

## Question 8.1

Could the Synod please be provided with the list of Churches and/or Church Properties that have been sold during the term of the 52nd Synod along with the selling prices of same.

# 8.1 Answer

Property	Sale Price
<b>2019</b>	
Lot 1, 35 Lotstock School Road, Lostock	130,000
47 Warren St, Seaham	430,000
14 Gibson Close, Singleton Heights	140,000
5 Moore Street, Birmingham Gardens	479,000
Fleet St, New Lambton	1,550,000
23 Takari Ave, Point Clare	1,400,000
13 Gibson St, Singleton Heights	340,000
8 Naughton Avenue, Birmingham Gardens	365,000
16 York Street, Teralba	400,000
Clarence Town (Allworth)	127,500
St Margaret's Jesmond Land	687,500
11 Main St, Comboyne	190,000

Property	Sale Price
<b>2018</b>	
3 Oak Rd, Matcham-Terrigal	655,000
4 Leeward Close, Woodrising	515,000
6 Naughton Ave, Birmingham Gardens	1,010,000
George/Wallis St, Glebe-East Maitland	3,010,000
2523 The Lakes Way, Bungwahl	375,000
11 Mimosa Ave, Saratoga-Kincumber	748,000
95 Cory St, Martins Creek	160,000
47 High St, Singleton	349,000
<b>2017</b>	
25 Ellerston St, Moonan Flat	80,000
2427 Allyn River Road, Ecclestone	300,000

## Question 8.2

Could the Synod please be provided with a list of what Churches and/or Church Properties are “ear marked” for possible sale during the next three years along with the expected selling price of each property.

## 8.2 Answer

I advise that the following properties are currently in the sale process or where active consideration of sale is underway

### Properties in the sale process

Central Mangrove Vacant Land  
Weston Rectory  
Catherine Hill Bay Vacant Land  
St Alban's, Charlestown  
St John's, Dyers Crossing  
St Luke's, Coopernook  
St Mark's, Laguna

### Properties approved for sale

Croudace Bay Rectory  
St John's, Stratford

### Properties awaiting approval for sale

St Paul's, Doyle's Creek - deconsecrated  
St Luke's, South Singleton - deconsecrated  
St Andrew's, Umina – scheduled for  
deconsecration 29/12/2019

We do not disclose the projected selling price as to do so may jeopardise the ability to negotiate with purchasers.

There is an ongoing process of identifying the best use of our capital resources for mission which will mean that other properties may be identified for sale.

## Question 8.3

What measures has the Newcastle Anglican Church Corporation taken, through our investment portfolio, to support mining industry employment in the Hunter region as power generation moves toward renewable energy?

## 8.3 Answer

The NACC as the Board of the Trustees of Church Property for the Diocese of Newcastle and as the Board of the Anglican Savings and Development Fund has responsibility for financial investments.

The purpose of the Investment Portfolio is to generate the best possible financial return for the Diocese within a risk framework appropriate to trustee investments.

The NACC has continued the appointment of Ord Minnett, a private wealth management group to provide professional investment advice and administrative services.

As part of the policy framework to guide investments, the NACC has adopted an Ethical and Environmental, Social, Governance (ESG) Policy.

## 8.3 Answer cont.

The policy states:

“Pursuant to the purpose, mission and investment beliefs of the Diocese, investment opportunities should be evaluated on their ongoing maintenance and strength of:

- governance practices including alignment of interest with the mission and values of the Diocese
- human capital practices including labour practices, health and safety, and diversity
- social impact management including community engagement practices, and
- environmental impact management including stewardship and use of natural resources.”

The policy operates by screening out (ie negative screening) any companies that do not meet these requirements. The policy does not have any positive screening requirements requiring specific investments or types of investments to be “screened in” to the portfolio.

# Question 8.4

This question concerns Private Member Ordinance 12.1. *A Bill for a Clergy Discipline Ordinance Amendment Ordinance 2019*. The question has 6 points:

- If the Clergy Discipline Ordinance of 1966 Amending Ordinance 2019 (the “Ordinance”) comes into effect, will the amendment made by clause 3 of the Ordinance override the jurisdiction of the Diocesan Tribunal in section 54(2A) of the Constitution of the Anglican Church of Australia (the “Constitution”) from hearing a charge relating to the offence of unchastity or an offence involving sexual misconduct against a member of clergy because the member of clergy is married to a person of the same sex?
- If the Ordinance comes into effect, will the amendment made by clause 3 of the Ordinance override the right of any five adult communicant members of this Church resident within the diocese to promote a charge to the **Diocesan Tribunal** under section 54(3) of the Constitution against a person licensed by the bishop alleging a breach of faith by such a person because that person has participated in a service in which they have pronounced the blessing of a marriage solemnised in accordance with the Marriage Act 1961 in which the persons being married are of the same sex (and assuming the first proviso in section 54(3) has been fulfilled)?
- If the Ordinance comes into effect, will the amendment made by clause 3 of the Ordinance override the right of any five adult communicant members of this Church resident within the diocese to promote a charge to the **Provincial Tribunal in its original jurisdiction** under section 54(3) of the Constitution against a person licensed by the bishop alleging a breach of faith by such a person because that person has participated in a service in which they have pronounced the blessing of a marriage solemnised in accordance with the Marriage Act 1961 in which the persons being married are of the same sex (and assuming the first proviso in section 54(3) has been fulfilled)?

## Question 8.4 cont.

- If the Ordinance comes into effect, will the amendment made by clause 3 of the Ordinance prevent a board of enquiry, in exercise of its function under the second proviso in section 54(3) of the Constitution, allowing a charge mentioned in 2 or 3 above proceeding to be heard by the Diocesan Tribunal or the Provincial Tribunal in its original jurisdiction as a charge proper to be heard?
- If the answer to any of the previous four questions is “yes”, on what basis can an ordinance of a diocesan synod override or prevent the exercise of a function under the Constitution?
- If the answer to the first three questions is “no”, what is the practical utility of the Ordinance?

## 8.4 Answer

Each of the questions seeks an expression of opinion from the President and consequently by Synod precedent is out of order.

However, I would like to assist the questioner and the Synod so I make the following observations –

- There is no Provincial Tribunal in the Province of New South Wales of the Anglican Church of Australia. An Ordinance was adopted by the Provincial Synod last year but does not conform to the Constitution. An ordinance will need to be further considered by a Provincial Synod and then by each Diocesan Synod.
- I note reference to five adult communicant members of the Church in the questions. For the sake of clarity, where a charge relates to an incumbent of a parish the communicant members must be bona fide parishioners of that parish.
- Section 51 of the Constitution of the Anglican Church of Australia provides that “Subject to this Constitution a diocesan synod may make ordinances for the order and good government of this Church within the diocese, in accordance with the powers in that behalf conferred upon it by the constitution of such diocese.”

## 8.4 Answer cont.

- If the Bill is passed, the Synod will have sought to exercise the power conferred upon it by section 51 of the Constitution.
- In the matter of *Affiliated Churches Ordinance 2005 of the Diocese of Sydney – Reference Under Section 63(1) of the Constitution* the Appellate Tribunal expressed the view, “that a Diocesan Ordinance that transgressed a provision of the Constitution would be void”.
- The question of the validity of an ordinance can be determined by the Appellate Tribunal if it receives an appropriate reference in an appropriate form.
- The Primate has advised me of a curious occurrence in which at least 25 members of the General Synod, who are also members of the Synod of the Diocese of Sydney, have requested him to refer the Bills before this Synod to the Appellate Tribunal. There is no capacity to refer Bills or Ordinances that have not received assent so they may need to repeat this again once they have seen what this Synod and Diocesan Bishop actually decide or not decide.
- As I have previously commented, we should expect and welcome that if any Bill is passed and receives assent it will be referred to the Appellate Tribunal.

## Question

In light of the Resolution of the National Bishops' meeting, Anglican Church of Australia, 20 March 2018, entitled "Responding to Recent Changes in the Marriage Act, can the President please explain to the members of Synod what the implications are for us, as a Diocese, if we seek to agree to and to then implement the two private members bills before us?"

## Answer

The resolution of the National Bishops meeting in 2018 reflects the views of the bishops present at the meeting. Resolutions of the bishops' meeting have no binding effect. The bishops can establish protocols by unanimous agreement which are binding in good faith on one another but only on the bishops. They are reviewed each year. The 2018 resolution was not a protocol. Should the Bills pass then the members of the College of bishops will seek to advise me of their view as they have already done. The Synod is free to exercise its mind and will.

## Question

Why are we dealing with an amending ordinance immediately following the debate and passing of the new Discipline Ordinance.

Could not the amending business been dealt with in committee as part of the Clergy Discipline Ordinance rather than Private Member Ordinance?

Being my first experience of Private Member Ordinance can you explain the private ordinance process and procedures?

## Answer

- 1 The Bills are moved under Standing Order 50 of the Synod Standing Orders. A version of the Standing Order was also in the previous standing orders.
- 2 The Bills are before the Synod in the way they have been moved.
- 3 They are then considered in the same way as Bills promoted by the Diocesan Council under Standing Order 49.