

Anglican Diocese of New Westminster

Constitution & Canons Working Group: Summary Guide

I. Overall Purpose:

1. Our Remit: At the Archbishop's request - to produce a revised set of governance documents for the Diocese (Constitution, Canons, Regulations, Rules of Order) that is up-to-date, reflects current practice and is accessible to all in the Diocese who rely on them for guidance and clarity in their ministry. Additionally to propose ongoing regular processes of review.

Members: The Hon Ted Chiasson Q.C., Archdeacon Douglas Fenton, Ms Sharon Grove, Professor Elizabeth Hodgson, Ms Jane Hope, Archdeacon Richard Leggett, Mr Kevin Smith. Archdeacon Alan Perry (Diocese of Edmonton) as consulting Canonist.

2. Why is this necessary? Our governance documents, like all law, have evolved over time. As new provisions are added, old provisions are amended, and practices change, the documents may no longer be internally consistent, reflect current practice, use modern language, or otherwise meet the needs of contemporary users (in form or substance). In many cases, users of the current governance documents reportedly found them to be unwieldy and difficult to navigate. It has been nearly 30 years since the last comprehensive revision of these documents, and rather than attempt to modernize them in a piecemeal fashion (with the attendant risks of inconsistencies, gaps, duplication, and so on), a full consolidated revision was proposed.

3. Types of Proposed Changes: Flowing from the principles set out above, our suggested revisions take three forms:

A) Housekeeping:

- Using consistent terms, titles, references;
- Editing prose for clarity & simplicity;
- Updating language.

B) Organizational:

- Consolidating canons or constitution provisions on overlapping topics;
- Deleting repetitive, outdated, or inappropriately narrow canons
- Grouping canons on similar themes;
- Revising the numbering format used;

- Moving certain provisions to Regulations (eg where the provision was advice to Diocesan Council which, once acted upon, would render the Canon redundant).

C) Substantive:

- Clarifying consistent principles for decision-making authority in Parishes, Diocesan Council, Synod;
- Removing most provisions which “acknowledged” or “confirmed” certain powers which exist independently of the approval of Diocesan Synod (for example, the applicability of the Canons of the General Synod);
- Establishing broader processes to enable flexibility and fairness;
- Reflecting current statutory & legal best practices.

4. Changes Not Made!

A) We have not revised the Incorporation documents; these require legislative action.

B) Within the canons/constitutions, we have also tried not to:

- Bind future parishes or synod officers to narrow current protocols;
- Shift the balance of decision-making authority;
- Constrain or eliminate specific parish practices (in all their glorious diversity!).

II. Overview of Proposed Revisions:

1. Key Proposed Housekeeping Revisions:

- Eliminating references to current names of sub-committees of diocesan council
- Eliminating particular named funds & external organizations from canons
- Eliminating references to Provincial or General Synod canons within canons
- Eliminating documentation of previous revisions and text of spent provisions
- Providing consistent definitions of key titles and offices within and preceding the relevant canons (including setting out, in Canon 1, a list of commonly-used terms and their definitions)

2. Proposed Organizational Revisions:

A) Obsolete canons removed

Provision	Why Removed?
Canon 1 – certain definitions removed (e.g. “Missionary District” and “Unit”)	No longer in usage
Canon 6 – Lay Readers	No longer in usage
Canon 16 – Ministers’ Residences	No longer reflects current practice

Canon 23 – Communications	Redundant / Unnecessary to state as a Canon
Canon 25 – Credentials Committee	Not a standing committee, so does not need to be canonical – now dealt with in Rules of Order.
Canon 29 – Grants and Loans	Redundant. Already within the powers of Diocesan Council as set out in Constitution.
Canon 40 – Marriage	Not up to the Diocese to accept or reject General Synod Canons
Canon 41 – Relinquishment and Abandonment of the Ministry	Not necessary to state that a General Synod Canon shall be operative in the Diocese – it is.
Canon 42 – Discipline	Replaced in whole with a revised Canon on the Diocesan Court with accompanying Rules of Court (proposed as a regulation)

B) Duplicate canons consolidated

Provision	Why Removed?
Canon 1 – certain definitions removed (e.g. “Missionary District” and “Unit”)	Missionary District - No longer in usage Unit – Does not belong in Canons
Canon 16 – Ministers’ Residences	No longer reflects current practice
Canon 23 – Communications	Redundant / Unnecessary to state as a Canon
Canon 25 – Credentials Committee	Not a standing committee, so does not need to be canonical – now dealt with in Rules of Order.
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Canon 41 – Relinquishment and Abandonment of the Ministry	Not necessary to state that a General Synod Canon shall be operative in the Diocese – it is.
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C) Narrow procedural canons re-filed as regulations

Provision	Why?
Canon 1491 and 1492 on Buildings and Encumbrances	Repetitive of provisions elsewhere; also, not necessary to make these requirements Canonical
Canon 2103 and 2104 on Encumbrances	See above. Canons were more in the nature of directions to Diocesan Council; as soon as the Regulation was enacted, the Canon would be redundant
Canon 30 – Mission and Ministry Funds	This has been repackaged as a general canon on “Funds” – with specific terms of reference and requirements to be set out as necessary in Regulations. In some cases (e.g. New Development Fund) previous canon was no longer applicable.

Canon 31 – Missions to Seamen	In consultation with representatives of the Mission to Seafarers we have agreed that the relationship between the Diocese and the Mission is more appropriately dealt with by a Regulation than a Canon. This is a more flexible means to respond to the needs of the Mission.
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3. Proposed Main Substantive Revisions:

- Clarifying that legal responsibility for the administration of parishes rests with the priest in charge together with the wardens and if applicable the elected trustees.
- Clarifying how the standing committees of Diocesan Council, as well as any other committees convened from time to time, exercise the responsibilities assigned to them by these canons and regulations
- Clarifying the processes for parishes in transition (merger, closure, etc), while allowing flexibility to deal with unused assets as necessary
- Modernizing the set-up, rules and procedures of the Diocesan Court to match current provincial, national, and legal practices.
- Updating Rules of Order in line with current best practices used elsewhere.

III. Our Processes for Consultation & Approval

1. Our working group has referred to other diocesan canons and constitutions from within the Anglican Church of Canada.
2. Our working group has included a leading national canon law expert, Archdeacon Alan Perry, who has provided guidance as to best practices and current thinking on these issues nationally.
3. We have consulted at various times with the Chancellor of the Diocese, Mr. George Cadman Q.C.
4. Regional diocesan consultations: March 2019
5. Report to Canons & Constitutions Committee & Diocesan Council, spring 2019
6. Diocesan Synod, May 2019
7. If necessary, additional revisions & consultations.