

General Synod - Oaths, Affirmations, Declarations & Assents Canon 1992 Adopting Ordinance 2002

Explanatory Statement

1. In 1998 the General Synod passed the Oaths, Affirmations, Declarations and Assents Canon 1992 to prescribe various oaths or affirmations, declarations and assent by members of the clergy and certain members of the laity including an assent to the constitution and laws of the Church.
2. Since the judgment of the Supreme Court of New South Wales in *Scandrett v Dowling* (1992) 27 NSWLR 483 there has been doubt as to whether unlicensed clergy resident in the Diocese are legally bound by the constitution and laws of the Church including the disciplinary procedures of the Diocese.
3. To protect members of the Church and the public it is essential that all disciplinary procedures of the Diocese are legally enforceable against all members of the clergy resident in the Diocese. The recent criticism of the Church and the public statements of the Archbishop relating to clergy misconduct reinforce the importance of this doubt being resolved.
4. The consequences of the Archbishop being unable to effectively discipline clergy resident in the Diocese are likely to be serious and far reaching. Failure in this area is likely not only bring about significant damage to the public standing of the Archbishop and the Diocese, but could also result in legal liability.
5. Adoption of this Canon will mean that this doubt is resolved for all clergy required to give the assent to the constitution and laws of the Church.
6. The passing of this Ordinance will not lead to the immediate resolution of this doubt for all clergy resident in the Diocese. However, over time this doubt will be resolved for all clergy resident in the Diocese through the requirement of the giving of such an assent upon licensing by the Archbishop or through the voluntary giving of such an assent.

GARTH BLAKE

20 May 2002