# 14/97 Synod Committee on Clerical Tenure

*This report was received by the Synod in 1999. The bill for the Parish Development (Monitoring Panel) Ordinance 1999, the bill for the Parish Development Ordinance 1999 and the bill for the Parish Relationships Ordinance 1999 referred to in paragraphs 44-45 of the report are printed as the Parish Review (Monitoring Panel) Ordinance 2001, the Parish Development Review Ordinance 2001 and the Parish Relationships Ordinance 2001.*

*The bill printed as the Parish Development Review Ordinance 2001 was passed by the Synod as the Parish Development Review Ordinance 2000. The Archbishop declined to assent to the ordinance and returned it to the Synod. The Archbishop's reasons for declining assent are set out on pages 613-614 of the 2001 Year Book.*

*The bill for the Parish Relationships Ordinance 2001 has been printed incorporating amendments acceptable to the movers of the bill pursuant to resolution 32/00.*

## Contents

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**Summary**

1.   The question of clergy tenure is a complex matter with many interrelating issues and responsibilities.  This report will examine the historical and legal basis of our Diocesan practice noting its strengths and weaknesses.  After studying the contextual issues and relevant Biblical principles, the Committee considered many possibilities before reaching its conclusions.

2.   While recognising the imperfections of the present licensing system for incumbents the Committee believes it should be retained with modifications.  Contracts and fixed terms as a norm are not favoured.  While the present retirement provisions should be preserved there should be incentives for an early retirement option at 60.  The principles enshrined in our Synod's disciplinary ordinances are endorsed.

3.   While agreeing that the concept of incapacity should be retained as grounds for suspending or revoking a clergyman's licence, the Committee believes that the concept of inefficiency should be replaced by a system of parish development and licensing reviews.  This will encourage more accountability and may begin at least to deal with issues of pastoral breakdown.

4.   The Committee further recommends that a group with expertise be appointed by the Standing Committee to investigate and report back to Synod in 2000 about the issues involved in the retraining and redundancy of clergy.

## Background

*The Concept of Tenure*

5.   When a clergyman becomes the rector or curate in charge of a parish in the Diocese of Sydney he is given the ongoing right to whatever spiritual and temporal privileges and authority go with this office.  Among other things he is allowed full use of a house.   In the English church this is known as parson's freehold, although it is more usual in this Diocese to refer to it as 'tenure'.   Under this arrangement the clergyman is regarded as self-employed, and the continuous enjoyment of his right is strongly protected by law and customs.  However unpopular he may become with parishioners or bishop, he cannot be removed from the position he holds under normal circumstances.

*Tenure Not Absolute*

6.   Nonetheless 'tenure' is not absolute.  The privileges conferred cannot be sold or passed on to another person.  If not used in a lawful way, the minister may be disciplined and in extreme cases lose them.   In any case they cease on his resignation or at retirement age.  The Synod of the Diocese has the power to further define the circumstances in which 'tenure' may be further limited.

*The Bishop's Power*

7.  In theory there appears to be no legal reason why the Archbishop could not grant a new minister a licence for a fixed period.  When, however, the Archbishop chooses to grant any licence to a clergyman, his power to suspend or revoke the licence is restricted by Article 21 of the Constitution set out in the Schedule to the Constitutions Act Amendment Act 1902.  That article reads -

*'The Synod of each Diocese shall have power to determine by Ordinance in what cases the licence of a clergyman licensed within the Diocese may be suspended or revoked.  Such licence may be suspended or revoked by the Bishop of the Diocese at a clergyman's own request, or (after opportunity given him to show cause) in such of the said cases as the Synod shall by Ordinance determine.  Save as aforesaid, the licence shall not be suspended or revoked,  except as a consequence of a judgement or finding of the tribunal or of some other court of competent jurisdiction.'*

This is the prime 'guarantee' of our tenure system whether the licence is limited or unlimited.  The Synod must lay down specific grounds upon which any suspension or revocation can be made, and the Archbishop must also give to the clergyman concerned an adequate opportunity to show cause against such an action.

*The Strengths of Tenure*

8.  The development of our system is historical rather than theological.  It arose in England in the early middle ages, and while other denominations arrange the conditions of clergy in quite different ways our system has its strengths.  These include-

(a)  The freedom of the clergyman to speak and act without fear or favour.  There are times when he must challenge or rebuke those for whom he is responsible.  There may be times when a faction in a parish may voice strong but prejudiced opposition.  There may be occasions when he sees the need to be critical of diocesan policies.  He needs to be able to speak the truth and promote ideas important to the spiritual life of the parish and wider church.

(b)  The capacity it gives to cultivate an open-ended relation between minister and church.  Such a ministry allows for development and maturity in relationships.  There is need for patience and growth which a fixed term may inhibit.  The rule of the early church that a bishop should not move from his charge to another captures the sense of commitment to a particular people in a particular place that 'tenure' also suggests.

(c)  The proper care of those who have forsaken a conventional career and lifestyle for the sake of Christian ministry.  The provision of stipend and housing is based not on individual worth or earning capacity, but upon the

need to have the pastor living among his people. The tenure of a clergyman is achieved in part through his willingness to accept a relatively basic stipend and tied housing provided by the parish.

*The Weaknesses of Tenure*

9.    Notwithstanding the strengths there are also weaknesses in our system of 'tenure'. These include -

(a)    The problem of disengaging a minister when a church refuses to accept his ministry. The present security is so great that even if a minister totally loses the confidence of his congregation it is only possible to remove him at great financial and spiritual cost. Such a loss of confidence may inhibit the work of the gospel in an area for many years.

(b)    The abuse of the system by any who may become lazy or authoritarian. Some ministers, aware of the strength of their position, may become inefficient or exercise power in a tyrannical way trusting the system to provide for their needs. In this way, 'tenure' can be an invitation to sloth or other abuses.

(c)    The inflexibility inherent in a system where it is difficult for a minister in the latter stages of his working life to either move or be moved. Given the tendency for parishes to prefer ministers in their 30's or 40's, some ministers may become marooned in their positions for over twenty years, long after they have lost the energy and initiative to lead a particular parish.

## Contextual Issues

*The Immediate Context*

10.    A Select Committee on Clerical Enquiries was established following a serious public dispute between some parishioners and the minister in the parish of Pymble. In the course of its review of the Tribunal Ordinance, The Incapacity and Inefficiency Ordinance and parish disputes in general, the Select Committee identified four major models of tenure (protected tenure, fixed term appointments, third party appointments, parish or congregational appointments). However given the complexity of the subject, the Committee recommended a major review of tenure in its own right.

11.    As a result Synod resolution 14/97 reads -

*'Synod hereby appoints a committee comprising 5 laypersons to be elected by the lay members of the Synod, 5 clergy to be elected by the clerical members of the Synod and 5 persons to be appointed by the Archbishop, with a quorum of 6 persons of whom 3 must be clergy -*

*(a)    to review all aspects of clergy tenure in this Diocese;*

> *(b)   to examine alternative tenure and employment practices for clergy; and*
>
> *(c)   to report to the 1999 session of Synod with recommendations and draft ordinances to put into effect such recommendations.'*

12.   The persons elected or appointed to the committee were -

| *House of Laity* | *House of Clergy* | *Archbishop* |
| --- | --- | --- |
| Mr P C G Gerber | The Rev H T Cox | Mr G O Blake |
| Dr B C Newman | Archdeacon T W Edwards | Bishop R J Piper |
| Ms K Sowada | Canon Dr P F Jensen | The Rev B  Southwell |
| Mr R Tong | Archdeacon D D Nicolios | The Rev P I Taylor |
| Mr Justice P W Young | Archdeacon P F Perini | Ms R Whittle |

Mr P C G Gerber, Ms K Sowada and Archdeacon P F Perini resigned.  The Synod elected Dr L Scandrett and the Standing Committee appointed Miss A Watson.  The committee had sixteen meetings.

*The Historical Context*

13.   Clerical tenure was the subject of Synodical review in 1912. Four clergy did not attend any meeting, and a minority report subsequently argued successfully against the recommendation to limit tenure to five years with an option to renew.  In that report, prerequisites for limited tenure included all stipend from the parish being paid, a removal expenses fund being established and superannuation provision being made for all clergymen.  However the status quo was preserved.

14.   As a result of the 1972 *Looking Into The Parish* report, a further Synod Committee was established to examine in detail the questions of limitation of tenure, revocation of licence and exchange of clergy.    Apart from disciplinary matters and compulsory retirement, the committee recommended that tenure be only further limited in the following cases:  five years for a member (not leader) of a team ministry, where pastoral reorganisation is necessary providing that suitable new ministry is available for displaced incumbents, where there is total breakdown of pastoral relationship and where the incumbent suffers chronic ill health.  In spite of these recommendations no new legislation was enacted.

*The Societal Context*

15.   In recent years significant changes in the Australian workplace have occurred with loss or modification of tenure commonplace. 'Tenure' no longer has one simple meaning but has a variety of meanings.  For example, in the academic world a contract is now considered more secure than tenure.  If there is no position available a tenured academic may have his or her employment terminated.  Another development has been multiple careers with some people holding 4 or 5 jobs in their working life with complete retraining taking place in some instances.  If this is the world in

which parishioners live each week, it is understandable that some ask why there is not some limitation to clergy tenure.

16.  Another relevant trend is that our society appears to be characterised by increased levels of stress and conflict arising from a greater emphasis on 'rights' than responsibilities.  At the same time there appears to be rising expectations of performance levels in the business and public sector.  These expectations have also become more prominent in our churches with an increased demand for 'professionalism' in clergy, and consequent disquiet and conflict when it is absent or at a low level.

17.  We are also living at a time of great stress for Christian churches in western society as they and their clergy experience radical marginalisation.  It is relatively easy for the resulting strains to be manifested in such attitudes as clericalism or anticlericalism, creating an atmosphere of mutual blame and fault-finding.  This is part of the backdrop of this inquiry.

*The Diocesan Context*

18.  There are about 260 incumbents in the Diocese with an average length of an incumbency being approximately 8 years.  Since 10 years is often suggested as an appropriate time, it may be thought that the tenure issue is not significant.  But it is the lengthy 'non average' incumbency which may produce most dissatisfaction, and it is noticeable that the length of incumbencies increase with seniority.  A lengthy parish dispute may also be a reason for a person becoming unattractive to other parishes.

19.  There are virtually no clergy in the Diocese who are less than thirty years of age.  The first incumbency will therefore occur when the person is approximately 34 at the earliest.  All present ordinands are graduates with a degree in theology gained after three or four years study.  About 75% of this group possess a degree in another discipline and have usually achieved responsible work positions prior to theological training.  Although the Synod subsidises training, the main financial burden is borne by the candidate.  The people entering ministry are not seeking monetary reward or social prestige.  On the whole they make significant financial and material sacrifices to enter the ministry and suffer considerable dislocation of family life.  Moreover the church people of the Diocese of Sydney have also a long tradition of demonstrable concern for the well-being of their clergy.  Given the sorts of ministers we want and the difficulty of fulfilling the role in today's world, careful attention is warranted for their working conditions including appropriate security of employment.

20.  As the frequent appeal to 'accountability' suggests, there is a strongly held view that our present tenure system gives too much power to the minister in charge.  It is thought that his position protects him unduly from the influence of bishop and parishioners.  Isolation makes him less effective than he need be and it would be preferable if he were open to review, direction and the offering of an

account of his responsibility.  The very fact of tenure has the potential to make the clergyman unresponsive, the parish docile and the bishop frustrated.  On the other hand, the task of ministry must in its very nature be largely unsupervised and its ultimate results not open to human assessment.  It is also prone to create controversy which may be unpleasant for a time but beneficial in the end.  As in any family, the relationship between minister and people may well go through stages of great difficulty where easy and quick solutions may hinder the development of more fruitful relationships.  As we consider the whole matter we turn first to the Scripture to isolate relevant theological principles.

## Biblical Principles

*The Uniqueness of Ministry*

21.  The reference to family life (cf. 1 Timothy 3:5) is a reminder that despite the elements of professionalism which attach to the work of ministry in the modern world it is unique.  It is entered upon in the context of a public ceremony where solemn promises are made and obligations undertaken.  The fundamental values which shape it arise from the Bible as understood by our Reformation forebears and as enshrined in the promises and practices of our formularies.  Without suggesting that tenure is a biblical concept or that we can move directly from the Bible to our present concerns, several biblical principles which need to be preserved in any arrangement for ministry are noted.

*The Task of Ministry*

22.  The basic task of the pastor is the prayerful preaching and teaching of the word of God with application to people's lives.  When a minister accepts an incumbency, responsibility is assumed for the ministry of the word and sacraments in that parish.  The fundamental task outlined in the Ordinal is to minister the word of God in public and private, living the Christian life in an exemplary way, calling upon sinners to repent and have faith in God, protecting and nourishing the people of God and promoting reconciliation among them.  There will be times when the carefully applied word of God will console, comfort and guide the family of God, but there will also be occasions when the congregation may be rebuked and even displeased.

*The Relationship of Ministry*

23.  The minister of word and sacraments enters a special relationship with the people whom he is called to serve.  He is not merely a teacher of facts, but must communicate his own self to them (cf 1 Thessalonians 2:8).  To some extent he becomes elder, servant, shepherd, superintendent, watchman and steward of the flock.  With others in the congregation, responsibility is assumed for the souls of others and the New Testament calls upon us to respect and even obey those set over us in the Lord (1 Cor 16:16; 1 Thess 5:12-13; Hebrews 13:17).  The relation is not a contractual one akin to the workplace, but is a personal one in which authority is held for

the spiritual good of others. It is an 'office' in the sense that it is a 'position with duties attached to it, place of authority, trust or service' (Concise OED). However the pastor is not separate from or lord of the flock, but also exists under the discipline of God's word and the scrutiny of the people and his fellow teachers, who must test his ministry by the word of God. There is an intimate relation between the congregation and those who minister within it. The status of the congregation as the Body of Christ (1 Cor 12:27) means that its judgement of a ministry cannot be ignored. Moreover the congregation is part of a network of congregations to which it too is responsible, not least for the treatment of its ministers. Furthermore it is generally unfair to judge a ministry apart from the congregation.

*The Support of Ministry*

24. The Bible makes provision for the work of ministry to be supported but not by the way of wage. The minister may leave his or her usual employment to tend the flock 'not greedy for money, but eager to serve' (1 Peter 5:2). Although the task of ministry is not to be a money-making venture, the presumption is that it should be supported (1 Cor 9:7-12). This provision makes it possible for a congregation to be discriminating about ministry, and to support or refuse to support those who minister. If a congregation has the obligation of appointment, it ought also have some responsibility for the ongoing care of those who need to leave the ministry for good reason and return to other ways of earning a living and being housed. Likewise the Diocese has obligations based on its activities of recruiting, training and appointing persons.

*The Accountability of Ministry*

25. Although the minister serves the congregation by way of leadership, they are not his bosses (2 Cor 4:5). He takes responsibility for them as a shepherd of the flock, and is accountable to God for them. Paul writes, 'it is required that those who have been given a trust must prove faithful.' He adds, 'I care very little if I am judged by you or by any human court; indeed I do not even judge myself' (1 Cor 4:2-3). On the one hand this gives the minister a certain latitude, but it also places him in significant spiritual danger since he will be judged with greater strictness (James 3:1). The minister is not ultimately accountable to us but to God himself, and His judgement of the worth of a ministry may be trusted.

26. Nonetheless the accountability of leaders to others is also clearly taught in the New Testament. Considerable stress is laid on the necessity of choosing those with the theological, moral and relational gifts suitable for the task (1 Timothy 3:1-7). Likewise it makes provision after careful enquiry for the removal of those who stray doctrinally or morally (1 Timothy 5:17-22). Such accountability is reflected in the long standing provisions for clergy discipline in this Diocese.

27.   Anglican custom somewhat obscures two further elements of ministry which bear on the subject of accountability.  The first is that the picture of ministry in the New Testament is a joint one where eldership was most probably a corporate, not a solo entity.  Indeed the concept of a sole minister who comes to a congregation from outside and is free to go to another congregation is hard to parallel. Compared to the New Testament it may be said we have an underdeveloped eldership and an overdeveloped rectorship, and more needs to be done to provide formal recognition of the local congregational leadership.  The second is in the part played by gifts in ministry, and the need to balance the responsibility of office with the exercise of gifts.  While the ordaining authority will doubtless try to assess gifts, in the end the congregation will be the testing ground.  The gifts of the one who exercises the role of rector must be tested and deployed in accordance with scriptural priorities and congregational needs.  Although this implies mutual obligations on the part of the rector and the congregation towards one another and a mutual accountability in ministry, the congregation itself does not forfeit its capacity to assess and discriminate.

*Scriptural Conclusion*

28.   The fundamental security and independence of the ministry is from God and in one sense needs no human support.  Nonetheless the provision of 'tenure' in the modern church is consistent with the needs of the ministry and the status of the congregation.  However this does not mean that tenure is of itself an absolute biblical principle.  It needs to be expressed in such a way which allows for a ministry to be modified or even rejected by a congregation, provided that such action is taken with all due respect to the teachings of Scripture and the law of love.

## The Investigation

*Alternative Methods of Engaging Clergy*

29.   Among other things the Committee studied a paper produced in 1997 by the Honourable Justice D J Bleby for the Canon Law Commission of the General Synod.  Entitled *The Status of Anglican Clergy* it examines various aspects of clergy employment, including the advantages and disadvantages of employment by a parish, of clergy continuing as office holders, of a contractual but non-employment relationship with the diocese and of employment by the diocese.

30.   *Contracts* are often considered the panacea for all evils since the rights, duties and obligations of all parties can be spelt out in detail.  Performance measures and the length of appointment can be prescribed.   However there are technical and substantial disadvantages.  The technical disadvantages include identifying the parties who will enter into contract with the incumbent (e.g. the Archbishop? the churchwardens of the principal church?) and working out how it can be enforced, since damages are not appropriate and a court will not specifically enforce employment

contracts. The substantial disadvantage is the resulting lack of flexibility in clergy movements in a diocese. A contracted incumbent cannot move to another post early without breaching the contract. Likewise when the contract period is drawing to a close, the incumbent will feel the pressure to perform to please key lay leaders of the parish or alternatively seek a new office. In short, a contract unhelpfully changes a pastoral relationship to a legal one.

31. An alternative to contract is the concept of a *morally binding compact* whereby the stakeholders in a parish subscribe to a memorandum detailing what the parish expects of its minister, and the minister expects of the parish. However the number of stakeholders needed remains an open question, and since it is not legally binding what happens when the agreed service has ended? In effect this idea is subject to similar disadvantages to contracts.

32. The issue of contracts or morally binding compacts raises the issue of *fixed terms* for incumbents. The Uniting Church has this model with a 5-year term plus the possibility of a 5-year extension. The Anglican Diocese of Melbourne limits the tenure of an incumbent to 10 years with the possibility of an extension. The advantage is that all parties know clearly where they stand, but its application can be bureaucratic, not taking compassionate consideration of the needs of the minister and the congregation. Furthermore a fixed term may actually encourage an opting out before the end of the term. The Committee does not endorse fixed terms for incumbents, except perhaps for certain mission situations. The present capacity to create provisional parishes for a fixed period needs to be preserved. The clergyman appointed in such circumstances to work in a difficult socio-economic setting or to plant a new church knows the time frame for this experimental ministry. The present ordinance gives the capacity for such creations to be reviewed by the appropriate regional council and be given extensions where warranted.

33. After a thorough consideration of the issues, the Committee has formed the view that while the existing system of 'tenure' is not perfect, it is superior to the alternatives and should be retained with the following limitations.

*Tenure Limited By Retirement, Discipline and Incapacity*

34. Tenure needs to be limited by a *retirement age*. The Committee sees no good reason to alter our present retirement provisions which require clergy to retire at 65, with possible annual extensions to 70 if still healthy and energetic and if the parish desires it. The removal of a retirement age would mean a return to other problems, and besides there are many opportunities for retired clergy to exercise their gifts in the diocese.

35. Given the pressures on ministers in this age, the Committee believes the option of retiring at 60 needs to be further explored. This may open up new possibilities, enabling some incumbents to move to part-time service in the opportunities that exist or to become senior associates in a parish with the ability to function as a mentor to others. There may be a need to adjust superannuation contributions in earlier years to facilitate this step. The Committee recommends that the Superannuation Fund examine this proposal and advise the clergy of what needs to be done to make this a possibility in the future.

36. In accordance with our long custom based on Scripture, tenure should continue to be limited by *discipline issues*. If a minister is guilty of breaches of faith, ritual, ceremonial or discipline of this church, or is guilty of unchastity, drunkenness, neglect of ministerial duties, wilful failure to pay just debts, disgraceful conduct or sexual misconduct, then action can be taken under The Tribunal Ordinance 1961, The Offences Ordinance 1962, or The Church Discipline Ordinance 1996. The Committee recommends no change to these provisions for limiting tenure.

37. Tenure has been historically limited in this diocese by what is known as the Incapacity and Inefficiency Ordinance 1906. The Committee carefully considered this issue in the light of the report of the Select Committee on Clerical Enquiries 1997, and concluded that tenure should be limited in the case of *incapacity*. Incapacity can be defined as a physical, mental or psychological condition which renders a person incapable of performing duties.

38. However the Committee struggled with the concept of inefficiency. Both dictionary and judicial definitions of the word were considered. The Oxford English dictionary defines 'inefficiency' as '*want of efficiency, inability to affect something, ineffectiveness*' while the Macquarie Dictionary says it means '*lack of power to produce the desired effect*'. Both definitions suggest a person who cannot meet required goals, but this inability or lack of power may rest in the person or the situation. With respect to legal precedent the Australian Public Service Act deals with the possibility of redeploying certain officers on the grounds of inefficiency. In a judicial decision in the case of Preston v Carmody (1993) 44 FCR1 (pp 11-13), Wilcox J, pointed out that in order to see whether someone has failed to meet certain criteria one must know what the criteria are. Moreover there has to be an agreed

standard of efficiency that a person may be reasonably expected to attain or sustain in performing their duties. He further observed -

> *'An officer's standard of performance cannot be considered in the abstract. It is not enough that he/she have adequate knowledge, skill and industry. Efficiency is a concept concerned with the application of resources to the achievement of results ...... The performance of tasks may be adversely affected by a defiant or obstructive attitude, however knowledgeable, skilful and industrious the officer may be, especially if the particular position is one requiring cooperation between two or more people.'*

It could be argued that the Ordinal spells out the criteria for an incumbent, but given the diversity of the diocese the standard of 'efficiency' will vary from parish to parish. Moreover the judge's observation is also valid in that ministry cannot be considered in a vacuum because it requires the cooperation of many people.

39. As a result of its deliberations the Committee favours limitation of tenure on the grounds of incapacity *but* believes the concept of 'inefficiency' should be subsumed under a new category of clergy review.

*Tenure Limited By Pastoral Breakdown and Parish Review*

40. The inability of the Synod to conclude its work on the proposed Parish Disputes Ordinance has hindered the committee's work. Concerns identified by Synod members include the ease of initiations of the proposed process, the possible exclusion of minorities, the power of the incumbent to thwart the process and the prospect of no guaranteed result after a time-consuming process. It is to be hoped that some of these perceived problems can be overcome at Synod in 1999.

41. Notwithstanding the laudable desire to put in place a non-legal system of mediation and conciliation, there is a need after all possible steps have been taken to provide for the possibility of dissolving the pastoral tie in severe cases of pastoral breakdown. The Diocese has paid the price for its failure not to address this issue since it was recommended in 1973 by the Synod's last committee on clergy tenure.

42. If the Synod for whatever reason is unable to or does not see fit to strengthen the Parish Disputes Ordinance by providing a procedurally fair process which in the end enables the Archbishop to suspend or revoke a clergyman's licence and also allows for the prohibition of a parishioner from being an office-bearer for a specified period of time, then there is even more reason to put in place an effective system of development and licensing reviews.

43. Although the Committee's prime concern has been with tenure, it recognises that many of the problems which led to its appointment can be circumvented by early action to ensure good

communication within a parish and by regular and proper appraisals of its direction.  Although not strictly part of a package to review clergy tenure, the enactment of the parish development review proposals in this report should minimise the number of cases where further action has to be taken, and in the exceptional case may also give early warning of a developing problem.

44.  There is general consensus that clergy should undergo a review process at certain stages in their ministry.  The Committee believes it is in the best interests of everyone if the culture of our diocese were to change with clergy voluntarily submitting themselves to regular *development reviews*.  Such a review would need to be requested by the minister and/ or parish council, because it would involve a review of the minister in the context of the parish and its component parts, including its past history and future aims.  It is envisaged that the review would include the minister, the churchwardens, the parish council, other key lay people involved in the ministry of the parish and support people like the regional bishop and archdeacon.  It would need trained facilitators using surveys and interviews, and it would provide an assessment and recommendation for further development at the end.   Apart from the outcome the proceedings would be confidential. A Synod-appointed Parish Review Monitoring Panel would establish and administer the process, with the cost of development reviews being borne by participating parishes and regional councils.   The bill for the **Parish Development (Monitoring Panel) Ordinance 1999** provides the structure for the reviews, while the bill for the **Parish Development Ordinance 1999** gives effect to the Committee's thinking on development reviews.

45.  In addition the Committee has explored the concept of another review called a *Licensing Review* to deal with cases of serious breakdown in pastoral relationships between ministers and a majority of the members of a church. The bill for the **Parish Relationships Ordinance 1999** provides a mechanism for a review to be triggered by a regional council alone or on the request of a parish council or a petition from a substantial number of parishioners.  To allow adequate time for a clergyman to settle in and for issues to be worked through locally, a licensing review can only take place after a minister has served four years in the parish. The Licensing Review Board will address specifically the factors involved in the disagreement in the parish with a view to determining whether a parish or member of the clergy would benefit from a change of ministry.  The board is competent to recommend specific courses of actions such as the removal from office of certain lay members of the parish or that  the Archbishop revoke the minister's licence.  The Ordinance provides an appeal structure for the protection of all affected parties, but it also specifically affirms that persons who cease to hold office under this procedure are not removed for fault nor are their abilities or characters

impugned in any way.  Further the Archbishop is requested to seek to appoint any member of the clergy so displaced to a similar office, or failing that to provide an appropriate redundancy payment to which the parish is expected to contribute.

46.  It must be emphasised that even if the licensing review scheme is put in place, there will still be problems it will not address.  For example, the problems associated with the Pymble parish in 1993-1994 would probably not have been solved, nor would any other situation where the minister had been in office for less than four years or where the objectors to the minister's style had left the church rather than persevere or wait the four years. The Committee is well aware of these difficulties but hopes that the Parish Review scheme may actually encourage people with problems to communicate in such a way that action will become unnecessary.

47.  The Committee has therefore adopted a conservative approach to the question of breakdown of relationships, but would very much welcome the guidance of the Synod or individual members as to this approach.  It is also aware that it is really not possible to adopt a holistic solution at least until the other committees working on allied topics have reported and the Synod has made its determination on questions of principle.

48.  Another matter which must not be lost from view, but which the Committee has not fully considered, is the recommendation from the 1972 Looking into the Parish Report that clergy licences should automatically terminate on an approved amalgamation of parishes.

*Retraining and Redundancy*

49.  The Committee believes funds should be provided for the retraining of some clergy for a career change.  In the case of pastoral breakdown and licensing review the financial responsibility needs to be shared between the Diocese and the parish.   At present the Diocese can only fund modest retraining opportunities through the Archbishop's Clergy Mobility Assistance Fund.  It is designed to assist clergy who for a variety of reasons may need to conclude their ministries but do not have the means to do so. Although increased annually by the Synod the fund is limited in its capital base.

50.  There is no present provision for a redundancy payment, and since clergy are officeholders, not employees, they would be excluded from certain tax benefits in the event of such a payment. There is a need to develop an appropriate system of redundancy for clergy.  The matter is complex and needs a separate committee to determine eligibility criteria and an impartial method of calculating entitlements, to unravel the tax consequences and suggest ways of establishing a fund sufficient to meet the costs.   Since this committee is required to report in 1999, it is recommended that a

further committee be appointed to investigate these issues thoroughly and report back with recommendations in 2000.

## Recommendations

51.  The Committee recommends that the Sydney Diocesan Superannuation Fund be requested to examine the proposal that clergy take optional retirement at 60 and advise both the Synod and the clergy of the financial steps needed to effect such a proposal.

52.  The Committee recommends that the Synod pass the Parish Development (Monitoring Panel) Ordinance 1999 to provide a structure to carry out parish development  reviews.

53.  The Committee recommends that the Synod pass the Parish Development Ordinance 1999 to encourage parishes and ministers regularly to review their ministry in the light of changing circumstances.

54.  The Committee recommends that the Synod receive the Parish Relationships Ordinance 1999 as an exposure draft ordinance to be presented to the Synod in 2000, and requests that Synod members make comments by 30 April 2000.

55.  The Committee seeks leave to meet again to reconsider the draft Parish Relationships Ordinance in the light of comments received from members of the Synod and to present a further report to the Synod in 2000.

56.  The Committee recommends that Standing Committee be requested to appoint a committee with financial expertise to investigate the issues raised in the report about the need for an appropriate system of redundancy for clergy and to report back to Synod in 2000 with concrete proposals.

For and on behalf of the committee.

TREVOR EDWARDS
*Chairman*

12 August 1999