

CONSTITUTION AND CANONS COMMITTEE RECOMMENDED CHANGES

Forwarded to the 155th Regular Session of Synod from Diocesan Council

Prepared by: Constitution and Canons Committee

The Diocesan Council, at its October 26, 2013 meeting approved the following proposed changes to the Constitution and Canons of the Diocese:

The Constitution

Commentary:

It is proposed that *The Constitution* be amended to include for the provision of Lay Members of Synod for Designated Ministries. It became apparent when looking at Canon 29 that there was no provision for Lay Members to Synod where it was appropriate for a Designated Ministry. The proposed amendment would permit that on Diocesan Council approval where the circumstances are appropriate.

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| Revise s. 3(1)b | “be a Lay Member of the Vestry of that person’s Church, or a Lay Member of a Designated Ministry established under Canon 29;” |
| Insert s. 3(3) | “or Designated Ministry” after the word “Vestry” |
| Insert s. 3(5) | “or Designated Ministry” after the word “Vestry” |
| Insert s. 3(6) | “or Designated Ministry” after the words “Vestry of a Congregation” |
| Insert s. 3(6) | “or Designated Ministry” after the word “vestry” in the certification statement |
| Insert s. 3(7) | “or Designated Ministry” after the word “Vestry” |
| Insert s. 3(8) | “or Designated Ministry” after the word “Vestry” |
| Insert s. 3(8)c | “or Designated Ministry” after the word “Vestry” |
| Insert s. 3(9) | “or Designated Ministry” after the word “Vestry” |
| Insert s. 3(10)a | “or Designated Ministry” after the word “Vestry” |
| Insert s. 3(14) | “or Designated Ministry” after the word “Vestry” |
| Insert s. 3(14)a | “or Designated Ministry” after the word “Vestry” |
| Insert s. 3(14)a | “or Designated Ministry” after the word “congregation” |
| Insert s. 3(14)b | “or Designated Ministry” after the word “Parishes” |

Insert s. 3(15) “or Designated Ministry” after the words “Vestry of the Congregation”

Insert s. 8(1) “or Designated Ministry” after the word “Vestry” in two instances

Canon 29 – Designated Ministries

Commentary:

It became apparent when looking at Canon 29 that there was no provision for Lay Members to Synod where it was appropriate for a Designated Ministry. The proposed amendment would permit that on Diocesan Council approval where the circumstances are appropriate.

Add s. 2(d) “may elect Lay Members of Synod pursuant to Section 3 of The Constitution, if permitted by Diocesan Council as one of the conditions referred to in Section 1.”

Canon 36 – Audit Committee

Commentary:

The proposed change to this Canon is housekeeping in nature.

Replace s. 1 “Treasury Board” with “Executive Board”

THE CONSTITUTION

...no proposed changes prior to this point...

Section 3. Lay Members of the Synod

(1) Qualifications

A person to qualify as a Lay Member of the Synod shall:

- (a) be not less than sixteen (16) years of age;
- (b) be a Lay Member of the Vestry of that person's Church **or a Lay Member of a Designated Ministry established under Canon 29;**
- (c) be a member in full Communion of the Anglican Church of Canada and shall have received the sacrament of Holy Communion at least three (3) times during the previous year.
- (d) not have been a Lay Member of the Synod for more than the previous three (3) consecutive Regular Sessions.

(2) Duties

It shall be the duty of a Lay Member of the Synod:

- (a) To attend the Sessions of the Synod.
- (b) To serve on committees to which such member may be elected or to which such member has accepted appointment.
- (c) To communicate the decisions of Synod as may be requested by the Incumbent.
- (d) To assist, when requested by the Incumbent, in the discharge of the duties of the Incumbent as set forth in Canon 9, Sections 11 and 12.

(3) Election

Lay Members shall be elected at the annual meeting of the Vestry **or Designated Ministry**, or at a special meeting thereof, respectively, called for the purpose as hereinafter provided.

(4) Appointment

In addition to the Lay Members elected in accordance with s. 3(3) and appointed in accordance with s. 3(17) of the Constitution, the Bishop may, after consultation with the Diocesan Council, appoint not more than twenty (20) Lay Members of the Synod qualified as required by s. 3(1), save and except that the qualification in s. 3(1)(d) shall not apply.

(5) Term of Office

Except in cases of death, resignation, or removal from the Diocese, the term of office of an elected Lay Member shall commence on that member's election at an annual or special meeting of the Vestry **or Designated Ministry** and shall continue until that member's successor is elected or until that member has served for three (3) consecutive Regular Sessions, whichever comes first. Membership in any committee of the Synod shall continue until the next Regular Session of Synod or until the term of office has been completed, whichever period is longer.

(6) Basis of Membership

The number of Lay Members that a Vestry of a Congregation **or Designated Ministry** is entitled to elect shall be determined by average weekly attendance in accordance with Section 3 (7). The following certification to be signed by the Incumbent or Priest-in-Charge shall form part of the statistical return required from the Incumbent by Synod:-

"I hereby certify that in there was an Average Weekly Attendance of which allows this vestry **or Designated Ministry** to elect Lay Member(s) of the Synod."

(7) Number of Lay Members

The number of Lay Members of the Synod of the Diocese that each Vestry **or Designated Ministry** is entitled to elect, shall be determined based on the following:-

Average weekly attendance from one (1) to one hundred (100)—One (1) Member
Average weekly attendance from one hundred and one (101) to two hundred (200)—Two (2) Members
Average weekly attendance from two hundred and one (201) to three hundred (300)—Three (3) Members
Average weekly attendance from three hundred and one (301) to four hundred (400)—Four (4) Members
Average weekly attendance above four hundred (400) – Five (5) Members

This would include all church services held during the week, with the exception of weddings and funerals.

Synod encourages all parishes who elect two (2) or more Lay Members of the Synod to elect at least one (1) member who shall not have attained the age of thirty (30) when elected.

(8) Substitute Lay Members

- (a) Substitute Lay Members may be elected by a Vestry **or Designated Ministry**, and such substitutes shall, in the order of their election, take the place of regular members who from any cause are unable to attend the session or sessions of the Synod during the period for which they are elected.
- (b) A substitute Lay Member shall serve only during the Session of the Synod for which such Lay Member is reported to the Synod to act and shall not be eligible for election to any Standing Committee of the Synod.
- (c) It shall be the duty of the Incumbent to notify the Secretary of Synod of the appointment of a substitute to act as member not later than the day preceding the first day of the Session of Synod for which such Lay Member is appointed, giving name and address of the substitute and also the name and address of the member in whose place the substitute is acting. The Incumbent shall certify also that such substitute was elected at a meeting of the Vestry **or Designated Ministry** in the regular way, and fulfills the requirements of a lay member.
- (d) Where a sitting Synod is adjourned to another sitting date more than one (1) week later, the rules respecting substitute Lay Members shall apply mutatis mutandis to that adjourned sitting to provide for substitution of Lay Members for that adjourned sitting.

(9) Lay Membership Return

- (a) Within ten (10) days after the election of the Lay Members the Incumbent or in the absence of an Incumbent the Chairperson of the meeting shall send to the Secretary of Synod a certificate of such election in the form following:-
 "This is to certify that at a meeting of the Vestry **or Designated Ministry** ofChurch, in the Parish of held on the day of 20.... the following who is (are), a Communicant (Communicants) of at least one year's standing, of the full age of sixteen (16) years, not in Holy Orders, and who has (have) Communicated at least three (3) times during the twelve (12) months preceding such election, was (were) elected a Lay Member (Members) of the Synod by those entitled to vote at such election."
- (b) The Secretary of Synod shall forward the names of the Lay Members contained in these certificates to the Honorary Secretaries to be printed in the Convening circular of the Synod, a copy of which shall be mailed to each member of the Synod.
- (c) A list of the Lay Members shall also be prepared for the Committee on Credentials and for the Court on Contested Seats.

(10) Certificates re: Communion

- (a) In the event of the inability or refusal of the Chairperson of a Vestry **or Designated Ministry** to certify that any Lay Member is a member of the Anglican Church of Canada in full Communion of at least one (1) year's standing, and has Communicated at least three (3) times during the year previous to the election of such Lay Member, the Chairperson shall forthwith require such Lay Member to furnish a certificate or certificates within ten (10) days from any cleric who is able to certify thereto in the form or to the effect following:-
 "This is to certify thatof is a Communicant of at least one year's standing, and has Communicated at least three (3) times during the year previous to being elected..... 20....."
- (b) Should such Lay Member or Members default in furnishing such Certificate within ten (10) days after it has been required, the said Chairperson shall forward the certificate of election to the Secretary of Synod omitting the words which cannot be certified. If there be any question as to the qualification of such member the matter shall be raised before the Court on Contested Seats whose determination shall be final.

(11) Inability to Communicate

In the event of no opportunity being afforded to a Lay Member to Communicate the number of times required, the Chairperson shall certify accordingly and shall vary the certificate to the furnished, adding the following words:-

"This is to further certify that owing to a lack of opportunity for receiving the Holy Communion during the year preceding the said election, the said communicated onlytimes."

(12) Certificate Necessary

The Chairperson of the meeting shall furnish each Lay Member with a certificate similar to that to be forwarded to the Secretary of Synod. Any person requesting registration as a Lay Member at a Session of the Synod without such certificate may be required, before such registration is permitted, to afford sufficient proof of identity and may be refused a seat at Synod in the discretion of the Court on Contested Seats.

(13) Resignation

Any Lay Member of Synod may resign by giving notice to that effect to the Secretary of Synod who shall forthwith communicate such resignation to the Incumbent of the Parish in order that a new election may be held as herein prescribed.

(14) Members Elected by more than one Vestry or Designated Ministry

- (a) If a member be elected by more than one (1) Vestry, **or Designated Ministry** such member shall be notified thereof forthwith by the Secretary of Synod. Such member shall within thirty (30) days of the mailing of such notice signify to the Secretary of Synod which congregation **or Designated Ministry** that member wishes to represent, and the Secretary of Synod shall in turn inform the Incumbent of the Parish where the vacancy occurs, of such vacancy, in order that a new election may be held.
- (b) In case such Lay Member fails to make a selection and to signify it as required, all the elections of such member shall be void, and the Secretary of Synod shall forthwith notify the Incumbent of each of the Parishes **or Designated Ministry** concerned to proceed to hold a new election.

(15) New Election

In case a Lay Member dies, resigns or removes from the Diocese, or is in any way disqualified, the seat of such member shall be vacated thereby and the first named substitute Lay Member, if one has been elected, shall automatically become a fully qualified Member. If no Substitute Lay Member has been elected, a special meeting of the Vestry of the Congregation **or Designated Ministry** which such Member represented may be called to elect a successor.

(16) Ex Officio

If qualified as required by s. 3(1), except that the qualification in s. 3(1)(d) shall not apply, the following, if otherwise qualified, shall be Lay Members ex-officio:

- (a) the Chancellor, any Vice Chancellor, the Registrar, the Secretary of Synod, any Chancellor Emeritus, the President of Diocesan Anglican Church Women, and the Mother Superior of the Sisters of St. John the Divine and,
- (b) the Provost of Trinity College and the Principal of Wycliffe College if they are not clerical members pursuant to s. 2(2).

(17) Youth and Young Adult Members

In addition to the Lay Members elected and appointed in accordance with this section, the Bishop may appoint as a Lay Member of Synod for each Area, nominated by each Area Council, five (5) members between the ages of sixteen (16) and twenty-one (21), and five (5) members between the ages of twenty-two (22) and thirty (30). For the purpose of this section these shall be additional qualifications to those set out in s. 3(1) such members must not have attained the age of 30 years at the time of appointment.

(18) Lay Canons of the Diocese

A lay canon of the Diocese is a member of the laity who has been named a lay canon of the Cathedral Church by the Bishop. All lay canons of the Diocese are entitled to sit and speak in the Synod.

4. List of Members

- (1) At least one month before a Session of Synod the Bishop shall furnish to the Honorary Secretaries of the Synod for publication in the Convening Circular and Synod Journal, a complete list of the Clergy on the Clergy List of the Diocese with post office addresses, indicating into which of the categories set forth in section 2 of the Constitution each such Cleric should be placed, and the Secretary of Synod shall furnish to the Honorary Secretaries of the Synod for the same purpose the list of the Lay Members as given in the Certificates of Election received, together with a list of those Parishes and Congregations:-

- (a) for which no Certificates of Election of Lay Members have been received,
- (b) in which there has been default in the matter of return required to be made to Synod.
- (2) The last-mentioned list shall be subject to revision from time to time by the Secretary of Synod.
- (3) Honorary Secretaries shall print in the Convening Circular, and also in the Synod Journal, the names of the said Clergy, and also the names of the Lay Members which appear in the Certificates of Election.
- (4) The Honorary Secretaries shall indicate the Parishes and Congregations in default and the names of the Clergy and Lay Members whose seats in the Synod and the right of election to Committees of Synod are affected by such default, in such manner as they see fit in order to draw attention to the default and the disability attaching thereto.

5. **Disqualification**

- (1) No Cleric shall be entitled to take a seat in a Session of the Synod if such Cleric has failed to comply with the provisions of Canon 9, Sections 11 and 12, if applicable.
- (2) No Lay Member shall be entitled to take a seat in a Session of the Synod if the Churchwardens of the congregation represented by such member have failed to comply with the provision of Canon 15, Section 4(9).

6. **Committee on Credentials**

The Chancellor and the Secretary of Synod shall examine certificates and statistical and other returns, and shall prepare and submit to the Synod on the first day of its Session the list of Clergy and Lay Members entitled by the provisions of the Constitution and Canons to sit and vote in Synod. They shall report to the Court on Contested Seats, upon any irregularities in connection with these or other matters that may affect the right of any Clerical or Lay Member to a seat in the Synod.

7. **Court on Contested Seats**

- (1) There shall be a Court to be known as the Court on Contested Seats composed of the Chancellor of the Diocese, or in the absence of the Chancellor, the Registrar of the Diocese, together with two (2) Clerical and four (4) Lay Members appointed by the Bishop under the Bishop's hand and seal prior to the first day of a Session of the Synod. This Court shall consider all protests as to the right of persons to sit and speak, or to sit and vote in the Session of the Synod, and adjudicate thereon. The judgment of the Court shall be announced to the Session of the Synod on the first day thereof, and shall be final.
- (2) The members of the court on Contested Seats who are appointed by the Bishop shall be persons against whose right to sit and vote in a session of the Synod no protests have been received for that particular session. In case neither the Chancellor nor the Registrar is able, from any cause, to act, the Bishop shall appoint another member of the court but the right of such temporary appointee to act as a member of the Court shall cease when either the Chancellor or the Registrar is again able to act.
- (3) The Chancellor, or in the absence of the Chancellor, the Registrar, shall be Chairperson of the Court, and the Secretary of Synod, or other Synod official, shall be the Clerk of the Court. In case of the absence of both the Chancellor and the Registrar, the Court shall elect a Chairperson.
- (4) The Court shall meet at the call of the Chairperson, after the receipt of the report of the Committee on Credentials.
- (5) Members of the Court shall hold office until their successors are appointed.

8. **Right of Protest**

- (1) Any member of the Church may object to the right of any person whose name appears in the list of Lay Members of the Synod, elected by a Vestry **or Designated Ministry**, to take a seat in a session of Synod, provided that such objector is a member of the Vestry **or Designated Ministry** which such person claims to represent, and makes the objection together with the grounds thereof, in writing to the Secretary of Synod within twenty days after the election of such Lay Member.
- (2) On receipt of the objection, the Secretary of Synod shall forthwith send notice thereof by registered letter to the person whose right to a seat in the session is contested. The Secretary of Synod shall also enter the name of such person and particulars of the objection in a list of protests, for the use of the Court on Contested Seats.
- (3) If such objection is withdrawn prior to its consideration by the Court on Contested Seats, the Secretary of Synod shall thereupon send notice by registered letter to the person whose right to a seat in the session is contested, such notice to be sent to the address given in the return.
- (4) Objection may be taken at any time during a session of the Synod to any person sitting and speaking or sitting or voting in the same who is not entitled thereto.

...no proposed changes beyond this point...

CANON 29
DESIGNATED MINISTRIES

1. Designation
The Diocesan Council may with the approval of the Bishop designate and authorize Designated Ministries, subject to the provisions of this Canon, and other such conditions as Council may specify from time to time.
2. Corporation
A Designated Ministry designated and authorized pursuant to this Canon:
 - a) shall be carried out by a corporation incorporated for that purpose as is authorized by the Diocesan Council and approved by the Bishop;
 - b) shall be deemed to be a missionary charge for the purposes of Section 2 of the Constitution only; and,
 - c) may be performed, in part or in full, by a cleric appointed by the Bishop whose duties shall include, so far as applicable, the duties required of an Incumbent in Canon 9 and who shall be subject to the provisions, so far as applicable, of Canon 10.
 - d) **may elect Lay Members of Synod pursuant to Section 3 of The Constitution, if permitted by Diocesan Council as one of the conditions referred to in Section 1.**
3. Conflict with Other Canons
In any conflict between this and any other Canon, the provisions of this Canon shall apply.
4. Reports
A Designated Ministry shall report to the Bishop, as the Bishop requires. Reports of a Designated Ministry to the Bishop shall be communicated to the Diocesan Council and to Synod members before each Regular Session of the Synod.
5. Employees
The corporation carrying out the Designated Ministry unless otherwise directed by the Diocesan Council and the Bishop shall employ all employees of a Designated Ministry.
6. Revocation
With the approval of the Bishop, the Diocesan Council may revoke the designation and authorization referred to in Section 1 of this Canon.

CANON 36
AUDIT COMMITTEE

1. Membership
There shall be a standing Committee of the Diocesan Council to be known as the Audit Committee, consisting of the Chair and at least two (2) other members, to be elected annually by the Diocesan Council. The majority of the members of the Audit Committee shall not be members of the ~~Treasury Board~~ **Executive Board**. Employees of the Diocese shall not be members.

...no proposed changes beyond this point...