

Standing Committee Ordinance 1897 Amendment Ordinance 2019

Explanatory Report

Key Points

- The Standing Committee Ordinance 1897 Amendment Ordinance 2019 –
 - clarifies the role of the Archbishop as President but not a member of Standing Committee
 - establishes that at least one third of the members of subcommittees of Standing Committee must be Standing Committee members
 - establishes that a quorum for a meeting of a subcommittee must include at least one member who is also a member of Standing Committee
- Various other administrative changes are also made.

Purpose of the Bill

1. The purpose of the bill is to amend the *Standing Committee Ordinance 1897* (the **Principal Ordinance**) to –
 - (a) remove the Archbishop from being a member of the Standing Committee,
 - (b) outline the role of the Archbishop as the President of the Standing Committee, and
 - (c) make other administrative changes to the Principal Ordinance.

Recommendations

2. Synod receive this report.
3. Synod pass the bill as an ordinance of the Synod.

Background

Delegation and Quorum Requirements of Subcommittees

4. At its meeting on 18 February 2019, the Standing Committee received a report from the Finance Committee regarding desired changes to the delegation and quorum arrangements. These changes would permit the minimum proportion of Standing Committee members on Finance Committee to be reduced below 50%.
5. At that same meeting, the Standing Committee appointed a committee consisting of Ms Nicola Warwick-Mayo, Mr Michael Easton and Mr Doug Marr (the **Committee**) to prepare a report for a future meeting with any recommendations of the committee regarding quorum, delegation and other membership arrangements of subcommittees.
6. At its meeting on 17 June, the Standing Committee received a report from the Committee. The report noted that while 50% of the members of a subcommittees must be from Standing Committee, the subcommittee would be able to exercise its delegated powers at a meeting at which only one third of the total members of the subcommittee, and potentially none of the Standing Committee members, are present. This scenario would seem to defeat the purpose of requiring at least half of the members of the subcommittee to be members of the Standing Committee.
7. The Standing Committee Ordinance 1897 Amendment Ordinance 2019 amends clause 4(5)(c) of the Principal Ordinance to rectify the issue above.

Archbishop as President but not a member of the Standing Committee

8. Further, at its meeting on 17 June, the Standing Committee received the following report from the Diocesan Registrar –

“The *Standing Committee Ordinance 1897* (at paragraph 1A(1)(a)) provides that the Archbishop is a member of the Standing Committee, and the *Conduct of the Business of Synod Ordinance 2000* (at subclause 1.2 of the Schedule) provides that the Archbishop is the President of the Synod. However, the *Synod Membership Ordinance 1995*, does not contain a provision that the Archbishop is a member of the Synod. At the request of the Archbishop, with the rationale that members of the Standing Committee of the Synod should be members of Synod, I recommend that the *Standing Committee Ordinance 1897* be amended so that the Archbishop is President but not a member of the Standing Committee.”

9. At that same meeting the Standing Committee asked the Senior Legal Counsel to include in the Bill for an ordinance to be promoted by Standing Committee at the forthcoming ordinary session of Synod, a suitable amendment to the *Standing Committee Ordinance 1897*, so that the Archbishop is the President, but not a member, of the Standing Committee.
10. The Bill for Standing Committee Ordinance 1897 Amendment Ordinance 2019 (the ‘Amendment Ordinance’) gives effect to the recommendations of the Standing Committee on these issues.

Effect of the Amendments – clauses 2(e)-(f)

11. Clause 2(e) amends the requirements for subcommittees so that at least one third of the members must be Standing Committee members.
12. Clause 2(f) amends clause 6 of the Principal Ordinance so that a quorum for a meeting of a subcommittee includes at least one member who is also a member of Standing Committee. It also allows a Standing Committee member of a subcommittee to refer any matter back to the Standing Committee before the exercise of the subcommittee’s delegated authority.

Effect of the Amendments – clauses 2(a)-(b) and (d)

13. The amendments in clauses 2(a)-(b), and (d) of the Amendment Ordinance clarify the role of the Archbishop as President but not a member of Standing Committee.
14. The amendment in clause 2(a) inserts a new definition in clause 1 of the Principal Ordinance referring to the Constitutions in force pursuant to the *Anglican Church of Australia Constitutions Act 1902* (NSW).
15. Subclause 1A(1)(a) of the Principal Ordinance outlines the membership of Standing Committee. Clause 2(b) removes the reference to the Archbishop from that clause.
16. Clause 2(d) of the Amendment Ordinance inserts a new clause 1AA in the Principal Ordinance. The clause outlines the role of the Archbishop at the Standing Committee. Clause 1AA(3) of the Principal Ordinance identifies the person who will be President if the Archbishop is absent or unable or unwilling to preside in respect of any business of the Standing Committee.
17. Clause 1AA(3) determines the person who will be President in the absence of the Archbishop by referencing the mechanism in clause 11 of the Constitutions that determines who exercises the powers vested in the Archbishop if the Archbishop is absent from the Province. However clause 2(d) adds the requirement that, the President will be the person who is next in rank, who is also present at the Standing Committee meeting. If the person who is next in rank is also not present, the presidency would be exercised by the next person and so on.

For and on behalf of the Standing Committee