

THE SYNOD OF THE DIOCESE OF THE MURRAY
of the Anglican Church of Australia Incorporated

REPORT OF THE SECOND SESSION OF THE SEVENTEENTH TRIENNIAL SYNOD

**HELD AT WOODCROFT COLLEGE, MORPHETT VALE
ON SATURDAY 25th MAY 2019**

COMMENCEMENT

The Synod assembled at Woodcroft College in the Mark Porter Hall, Morphett Vale at 10.00am on Saturday 25th May.

The Reverend Andrew Forder formally welcomed synod members to Woodcroft College on behalf of the Principal, Mrs Shannon Warren, and addressed housekeeping matters.

The President presided with 12 clerical and 55 lay members of Synod in attendance.

MEMBERSHIP

The following appointments were announced. The Reverend David Patterson as the Clerical Assistant Secretary and Mrs Vicki Plummer as the Lay Assistant Secretary, the Reverend Paul Devenport appointed as Synod Reporter and Timekeeper.

The Register of Members was made available for sighting.

The following members were excused from attendance at this Session of Synod:

The Reverend John Hewitson	Murraylands
The Reverend Peter Sandeman	Diocesan Licence
Mrs Jean McQueen	Murraylands
Mr Geoff Skein	Murraylands
Mrs Elizabeth Wood	Murraylands
Mrs Mary McInerney	Kingston-Robe
Mrs Chris Mackereth	Tatiara
Mr Paul Dolan	Upper Limestone Coast
Mrs Jill Fiebiger	Lower Limestone Coast
Mr Graeme Skene	Lower Limestone Coast
Mrs Pam Gowling	Western Fleurieu
Dr Ken Pidgeon	Southern Suburbs
Mrs Veronica Hedger	Southern Suburbs

A mandate had been issued to the following substitutionary lay members of Synod:

Mr Geoff Stephens	Murraylands
Mrs Jacquilyn Bradley	Kingston-Robe
Mr Dean Burrow	Lower Limestone Coast
Mrs Ann Gardiner	Western Fleurieu
Mrs Sue Thomas	Southern Suburbs
Mrs Glenda Cockley	Southern Suburbs
Mrs Janet Grosse	Riverland

DOCUMENTS TABLED

The President tabled the Synod Accounts and the Parochial Statistics.

REPORTS PRESENTED FOR INFORMATION

The following reports were circulated with the Synod papers:

The Report of Anglican Community Care submitted by Lay Canon Michael Bleby, Convener, Board of Directors.

The Report of Anglicare SA submitted by the Reverend Margaret Holt, Diocesan Representative on the Board.

The Report of Anglicare SA submitted by the Reverend Peter Sandeman, CEO.

The Murray Anglican submitted by the Reverend Paul Devenport, Editor.

The Report of the Anglican Board of Mission submitted by the Reverend Paul Devenport, Diocesan Representative.

The Annual Report of the Professional Standards Committee.

The Report of Mothers' Union, Diocese of The Murray submitted by Mrs Eileen Smith, President.

The Report from Mr Mark Porter, Anglican Schools Liaison Officer.

The Report of Woodcroft College submitted by Mrs Shannon Warren, Head of College.

The Report of Investigator College submitted by Mr Don Grimmett, Principal.

PRESIDENTIAL ADDRESS

The President of Synod, Vicar General, Bishop Lindsay Urwin OGS, delivered his Charge to Synod at the completion of the Synod Eucharist.

The Chancellor read a summation of the legal matters currently before the Courts concerning the Venerable Dr Peter Carlsson, the Bishop, the Right Reverend John Ford and the Synod.

PROCEEDINGS

The President called over the Notice Paper. Those motions for which no member called "object" were put immediately without debate.

All other business proceeded in accordance to the Notice Paper.

Sessional Orders were generally followed during the sitting.

The President closed the Session of Synod at 3.12pm.

OBSERVERS

The President welcomed the observers from both the Diocese of Adelaide and the Diocese of Willochra and those in the Gallery.

Immediately following the Saturday luncheon break the President invited the observers from the Diocese of Adelaide and the Diocese of Willochra to give greetings. Joe Thorpe (Adelaide) passed on greetings from Archbishop Geoff Smith and from a previous observer from Adelaide, Dr Baden Teague. The Very Reverend Mary Lewis passed on greetings with a reflection of encouragement from the New Covenant promised to the Prophet Jeremiah (31:31-34).

Return greetings were expressed to each observer and their Diocese.

RESOLUTIONS OF SYNOD

RECORDING OF SYNOD

Mover: Mrs DM Jones

Secunder: Mr DI Fleming

That this Synod agrees to the recording of this Session of Synod for the purpose of accurate recording of the minutes but not for publication.

SESSIONAL ORDERS

Mover: Mrs DM Jones

That during this Session, the Synod sits:

on Saturday from 10.00 am to 12.30 pm
1.15 pm to 3.00 pm

Notice of amendment

Mover: Mr A Jeffrey

Secunder: Mr P Evans

That this session of Synod continue until either of 2 things occur:

1. The Business on the Notice Paper [together with any questions or motions without notice from the floor of Synod] be completed to the satisfaction of Synod or
2. That the Synod lacks a quorum

provided that if the Business of Synod is not completed on 25th May 2019 then this Synod be adjourned to a date and time to be fixed for completion of such business.

PASSED as amended

OBSERVERS TO THE SYNOD

Mover: Mrs DM Jones

Secunder: Mr DI Fleming

That this Synod warmly welcomes the Chair of the Finance, Audit and Investment Committee Mr Jeff McHugh and the observers from the Diocese of Adelaide (yet to be confirmed) and from the Diocese of Willochra the Very Reverend Mary Lewis and Dr Owen Lewis and grants them a seat on the floor of Synod with the right to speak, but not to propose or second motions or vote.

Motion was amended to include **Joe Thorpe** as observer from the Diocese of Adelaide, and **Dr Owen Lewis** deleted as an observer from the Diocese of Willochra.

PASSED as amended

GENERAL SYNOD LEGISLATION – Confirmation Motions

The Chancellor noted that these were matters carried over from the First Session of Synod, and only needed confirmation by a second session of Synod for them to come into effect.

Mover: Dr R Tong

Seconder: The Very Reverend DA Price

1. The Constitution (Appellate Tribunal) Amendment Canon 2017 Assent Ordinance 2018
That the measure for The Constitution (Appellate Tribunal) Amendment Canon 2017 Assent Ordinance 2018 now be confirmed.
2. The Constitution (Jurisdiction of Special Tribunal) Amendment Canon 2017 Assent Ordinance 2018
That the measure for The Constitution (Jurisdiction of Special Tribunal) Amendment Canon 2017 Assent Ordinance 2018 now be confirmed.
3. Safe Ministry to Children Canon 2017 Adoption Ordinance 2018
That the measure for the Safe Ministry to Children Canon 2017 Adoption Ordinance 2018 now be confirmed.
4. Episcopal Standards (Child Protection) Canon 2017 Adoption Ordinance 2018
That the measure for the Episcopal Standards (Child Protection) Canon 2017 Adoption Ordinance 2018 now be confirmed.
5. The Offences Amendment Canon 2017 Adoption Ordinance 2018
That the measure for The Offences Amendment Canon 2017 Adoption Ordinance 2018 now be confirmed.
6. The Special Tribunal (Limitation Period) Canon 2017 Adoption Ordinance 2018
That the measure for The Special Tribunal (Limitation Period) Canon 2017 Adoption Ordinance 2018 now be confirmed.
7. Canon concerning Confessions (Revision) Canon 2017 Adoption Ordinance 2018
That the measure for the Canon concerning Confessions (Revision) Canon 2017 Adoption Ordinance 2018 now be confirmed.
8. Holy Orders (Removal from Exercise of Ministry) Canon 2017 Adoption Ordinance 2018
That the measure for the Holy Orders (Removal from Exercise of Ministry) Canon 2017 Adoption Ordinance 2018 now be confirmed.
9. Canon Concerning Services Canon 2017 Adoption Ordinance 2018
That the measure for the Canon Concerning Services Canon 2017 Adoption Ordinance 2018 now be confirmed.

Each **PASSED** separately

FINANCIAL REPORTS

Mover: Mrs DM Jones

Seconder: Mr MH McFarlane

That the Report of the Synod Auditor, and the Synod Accounts for the year ended 31 December 2018, as tabled, be received and adopted.

DRAFT BUDGET OF SYNOD EXPENSES AND RATE OF ASSESSMENT

Mover: Mrs DM Jones

Seconder: Mr DI Fleming

1. That the draft budget of Synod Expenses for the year 1 January 2019 to 31 December 2020 presented by the Diocesan Council, be received and adopted.

AND

That in order to meet the estimated Synod Expenses, the minimum rate of Assessment from 1 January 2019 until 31 December 2020 be 16% on all assessable income.

REPORT OF THE DIOCESAN COUNCIL

Mover: Mrs DM Jones

Seconder: Dr ER Sandercock

That the Report of the Diocesan Council be received.

REPORT OF ANGLICAN COMMUNITY CARE

Mover: Lay Canon MH Bleby

Seconder: Mr MH McFarlane

That the report of Anglican Community Care be received.

Noted that Lay Canon Michael Bleby offered a thank you to the Diocese as a whole for their support.

DIOCESAN COUNCIL REGULATION FOR PAROCHIAL TRUST FUNDS

Mover: Mrs JMD Malpas

Seconder: Mr L Gibson

That Synod requests Diocesan Council to ensure that the Regulation for Parochial Trust Funds (Proceeds from the Sale of Redundant Churches and Other Property) Clause 6 adopted in 2002 be adhered to as follows:

“Clause 6. In order to preserve the real value of the Trust, 50% of all interest shall be available to the parish and 50% capitalised”

That is that the interest be calculated evenly – not in the tiered rate of interest currently applied.

The motion was amended, deleting “calculated evenly” and the phrase replaced with “paid pursuant to this regulation.”

Mover: Mr L Gibson

Seconder: Mrs JMD Malpas

PASSED as amended

MOTIONS WITHOUT NOTICE

MOTION OF THANKS

Mover: Mr RA Fisher

Secunder: Mrs RJ Daws

A motion of thanks was moved to thank the University of Oxford for grants toward Fr Damien Feeney's work with the Diocese; to Dr Robert Tong due to the generosity of time and expense in fulfilling the role of Chancellor; and to the Diocese of Melbourne for supporting Bishop Lindsay Urwin in his role as Vicar General of the Diocese at this time.

THANKS FOR TIME AND MINISTRY

Mover: The Reverend LJ Sulzberger

Secunder: The Very Reverend DA Price

That this Synod expresses its thanks to Bishop John and his wife Bridget for their time and ministry in our midst.

QUESTIONS SUBMITTED WITH NOTICE

Submitted by: Mrs JMD Malpas

1. Does the Diocesan Council regard the Special Purpose Fund as a banking facility?
2. In whose interests are Parish Special Purpose Fund investment decisions made?
3. Regarding the lower returns ('unequal distributions') to investors in recent years from Diocesan Special Purpose Funds, do wardens and parish councillors ('original trustees') have a fiduciary obligation to seek the best return on these Trust investments?
4. What accredited accounting qualifications are required to be on the Finance Committee?
5. If the Diocese of The Murray had more than 10 claims under the National Redress Scheme, would this situation trigger a recommendation from the Finance Committee to cease operation?
6. Given federal statutory obligations of Boards of Incorporated 'Not For Profit' organisations, what accredited governance training is undertaken by Diocesan Council of The Murray?

Response read by: Dr R Tong

1. *No.*
2. *The Regulation for Special Purpose Funds governs the investment of those funds.*
3. *No.*
4. *There is no requirement in the relevant Ordinances or Regulations.*
5. *This theoretical question cannot be answered.*
6. *While there is no obligation in relevant Ordinances or Regulations for governance training, members of Diocesan Council are aware of their statutory responsibilities. The Council as a whole last undertook in-house governance training in 2012. Separately, some of its representation have undertaken governance training conducted by the Australian Institute of Company Directors or similar.*

Submitted by: Mrs JC Hervé

Has Diocesan Council approved the removal of approximately \$100,000 from the funds from the sale of the church at Clarendon to repay an alleged debt incurred by the Southern Suburbs Pastoral District with the IAS, in direct contravention of the conditions placed by the Registrar General on the removal of his caveat registered on the title for the property, which enabled the property to be sold?

If the answer to this question is yes, is Diocesan Council aware that in doing so it is breaching not only the strict conditions imposed by the Registrar General but also our Diocesan Regulations and Faithfulness in Service?

Response read by: Dr R Tong

The removal of the caveat by the Registrar General occurred because the Diocese satisfied the requirements for such removal.

There seems to be some misunderstanding in the transfer of funds from the Clarendon sale to the Integrated Accounting System (IAS) bank account. The Southern Suburbs Pastoral District Council passed a motion on 20th March 2019 as follows:

“That this Council recommends the Diocese to address our District’s financial deficit of \$110,000 by using proceeds from the sale of St Ninian’s, Clarendon, exempt from Assessment, as a way of restoring our financial position to a point where we can focus on Mission”. The Pastoral District chair spoke to Diocesan Council outlining the reasons for the request and Diocesan Council approved of the motion in line with the regulation for Parochial Trust Funds.

Submitted by: Ms J Dare

I ask the following questions due to the serious financial position of a number of the Parishes and Pastoral Districts in The Murray, some being in a state of Deficit Budget. Also considering that the Assessment has now risen to 16%. This appears to call for financial cutting back in the Diocese of The Murray.

Question 1:

What has been the total of financial cost to The Murray following the enforced sick leave of the Vicar General Dr Peter Carlsson in mid 2018, and his enforced standing down earlier this year?

These financial costs should include sick leave and all other financial entitlements; all legal expenses involved in this matter; and all expenses for legal defence representation in the April court case and in any subsequent court cases up until the time of the 2019 Synod of The Murray. This includes any Court Judgments due to be made today 26th April or thereafter, which may involve financial expense for the Diocese of The Murray.

Question 2:

What has been the total of the financial cost to The Murray in the appointment of Bishop Lindsay Urwin of Melbourne, as the Vicar General since mid 2018? This cost should include all stipend, travel costs and any legal expenses involved.

Question 3:

Bishop Lindsay Urwin, formerly an Ordinariate Church of England Bishop, is currently employed full time in Anglican Education in Melbourne. The Vicar General of The Murray has usually had considerable travel and ministry time throughout The Murray. Dr Peter Carlsson was deemed unfit in 2018 to continue as Vicar General due to physical limitations. How is it possible for the current Vicar

General of The Murray, Bishop Lindsay Urwin, employed full time in Melbourne and residing in Melbourne, able to carry out the duties and responsibilities of the Vicar General of The Murray?

Response read by: Dr R Tong

1. *The information requested in this question cannot be provided at this time because matters concerning the Venerable Dr Peter Carlsson are presently before the courts.*
2. *The 2018 audited Financial Statements note \$666 for travel reimbursements only.*
3. *There are factual errors in this question. Bishop Lindsay Urwin was the Bishop of Horsham in the Church of England Diocese of Chichester from 1993 -2009. Since April 2015, he is the Vicar of Christ Church Brunswick in the Anglican Diocese of Melbourne and also the Bishop to the Anglican schools. Usually, a Vicar General 'stands in' for the diocesan bishop during absences from the diocese. The duties and responsibilities of the Vicar General are determined by the Bishop while he is in Office.*

Submitted by: Mr B McMillan

On 10 April 2019 an Order was made by the Federal Court of Australia in Matter number SAD58/2019 in which the Originating Application was filed on 22 March 2019 and to which the Synod of the Diocese of the Murray of the Anglican Church of Australia Inc (the Synod) was and is the Second Respondent.

- A Was any member of the Synod, and if so which member(s) and when, informed that the Synod was a Respondent in that matter?
- B Were the instructions of the Synod sought, and if so from which member(s) and when, before the Notice of Acting was filed on 28 March 2019 by the Synod?
- C Was any advice of the Solicitor acting in the Matter for the Synod sought in relation to any and if so which aspect of the Matter and, if so, from which member(s) of the Synod and when?
- D If any advice of the Solicitor acting for the Synod was provided to any and of so which member(s) of the Synod in relation to any aspect of the Matter, what was that advice?
- E If any advice of the Solicitor acting for the Synod was provided to any and of so which member(s) of the Synod in relation to any aspect of the Matter, when was that provided?

The Order made by the Federal Court of Australia in Matter number SAD58/2019 on 10 April 2019 includes the following

“PENAL NOTICE

If you, . . . SYNOD OF THE DIOCESE OF THE MURRAY OF THE ANGLICAN CHURCH OF AUSTRALIA INC

refuse or neglect to do any act within the time specified in this order; or
disobey the order by doing an act which the order requires you to abstain from doing;
you will be liable to . . . sequestration of property, or any other action the Court may determine.

If any other person who knows of this order does anything to assist you in disobeying the order as specified above, they will also be liable to imprisonment, sequestration of property, or any other action the Court may determine . . .”.

- A Was any member of the Synod, and if so which member(s) and when, informed of the terms, and each and every one of them, of the Order?

- B Was any advice of the Solicitor acting in the Matter for the Synod sought in relation to any and if so which aspect of the Order and, if so, by which member(s) of the Synod and when?
- C If any advice of the Solicitor acting for the Synod was provided to any and of so which member(s) of the Synod in relation to any aspect of the Order, what was that advice?
- E If any advice of the Solicitor acting for the Synod was provided to any and of so which member(s) of the Synod in relation to any aspect of the Order, when was that provided?
- F What action, if any, has been taken by or on behalf of the Synod as Respondent to ensure compliance with each and every term of the Order?

On and before 26 April 2019 the following appeared on the Website of the Diocese of The Murray:

“ . . . Members of Diocesan Council
 Ex officio Members
 The Right Reverend John Ford, Bishop (Executive)
 The Right Reverend Lindsay Urwin, Vicar General . . . ”.

- A Does this publication comply with the Order made on 10 April 2019 by the Federal Court of Australia in Matter number SAD58/2019?

Response read by: Dr R Tong

Question 19 under the name of Mr B McMillan, cannot be answered due to litigation now in progress.

MOTIONS NOT PUT

STATEMENTS OF EXPENSES

Mover: Mr B McMillan

Secunder: Mr D Grosse

That the Synod direct the Registrar to provide, in confidence, to all members of Synod, a complete list of each and every payment, together with a statement of its nature or purpose, incurred or made for, by or on behalf of the Diocese and/or the Diocesan Council and/or the Synod to, for, on behalf of, at the request of, in the interest of, for the purposes of, in connection with,

Dr Robert Tong AM
 Right Reverend Lindsay Urwin
 Father Damian Feeney

covering not only the entire of the Episcopate (2013-2019) of the former Bishop, but all such payments made before its commencement, and all such payments for which there is any future liability.

Motion **WITHDRAWN**

MOTIONS LOST

INTERGRATED ACCOUNTING SYSTEM (IAS)

Mover: Mr P Evans

Secunder: Mrs JC Hervé

That, as the Integrated Accounting System (IAS) looks after the bookkeeping and financial payments for the majority of Churches in the Diocese and that it is currently treated as a Diocesan independent body and is currently separately audited:

I move that Synod approves that the IAS be incorporated as a Diocesan Financial Entity and be audited with the Diocesan Accounts.

INDEPENDENT AUDIT

Mover: Mrs JMD Malpas

Secunder: Mr L Gibson

That Synod recommends that an independent audit occur of every Special Purpose Fund (SPF) transaction over the past five years to ascertain whether or not the diocesan SPF regulations and State of SA Trust Law have been correctly applied in every case.

STATEMENT OF EXPENSES

Mover: Mr B McMillian

Secunder: Mrs J Drought

That the Synod direct the Registrar to provide, in confidence, to all members of Synod, a complete list of each and every payment, together with a statement of its nature or purpose, incurred or made for, by or on behalf of the Diocese and/or the Diocesan Council and/or the Synod to, for, on behalf of, at the request of, in the interest of, for the purposes of, in connection with, the former Bishop, covering not only the entire of his Episcopate (2013-2019), but all such payments made before its commencement, and all such payments for which there is any future liability.

RATE OF ASSESSMENT

Mover: Mr B McMillian

Secunder: Mrs RJ Daws

That the Synod determine that debate, if any, on the Rate of Assessment take place in advance of debate, if any, on the Draft Budget of Synod Expenses.

FUTURE SESSIONS OF SYNOD

Mover: Mrs P Johnston

Secunder: Mrs JC Hervé

That all future sessions of Synod be extended, whenever necessary, to allow all agenda items to be adequately discussed, debated and resolved by majority decision.

Therefore, that all future Synods be held from 10.00 am on the Saturday and continued into the Sunday of the same weekend, when required, with provisional arrangements throughout the Diocese for all Sunday services to be conducted by Pastoral Assistants or retired clergy, and with Synod Eucharists held on both mornings.

Motion amended to commence: That the new Bishop be respectfully informed that the Synod is of the view that...

Mover: Dr R Tong

Secunder Reverend SJ Waters

Amendment **PASSED**

Amended motion **FAILED**