

Provincial Synod Constitution Amendment Ordinance 2011 Assenting Ordinance 2011

Explanatory Report

Introduction

1. The purpose of this report is to –
 - (a) provide an overview of the constitution and activities of the Provincial Synod, and
 - (b) outline proposals to reduce the size of the Provincial Synod and make formal provision for Provincial Conferences.

Constitution of the Provincial Synod

2. Section 8 of the constitutions contained in the Schedule to the *Anglican Church of Australia Constitutions Act 1902* (NSW) provides –

8.(1) The Bishops and clerical and lay representatives of the Church in the several dioceses in the State of New South Wales shall meet in Provincial Synod under such articles and provisions as may have been, or may be from time to time, passed by the Provincial Synod, and assented to by all the said Dioceses.

(2) For the purpose of holding any session of the Provincial Synod, the Bishop of Sydney as the Metropolitan Bishop shall, by writing under such hand and seal, summon the Bishop of each of the said Dioceses, and require such Bishop to convene representatives of the Church in such Diocese at such time and place as the Metropolitan may deem fit.

3. The constitution of the Provincial Synod is set out in the Schedule to the Provincial Synod Constitution Ordinance 1907-1970 (the "Provincial Constitution").

4. By clause 4 of the Provincial Constitution, the Provincial Synod is required to meet at least once every five years and is convened by the Metropolitan or by the Metropolitan at the request by a majority of the other diocesan bishops of the Province.

5. Each diocese in the Province is entitled to send clerical and lay representatives to a Provincial Synod according to the formula set out in clause 3 of the Provincial Constitution. The Provincial Synods of 1994, 1998, 2002 and 2007 comprised the seven diocesan bishops

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together with the following number of elected clerical and lay representatives –

Armidale	6
Bathurst	6
Canberra/Goulburn	10
Grafton	6
Newcastle	10
Riverina	4
Sydney	24
Sub-total	66
Diocesan Bishops	7
Total	73

6. The powers of the Provincial Synod are set out in clause 8 of the Provincial Constitution which provides –

The Provincial Synod shall have power to make Ordinances upon and in respect of all matters and things concerning the order and good government of the Church in the Province. Provided that no Ordinance save as is next hereinafter provided shall be binding upon the Church in any Diocese unless and until such Ordinance shall be accepted by the Church in such Diocese by an Ordinance of its Synod. Provided however that any Rule or Ordinance passed by any Diocesan Synod to which the Bishop of that Diocese shall not assent may be the subject of reference by such Diocesan Synod to the Provincial Synod and the decision of the Provincial Synod with reference thereto shall be binding on the Church in the Diocese so referring such Rule or Ordinance.

7. Clause 16 of the Provincial Constitution requires each diocesan synod to assent by ordinance to any change to the Provincial Constitution. Additionally section 40 of the Constitution of the Anglican Church in Australia provides 'that the alteration shall not take effect until ratified by canon of General Synod.'

Activities of the Provincial Synod

8. The legislation and other activities of the last five Provincial Synods can be summarised as follows –

Synod	Metropolitan	Duration	Location	Matters considered
33 rd	Archbishop PF Jensen	Friday, 1 Jun - Saturday, 2 Jun 2007	Merroo, Kurrajong	Legislation: Nil Conference: <i>A Christian reflection on Climate Change:</i> The Rev Dr AJB Cameron Diocesan presentations
32 nd	Archbishop PF Jensen	Friday, 30 Aug – Saturday, 31 Aug 2002	Merroo, Kurrajong	Legislation: Provincial Synod Commissions Ordinance 2002 Rule amending standing orders Conference: <i>An introduction to Islam with a Christian response:</i> The Rev JL Bales Diocesan presentations
31 st	Archbishop RH Goodhew	Tuesday, 3 Feb 1998	Bishop Barry Centre, Sydney	Legislation: Defence Force Diocese Ordinance 1998 Provincial Synod Constitution Ordinance 1998 Conference: Nil
30 th	Archbishop RH Goodhew	Sunday, 13 Feb – Tuesday, 15 Feb 1994	Gilbulla, Menangle	Legislation: Constitution Ordinance 1994 Conference: <i>The future of Anglicanism in Australia:</i> The Rev Canon RC Forsyth and the Rev Dr BN Kaye <i>Community Moral Leadership:</i> The Rev Dr BJ Howard and Assoc Prof M Horsburgh
29 th	Archbishop DWB Robinson	Tuesday 28 Feb 1989	St Andrew's Cathedral Chapter House	Legislation: Synod Representatives Ordinance 1989 Conference: Major address on " <i>The Role of the Primate in the Church</i> " with 4 small discussion

Synod	Metropolitan	Duration	Location	Matters considered
				groups: <i>Lay Presidency at Holy Communion, Urban Ministry, Rural Ministry and Issues affecting the Province with Particular reference to the media.</i>

Proposed reduction in size of the Provincial Synod

9. For many years, the Provincial Synod has had little legislative work. It is costly to hold Provincial Synod meetings with a large membership. It is therefore proposed to reduce the size of the Provincial Synod.

10. Because the existence of Provincial Synod is embedded in the 1902 Constitution Act, it is easier to reduce the size of the Provincial Synod to about the size of the existing Provincial Standing Committee which has 22 members rather than abolish the Provincial Synod. There may also be a need to retain a Provincial Synod for legislative purposes.

11. A comparison between the existing size of the Provincial Synod and the proposed reduction in size is as follows –

	<i>Existing</i>	<i>Proposed</i>
Armidale	6	2
Bathurst	6	2
Canberra/Goulburn	10	4
Grafton	6	2
Newcastle	10	4
Riverina	4	2
Sydney	24	10
	66	26
Diocesan Bishops	7	7
Total	73	33

Proposed Provincial Conferences

12. It is also proposed to accommodate a desire for a regular provincial conference by inserting a new clause 15 in the Provincial Constitution as follows –

“The Metropolitan or the Metropolitan at the request of 3 other Diocesan Bishops, may convene a Provincial Conference. All members

of the synod will be invited together with such other persons as each Diocesan Bishop may invite. The business of the Conference will be determined by the Metropolitan in consultation with the other Diocesan Bishops.”

Recommendation

13. It is recommended that the Synod pass the bill as an ordinance.

For and on behalf of the Standing Committee.

ROBERT WICKS
Diocesan Secretary

16 August 2011