on which the organisation's refusal to foster the child could be justified.

We expressed our support to the organisation in appealing the Tribunal's decision. We also requested the Diocesan Secretary to brief diocesan organisations about the Tribunal proceedings and to report to us on the outcome of any appeal of the Tribunal's decision.

### **6.5 Diocesan policy on same sex-relationships**

During the year we received a paper from the Social Issues Executive discussing a proposed policy approach of the Diocese to same-sex relationships. The paper included 4 "channel markers" for responding to proposed changes in law and government policy in relation to same-sex relationships.

We endorsed these channel markers and requested they be used as the preliminary basis for responding to proposed changes in law and government policy. At our request, the channel markers were sent to all Federal and State members of Parliament for their consideration.

The report from the Social Issues Executive on this matter is printed separately.

### **6.6 Australian Human Rights Framework**

At our request, the Social Issues Executive prepared a discussion paper on the subject of human rights and a proposed human rights framework for Australia. We expressed our gratitude to the Social Issues Executive for its thorough, rigorous and helpful paper.

In response to the paper we appointed a working group to consider the discussion paper and to report back to us on the following matters –

- what an Australian human rights framework is likely to look like, and
- the concerns Christians might have about any human

rights framework, and

- how we might participate in the consultation process about the desirability of a human rights framework and influence the design of any such framework.

We also asked the group to provide its recommendations about any action that should be taken at the forthcoming session of the Synod or elsewhere in relation to this matter.

A report about this matter is printed separately. A motion in response to the matters raised in the report will be moved at our request at the Synod.

#### **6.6A Inquiry into the effectiveness of the Sex Discrimination act 1984 in eliminating discrimination and promoting gender equality**

We were informed about an Inquiry by the Senate Legal and Constitutional Affairs Committee into the effectiveness of the Sex Discrimination Act 1984 in eliminating discrimination and promoting gender equality. We were also informed that one of the recommendations made in a submission to the Inquiry by the Human Rights and Equal Opportunity Commission was that all substantive exemptions in the Act, including the religious exemptions, be subject to a 3 year sunset clause pending further review. The sunset clause is being proposed by HREOC on the basis that the 'right to religious freedom and to gender equality under the Act must be appropriately balanced in accordance with human rights principles'.

We noted HREOC's recommendation and requested the Social Issues Executive to prepare a briefing paper for us on the Inquiry, the main submissions made to the Inquiry and the impact of possible changes to the Act.

#### **6.6B Freedom of religion project**

We were informed about the launch of a discussion paper and project of the Australian Human Rights Commission (formerly HREOC) entitled 'Freedom of Religion and Belief'. The Project will address the experiences and place in civil society of every religious belief (including 'secular belief'), and especially that of Muslim communities. The value of a human rights charter, exemptions to anti-discrimination law and religious anti-vilification laws are also likely to be considered, although the Project's initial terms of reference go well beyond legislation review. Public submissions on the Project close on 31 January 2009.

We endorsed the formation of an 'Oversight Committee' comprising the Rev Dr Andrew Cameron, Mr Robert Wicks and Bishop Robert Forsyth (chair) to coordinate an initial response of this Diocese to the Project. The work of the Oversight Committee will include coordinating research and submissions from organisations and individuals within the Diocese to the Project.

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We also requested that the Social Issues Executive monitor and advise on subsequent developments.

### **6.7 Inquiry into the disclosure regimes for charities and not-for-profit organisations**

During the year we noted the terms of reference of an inquiry by the Senate Standing Committee on Economics into the disclosure regimes for charities and not-for-profit organisations. We also noted a simultaneous review by Treasury into the taxation of charities and not-for-profit organisations.

We requested a group comprising the Chairman of the Finance Committee and representatives from certain diocesan organisations to consider and, if thought appropriate, prepare a submission to the Senate Inquiry and engage with the Treasury review on our behalf.

A submission was made to the Senate Inquiry on 29 August 2008. We intend to make a submission to the Treasury review by the closing date for submissions on 17 October.

## **7. The International, National and Provincial Church**

### **7.1 Women bishops**

In 2005 the Primate, at the request of 25 members of the General Synod (the "Signatories"), referred to the Appellate Tribunal the following question under section 63(1) of the Constitution of the Anglican Church of Australia –

"Given that:

- (a) the opinion of the majority of the Appellate Tribunal, expressed in its 1991 opinion, was, that it was the constraint imposed by section 71(2) of the Constitution that then prevented the ordination of a woman as a priest or the consecration of a woman as a bishop in the Anglican Church of Australia;
- (b) in the case of the ordination of a woman as a priest, such constraint has been removed in a diocese which has adopted by ordinance the Law of the Church of England Clarification Canon 1992; and
- (c) the definition of "canonical fitness" as it relates to a person elected bishop contained in section 74(1) of the Constitution was amended to its present form with effect from 5 June 1995;

is there anything in the Constitution which would now prevent –

1. the consecration of a woman in priests' orders as a bishop in this Church in a diocese which by

- ordinance has adopted the Law of the Church of England Clarification Canon 1992; or
2. the installation of a woman so consecrated as a bishop of such a diocese?"

Following this reference being made, we prepared and lodged with the Tribunal submissions addressing various preliminary issues and also the substantive question raised by the reference.

The Tribunal held a hearing on 31 March 2007 to consider the reference. The Tribunal was constituted by Justices Young, Mason and Bleby, Archbishops Aspinall and Herft, Bishop Brain and Mr Max Horton.

On 26 September 2007 the Tribunal found by a 4:3 majority that, subject to some minor qualifications, there is now nothing in the Constitution which would prevent a woman being consecrated and being installed as a bishop of a diocese in the circumstances described in the question. Those in the majority were Justice Keith Mason AC, Justice David Bleby, Archbishop Phillip Aspinall and Archbishop Roger Herft. Those in the minority were Justice Peter Young AO, Mr Max Horton and Bishop Peter Brain.

We recorded our disappointment with the majority opinion of the Appellate Tribunal and noted that –

- the majority opinion, refused to give effect to the representation of the Church Law Commission of the General Synod (which drafted the amendment to the definition of “canonical fitness”) to the Standing Committee of the General Synod, that the amendment made no change of substance to the definition that it replaced, which representation was relied upon by the Standing Committee, the General Synod and the Sydney Synod, and
- as a consequence, in the future no reliance can be placed on representations by church bodies or officers as to the effect of amendments to the Constitution proposed by them, and
- whilst it has not hitherto sought the opinion of the Appellate Tribunal on any matter, a number of members of the Sydney Synod did and the Tribunal, acting contrary to the Constitution, refused to provide the opinion sought, and
- although we had provided the Tribunal with material, often with the assistance of senior counsel, mostly that material has been ignored by the Tribunal.

At our request the Diocesan Secretary informed the Primate, the General Secretary of the General Synod and each of the present

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members of the Appellate Tribunal that –

- it is unlikely that we will hereafter participate in the consideration of questions on the Constitution put to the Tribunal, and
- in the event that we want advice on the operation of the Constitution (whether already considered by the Tribunal or otherwise), we will have recourse to other sources for that advice.

We subsequently noted the Protocol for Women in the Episcopate agreed by the Australian Anglican Bishops to provide appropriate alternative Episcopal ministry for those who cannot accept the Episcopal ministry of a woman. At our request the Diocesan Secretary wrote to all diocesan bishops and expressed our concern with this protocol in that –

- there is no certainty that dioceses will adopt the protocol at all, let alone doing so before electing or appointing a woman as a bishop, and
- the protocol reinforces the divisions within our national church by effectively excluding any traditional Anglican clergyman from being elected as a bishop in a diocese that accepts a woman bishop, thereby undermining diocesan integrity.

### **7.2 TEC House of Bishops' Response to the Windsor Report**

During the year we respectfully requested the Archbishop to write to the Archbishop of Canterbury expressing our profound concern that the majority report from the Joint Standing Committees of the Primates and the ACC considers the TEC House of Bishops response to the Windsor Report and the Primates' Dar es Salaam Communique to be either positive, adequate or appropriate.

We noted that –

- the TEC bishops had requested that the Bishop of New Hampshire should be invited to attend the 2008 Lambeth Conference, and
- there continues to be “blessings” of same-gender relationships in many Dioceses of the TEC, as instanced in Bishops' letters to their people after the House of Bishops' meeting, and
- the TEC bishops continue to engage in legal suits against parishes that are leaving the TEC to join with other Anglican provinces, in spite of the Primates' request that they desist from such actions, and
- some TEC bishops also continue to harass other clergy

and laity who espouse traditional Anglican teaching and practice though remaining within the TEC, and

- the gospel proclaimed by the TEC calls for the full and equal participation in the life of the church of gay and lesbian persons despite agreement to refrain from ordaining or consecrating such persons, which in the context of their reply is contrary to the undertaking given.

We respectfully requested the Archbishop to express these matters to the Primate of the Anglican Church of Australia so that they may be included in the Australian response to the TEC House of Bishops' response.

### **7.3 An Association for the Apostolic Ministry**

We were informed by the Archbishop about the establishment of "An Association for the Apostolic Ministry" to advocate for those who cannot in conscience accept female Episcopal oversight and provide education on the reasons why such views are held.

We congratulated and supported the Archbishop on his initiative to form "An Association for the Apostolic Ministry".

### **7.4 National Register Canon 2007**

Following the passing of the National Register Canon 2007, we agreed that the Director of Professional Standards may take the action referred to in section 8 of the Canon, namely to submit to the General Secretary for inclusion on the Register the historic and current information required to be included by the Canon.

We also passed the National Register (Access and Disclosure) Ordinance 2008 which –

- limits access to and disclosure of information on the National Register to circumstances where the Archbishop is considering ordaining or licensing a member of the clergy or a lay person or appointing such a person to a position in the Diocese, and
- makes it clear that in this Diocese there will be no access to and disclosure of information on the Register for the purposes of a Church authority holding an election which members of the clergy or lay persons are candidates, and
- makes a number of amendments to the Discipline Ordinance 2005 to facilitate the proper inclusion of information on and removal of information from the National Register.

Under clause 6 of the National Register (Access and Disclosure) Ordinance 2008, the ordinance ceases to have force and effect on the

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last day of the 1<sup>st</sup> ordinary session of the 48<sup>th</sup> Synod. A bill has been prepared for the Synod by which the Synod can consider its adoption of the canon and the extent to which information on the National Register should be accessed and disclosed in this Diocese.

### **7.5 General Synod session in 2007**

The 14<sup>th</sup> General Synod of the Anglican Church of Australia met in Canberra between 20 and 26 October 2007. We considered a report about the conduct of this session of the General Synod. We requested the Archbishop to pass on the substance of the report to the Primate and request the Primate –

- to ensure that at future General Synods no person is to participate in liturgical or other leadership functions if that person does not comply with *Faithfulness in Service*, being the code of conduct adopted for General Synod in 2004, and
- to ensure the host diocese only uses forms of service authorised and in use throughout Australia (BCP, AAPB), or at least avoids divergent forms of service likely to cause offence to members of General Synod.

At our request the Diocesan Secretary sent a similar letter to the Acting General Secretary of the General Synod.

A separate report is printed about the proceedings of the General Synod. A further report is printed about the canons made at the General Synod, together with the ordinances and explanatory statements by which we propose the adoption of or assent to some of these canons.

### **7.6 Diocese of San Joaquin**

During the year we sent our warm greetings in the fellowship of the Lord Christ Jesus to Bishop John-David Schofield and the clergy and laity of the Diocese of San Joaquin. We assured Bishop John-David and the people of San Joaquin Diocese of our prayerful support of their historic decision in disassociating from The Episcopal Church and becoming part of the Province of the Southern Cone of South America. We offered our congratulations for their courageous stand for the authority of the Scripture and the faith once delivered to the saints.

### **7.7 GAFCON and Lambeth Conferences**

We wholeheartedly supported the Archbishop and the bishops in their decision not to attend the Lambeth Conference but instead to attend the Global Anglican Future Conference (GAFCON) held in Jerusalem in June this year. In doing so, we recognised the cost to the Archbishop and the bishops in making such a decision. We gave thanks to God for the unreserved commitment to biblical teaching of the Archbishop and his bishops.

We subsequently received the Statement on the Global Anglican Future made by GAFCON at the conclusion of its June conference together with the Jerusalem Declaration which forms part of the Statement. We endorsed the Jerusalem Declaration as exemplifying the tenets of orthodoxy which underpin our Anglican identity. We also requested that a motion be moved at Synod by which Synod is able to endorse the Declaration and invite all Anglicans in Australia to do likewise.

A copy of the Statement on the Global Anglican Future and the Jerusalem Declaration are printed separately.

We also strongly supported the Archbishop in his work for GAFCON and its Primates' Council and encouraged him in his work as Honorary Secretary to the Council.

### **7.8 St John's Shaughnessy and the Anglican Church of Canada**

We expressed our support for the congregation of St John's Shaughnessy in their difficult decision to leave the Anglican Church of Canada and seek the Episcopal jurisdiction of an orthodox bishop in the Province of the Southern Cone. We resolved to continue to pray for the rector, the Rev David Short, and the congregations at St John's and join with them in a global testimony to the Lordship of Christ and the authority of his word, confident in him "who is able to keep you from stumbling and to present you blameless before the presence of his glory with great joy".

### **7.9 Communion with the Church of England in England**

See item 8.2.

### **7.10 General Synod Statutory Assessment**

During the year the General Synod office issued invoices for the share payable by each diocese of the 2008 Statutory Assessment. The amount invoiced for this Diocese was \$273,200 (compared with \$253,267 for 2007). We noted that for the first time the 2008 Statutory Assessment included an amount of \$92,997 representing costs related to the employment of an assistant to the Primate.

We agreed to pay \$249,311 to the General Synod for the 2008 Statutory Assessment being an amount which excluded our share of the cost of employing an assistant to the Primate. In doing so we informed the Acting General Secretary of General Synod that further consideration is being given as to whether it is proper for a diocese to pay an assessment to fund an assistant to the Primate in the absence of an ordinance of its diocesan synod.

### **7.11 Appointment of Mr Martin Drevikovsky as General Secretary of the General Synod**

We congratulated Mr Martin Drevikovsky on his appointment as General Secretary of the General Synod and extended our best wishes to Martin in this role.

### **7.12 An Australian Prayer Book**

We were informed that Broughton Publishing had permitted as a matter of policy, members of the Anglican Communion and churches of other denominations to make print or electronic copies of An Australian Prayer Book (AAPB) for liturgical or church purposes, free of charge. This permission was given on the basis that those making the copies –

- are attentive to the integrity of the text,
- do not make copies available for sale, and
- appropriately acknowledge the source of the extract.

We requested that parishes and chaplaincies be informed of this policy.

### **7.13 Tendering for the 15<sup>th</sup> Session of the General Synod in 2010**

During the year the General Synod office sought expressions of interest from dioceses to host the 15<sup>th</sup> General Synod in 2010. We decided not to submit a tender to host the General Synod.

### **7.14 Deposition of Bishop Robert Duncan**

We were deeply distressed and disturbed that the Episcopal Church in the USA had deposed the Right Rev Robert Duncan, Bishop of Pittsburgh. We expressed our strong support for Bishop Duncan in his firm stand for the authority and teaching of the Bible and commended Archbishop Greg Venables for receiving Bishop Duncan into the Province of the Southern Cone. We prayed that God would richly bless their ministries. At our request these matters were conveyed to the Secretary of the Standing Committee of the General Synod of Australia, the Episcopal Church of the USA, the Archbishop of Canterbury, Archbishop Greg Venables and Bishop Robert Duncan.

## **8. Sydney Synod Matters**

### **8.1 26/03 Lay and diaconal administration of Holy Communion**

By resolution 26/03 the Synod requested that a bill be brought to the 2004 session which incorporated the recommendations of a committee we appointed to consider the options, consistent with the law, for the practice of lay and diaconal administration. The Synod also requested that a report be brought to that session about the possible consequences of passing an ordinance which authorises diaconal and

lay administration and how any adverse consequences in so doing can be avoided.

In 2004 we decided that, in the circumstances, it would not be appropriate to bring a bill to the Synod to authorise lay and diaconal administration. Instead we decided to promote a motion to the Synod to address this matter. The Synod subsequently referred the motion back to us for further consideration.

In 2006 we appointed a committee to seek written expressions of opinion on the following question –

What is the nature of any legal barrier(s) that would make unlawful the practice of a lay person or deacon administering the Lord's Supper in this Diocese?

Last year the Synod received a report on this matter and agreed to consider the report and its recommendations as a matter of priority at the 2008 session of the Synod. The report is printed separately.

We requested that a motion be moved at the Synod which will enable the Synod to –

- affirm again its conviction that lay and diaconal administration of the Lord's Supper is consistent with the teaching of Scripture, and
- affirm that the Lord's Supper in this Diocese may be administered by persons other than presbyters.

## **8.2 20/05 Communion with the Church of England in England**

By resolution 20/05, the Synod expressed its support for the General Synod canon to substitute a new section 6 in the Constitution of the Anglican Church of Australia. However Synod noted with regret that the recent developments within the Church of England in England relating to same sex relationships may make it desirable that the existing section 6 of the Constitution or the proposed section 6(1) be modified to make Communion with the Church of England in England subject to the operation of a canon of the General Synod.

We agreed that, in view of recent developments in the Anglican Communion and, in particular, the Statement on the Global Anglican Future issued by GAFCON in June 2008, it is unnecessary for us to take any further action in response to resolution 20/05.

## **8.3 26/05 Reforming parochial structures and administration**

### **40/07 Parish Administration Ordinance**

By resolution 26/05, the Synod –

- gave its in-principle support for the proposals outlined in

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a report from the Policy 4 Committee about reforming parochial structures and administration except the proposal that the tenure of ministers of provisional parishes be subject to review, and

- requested that we bring to the 2006 session of the Synod an ordinance to give effect to these proposals.

Last year an exposure draft for the Parish Administration Ordinance was brought to the Synod. By resolution 40/07, the Synod –

- supported in principle the approach taken in preparing the exposure draft, and
- requested that members provide comments in respect of the exposure draft to the Diocesan Secretary by 31 December 2007, and
- requested that a bill for the Parish Administration Ordinance 2008 be brought to the Synod in 2008 incorporating, as appropriate, comments made by members about the exposure draft.

A substantial number of comments have been made about the exposure draft. These have been taken into account in preparing a revised form of the bill for Synod this year.

Bills for the Parish Administration Ordinance 2008 and the Parish Administration (Transitional Provisions) Ordinance 2008 are printed separately together with an explanatory report.

### **8.4 26/06 Parish Development reviews 12/07 Parish Development reviews**

By resolution 12/07, the Synod, noting the previous resolution 26/06 on this matter, again –

- urged the filling of vacancies in the membership of the Parish Review Monitor Panel and the rapid convening of that Panel, and
- requested the Panel to develop and publish by 31 March 2008, guidelines as to the process and best practice for the conduct of parish reviews, along with a list of suitably trained, experienced and gifted review group facilitators and members which it has accredited, and
- encouraged every parish to undergo a development review utilising the terms of the Parish Development Review Ordinance 2001, within the next 5 years.

Having considered a report on this matter from the Parish Review Monitoring Panel, we recognised that the matter raised complex issues both in principle and implementation, including possible shortcomings in the Parish Development Review Ordinance 2001. Before

considering specific proposals in respect of this matter, we requested regional bishops and councils to bring a report to us on strategies they are adopting to support churches in their efforts to grow.

We have not yet received these reports.

### **8.5 11/07 Church membership**

By resolution 11/07 the Synod –

- noted that the last report into Anglican Church membership was delivered in 1975, and
- asked us to convene a committee to investigate the theology and practice of church membership and to make recommendations to Synod as to what changes to our ordinances and structures, if any, would best strengthen and deepen church life and promote the meaningful involvement of members in “partnership in the gospel”.

We appointed a committee to undertake the work requested in Synod resolution 11/07 on Church Membership and to report to us about its findings and recommendations.

We received an interim report from the committee and noted the committee’s desire to prepare a preliminary advice for Synod this year.

### **8.6 19/07 Responsibilities of Synod members**

By resolution 19/07 the Synod requested that we prepare a brief paper outlining the role and responsibilities of parish representatives on the Synod to be available to members of the parish 2 weeks before the vestry meeting electing Synod representatives.

In response to this request, we prepared a paper and circulated it to parishes on 29 January 2008.

### **8.7 29/07 Government intervention on child abuse**

By resolution 29/07 the Synod requested Anglicare to report to us about the issue of child abuse in Sydney and the Illawarra, the services available in the Diocese to assist victims and their families, and what practical steps can be undertaken to promote healthy relationships and the understanding of the behaviours that are found in abusive relationships. Synod also asked us to take appropriate steps to disseminate the information to parishes and other interested parties.

We received a report from Anglicare about this matter and requested that a copy of the report be circulated to parishes, diocesan schools, the Professional Standards Unit and the Safe Ministry Board.

### **8.8 33/07 Connect09 (Funding) Ordinance 2007**

By resolution 33/07 the Synod requested the Archbishop, Bishops and Archdeacons to promote and facilitate partnerships between parishes

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and ensure that the Connect09 campaign is equally effective across the whole Diocese. The Synod requested that the Archbishop report the progress of such partnerships to the Synod in 2008.

The matters raised by resolution 33/07 are addressed in the progress report on Connect09 which is printed separately.

### **8.9 35/07 Theology of Christian assembly**

By resolution 35/07, the Synod, thankful to Almighty God for the inheritance of the Book of Common Prayer, and mindful of the biblical injunction for believers to gather together regularly as the Body of Believers –

- asked the Doctrine Commission to prepare a report for the next Synod presenting a theology of Christian assembly which can help shape authentic, biblical and Anglican orders of service suitable for the contemporary church, and
- asked the Archbishop's Liturgical Panel to review its Sunday Services in consultation with the Doctrine Commission and the Diocese as a whole, and
- requested the Archbishop to appoint a committee to investigate and report on the architecture of buildings for contemporary church with special attention to the impact of technological changes, and
- invited members to submit written comments about any of these matters to the Diocesan Secretary by 31 December 2007.

A report from the Doctrine Commission on a theology of Christian assembly is printed separately. A motion in response to the matters raised in the report will be moved at our request at the Synod.

### **8.10 36/07 Biblical teaching on Jesus Christ**

By resolution 36/07, the Synod requested the Diocesan Doctrine Commission to provide a report which explores the importance of penal substitution in understanding the Bible's teaching on the atonement.

We have not yet received a report from the Doctrine Commission on this matter.

### **8.11 38/07 Fellowship meal for the proclamation of the Lord's death**

By resolution 38/07, the Synod requested the Diocesan Doctrine Commission to consider the appropriateness, with respect to the teaching of Scripture and the Anglican formularies, of Anglican churches having a fellowship meal for the proclamation of the Lord's death, and to bring a report to Synod at a convenient time.

The Doctrine Commission has not yet reported on this matter.

**8.12 Resolutions made by the Synod in 2007 and not mentioned in this report**

Circulars were sent to parishes and organisations about the matters arising from the 2007 Synod session. Copies of Synod resolutions were sent to appropriate persons and organisations.

**8.13 Ordinances for this session**

The bills for ordinances for this session of the Synod are printed separately, together with accompanying reports or explanatory statements.

For and on behalf of the Standing Committee.

ROBERT WICKS  
*Diocesan Secretary*

25 September 2008