

CHURCH LAW COMMISSION

1. WHO WE ARE

The Church Law Commission has the following functions:

- (a) to examine questions of Church law referred to it by the Primate, the Standing Committee or the General Synod, and to report thereon to the referring party and the Standing Committee;
- (b) to make recommendations to the Standing Committee on matters of church law which are of importance to this church.

After General Synod 2010 the Commission comprised the following legally qualified members:

The Hon Justice Clyde Croft (Melbourne)
Mr Ian Dallas (Bendigo)
Mr Richard Dennis PSM (Adelaide)
Ms Rachel Ellyard (Melbourne)
Dr Ian Gibson (Melbourne)
The Hon Justice Debra Mullins (Brisbane)
Mr Mark Payne (Sydney)
Mr Eric Ross-Adjie (Perth)
Mr Robert Tong AM (Sydney)
Mr Ian Walker (Brisbane)

The then chair of the Commission, Mr Ian Walker, subsequently resigned to campaign for election as a Member of Parliament (which he was successful in doing). In June 2012 Justice Mullins was appointed the chairperson of the Commission. Mr Walker made a valuable contribution to the Commission as a long term member and in his role as the chairperson from General Synod 2007.

Apart from Mr Walker's resignation, there have been no changes to the membership of the Commission since General Synod 2010.

2. MEETINGS

The Commission has not had any face to face meetings since General Synod 2010. The work of the Commission has been undertaken by email exchanges among the members of the Commission. In addition two teleconferences of members of the Commission were held on 17 September 2012 and 2 October 2013.

The pattern that has developed for undertaking the tasks required at the Commission is that one or two members assume primary responsibility for a particular task and the other members then review the work undertaken by those members with primary responsibility.

The face to face meeting remains the ideal form of meeting when there are sufficient references and matters being considered by the Commission to warrant the additional cost involved in such a meeting. The face to face meeting has the

advantage of giving members the opportunity of time to discuss issues at length and debate the matters where there are differing opinions or perspectives.

3. THE MAJOR WORK OF THE COMMISSION

The Commission's main business between General Synods has continued to be the preparation and review of legislation for the next General Synod.

The other business undertaken by the Commission is responding to questions referred to it by the Primate or the Standing Committee.

4. OTHER MATTERS

In addition to General Synod legislation, the Commission has dealt with the following:

- (1) advising on whether the Primate should be joined as a party to the proceeding concerning the Professional Standards Board of the Diocese of Newcastle;
- (2) advising on publication of audited financial statements of General Synod bodies;
- (3) advising the Primate whether there should be a national Church submission to the proposed Parliamentary Consultation in New South Wales on amendments to the Roman Catholic Church Trust Property Act 1936 (NSW);
- (4) advising the Primate on the ruling of the County Court of Victoria in *McDermid v The Anglican Trusts Corporation for the Diocese of Gippsland & Anor*;
- (5) advising on General Synod Privacy Policy;
- (6) advising on the use of the word "Anglican";
- (7) reviewing the draft statement prepared by the Professional Standards Commission as to the confidentiality of private confessions in the Anglican Church of Australia.

5. THE FUTURE

The Commission has been fortunate to have available members who are willing to undertake complex drafting tasks and advices and diligently consider the work undertaken by other members. The model is a good one for undertaking tasks relevant to the national Church and General Synod legislation, subject to the time constraints that apply to members who are volunteers. The Commission anticipates continuing to perform its historical function into the future.

Debra Mullins
Chairperson
Church Law Commission
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