The second day of Synod started at 07h00 as per the Order of Business.

14. Eucharist

The Eucharistic service scheduled for 07H00 was celebrated by the respective Diocesan Bishops in the Diocesan Hubs.

15. Bible Study

As per the Agenda, a Bible Study was meant to be held in the Diocesan Hubs from 08h00/ This did however not take place as the material had not been transmitted to the Diocesan Hubs. An apology for this was tendered by the Synod Manager and material was subsequently sent to the Diocesan Hubs.

On-line registration was also opened at 08h45.

16. Re-convening of Synod

09h00 the Most Revd Dr Thabo Makgoba opened the formal sitting of the Second Session of Synod in prayer at 09h00.

17. Speaker: Dr June Dickie

The following introduction of the Speaker was made by The Most Revd Thabo Makgoba
Dr Dickie is a Bible translator with field experience in Mozambique, Nigeria, Ethiopia, and various other countries. Her interest is in biblical poetry (particularly Psalms) and their interpretation by (and application for) contemporary audiences. She has worked with psalms of praise and lament, with Zulu youth, the Coloured community, and refugees. She uses performance and psychological insights to enhance our understanding of biblical poetry.

Dr June Dickie made a presentation which challenged the church in terms of its way of being and doing church in light of the pandemic and urged us not to lose the opportunity that the crisis presents.

The presentation is attached hereto as Annexure 4.

17.1 The following questions were left to us to consider:

Questions for reflection and discussion:

1. What has the pandemic shown you is the greatest need of the people in your care?

2. What do you see as you re-imagine what “church” could be?

3. How must our structures and patterns of “being church” change so that we can renew and rebuild a church that ministers to/in our community?

4. What is the one resolve I take out of this session?

17.2 Comments on presentation:

The presentation is appreciated. It motivates us to continue in our efforts to reimagine ourselves.

Ms Funeka Ndungane (Diocese of Johannesburg) noted that the presentation reignites the need for ACSA to look at how we grow and maintain the status quo, especially during this time of Covid-19, and how we look at those who have ‘left’ the church. It was queried if Dr June can assist with parishes who have concerns about those who have left the church. Revd Skhakhane from the Diocese of Zululand enquired about the acquisition of the material for training and it was agreed that a copy of presentation would be made available.

17.3 Response by Dr June:

Dr June noted that we need to ‘take the next step’ by considering our concerns such as lack of involvement, training, etc. Most churches have identified calls that need to be continued. It was, however, acknowledged that there have been some churches lost in ‘The way forward’.

Noted that Diocese need to identify training needed and who requires such training.

17.4 Vote of thanks

The Dean of the Province, Bishop Stephen Diseko thanked Dr June for her presentation. He acknowledged the fact that the church needs to consider a decentralised model and go out to the people – where they are – on the periphery. It was noted that we require lay training to empower
and teach laity to continue ‘church’. The idea of cell groups is welcomed where we meet people where they are. The emphasis of the need for the church to empower women and young people is noted.

It was noted that if people are not coming to church, the church must go to the people. The Dean referenced “If the Mountain won't go to Mohammed, then Mohammed must come to the Mountain”.

Dr June was thanked for her work and presentation.

18. SYNOD RESUMED AT 10H00

19. DAILY ORDER OF BUSINESS

19.1 Prayers

The Lord’s Prayer was said by all after greeting by the Archbishop.

20. CONFIRMATION OF A QUORUM

The presence of a quorum was confirmed by the Registrar Mr. Lloyd Fortuin.

21. PRESENTING AND READING OF PETITIONS (RULE 22 – 25 PG. 224)

No petitions were made or read.

22. GIVING NOTICE OF MOTIONS (RULE 30(A)(III) AND (IV) PG. 226)

22.1 Ms Tebogo Molefe of Diocese of Johannesburg- Notice of Motion in terms of Rule 30 (a) (iv) regarding theological and loving response in terms of vaccination. Seconder is Bishop Raphael Hess.

22.2 Notice of Motion of Greeting – Venerable Edwin Pockpass relating to the Bishop of George. As this was a motion of a formal nature, the motion was put.

Bishop of George / Kimberley & Kuruman

1. That this Synod expresses its appreciation for the Episcopal leadership and ministry of Bishop Brian, over the last ten years, not only in the Diocese of George, but the Province

2. That this Synod congratulates the Right Reverend Brian Marajh on his election and translation to the Diocese of Kimberley and Kuruman and wishes him, his Wife Lynn, and their children well in this new endeavor.

Proposer: Ven. Edwin Pockpass

Seconder: Rev Canon Darian Petersen
This motion was carried.

22.3 Notice of Motion of Greeting – Venerable Edwin Pockpass relating to the Bishop Elect of Lesotho. As this was a motion of a formal nature, the motion was put.

Bishop of Lesotho

That this Synod:

Express its appreciation to Revd. Dr. Vicentia Kgabe for the work done as theological educator and Rector of the College of the Transfiguration.

Congratulates Revd. Dr. Vicentia Kgabe on her election as the Bishop of Lesotho and wishes her well in her new role.

Proposer: Ven. Edwin Pockpass

Seconder: Mr. Rashied Moodaley

This motion was carried.

22.3 Notice of Motion of Condolence – Venerable Edwin Pockpass relating to the death of the former Bishop of George. As this was a motion of a formal nature, the motion was put.

Death Bishop Derek Damant

That this Synod records and expresses its condolences to the family of the late Bishop Derek Damant on his passing and records its appreciation for his ministry of more than sixty years in all three orders of the church.

Proposer: Ven. Edwin Pockpass

Seconder: Ven. Rudy Laws

This motion was carried.

22.5 Notice of Motion of Appreciation- Venerable Edwin Pockpass relating to the retirement of Revd. Canon Sidwell Thelejane. As this was a motion of a formal nature, the motion was put.

Recognition of Contribution

That this Synod records and expresses its appreciation for the ministry of Revd. Canon Sidwell Thelejane at both Diocesan and Provincial level and the role he played in theological education and wish him well in his retirement.
Proposer: Ven. Edwin Pockpass

Seconder: Rev. Canon Darian Petersen

This motion was carried.

22.6 It was requested by The President, that the Resolutions Committee draft motions of condolences for other Bishops who have also died.

23. GIVING NOTICE OF QUESTIONS (RULE 28(A) PG. 225

No notices of questions were received.

24. MEASURE 5

This Measure was declared of a formal nature by the President.

As this was declared of a formal nature the proposer spoke to the principles and substantive changes as set out in Agenda Book 1.

The Principles

Whereas

1. At Synod 2016 the Canons were amended to ensure that the retirement ages of Bishops and priests are the same and that it corresponds with the retirement age in the Provincial Pension Fund Rules.

2. The retirement age of Suffragan Bishops in section 17 has not been amended as above.

3. A crisis in a Diocese could spiral out of control within a short time and might require urgent intervention. Technological developments, innovations, new forms of communications make it possible to shorten the notice and time periods.

4. The current Canons require amending, in terms of language, gender sensitivity, accessibility, format, structure and to reflect the Missional intent of our Province.

THE PROPOSAL

Synod resolves

1. To amend section 17 to be consistent with the retirement age of the Rules of the Provincial Pension Fund.
2. To amend section 12 (c) by reducing three months' notice to two weeks.
3. To amend the current section 17 in terms language, format, gender sensitivity and structure.

Proposer: The Revd Forbes Maupa

Seconder: The Revd Canon Vernon Glenn Foster

Canon 10

Of Bishops Suffragan, Regional or Area Bishops and Assistant Bishops

1. Appointment of Bishops Suffragan

The simultaneous or separate appointment in any Diocese of Bishops Suffragan or additional Bishops Suffragan and the filling of any vacancy in the office of any Bishop Suffragan may be authorised and effected in accordance with the following provisions, which shall apply in respect of each Bishop Suffragan to be appointed, save that in the case of the Bishop of Table Bay these provisions shall be subject to the relevant provisions of Canon 5.

2. Application for a Bishop Suffragan

[a] The office of a Bishop Suffragan in any Diocese shall not be created except with the approval of the Synod of Bishops.

[b] Whenever the Bishop of any Diocese shall deem it necessary for the good of the Church that the office of a Bishop Suffragan should be created in the Diocese, it shall be competent for the Bishop, after receiving the concurrence of Diocesan Synod by resolution, to make application to the Synod of Bishops for its approval for the creation of the office of such Bishop Suffragan.

[c] Such application shall specify the powers, authorities and duties which it is proposed to give to such Bishop Suffragan and the territorial or other sphere of responsibility in which it is proposed that the Suffragan Bishop shall exercise the episcopal office.

3. Consideration by the Synod of Bishops

[a] On receiving the application, the Synod of Bishops shall consider the pastoral needs of the Diocese and whether it is preferable that the Diocese should be divided or limited rather than that the proposed Bishop Suffragan should be appointed.

[b] The Synod of Bishops shall also satisfy itself that adequate provision has been made for the maintenance of the proposed Bishop Suffragan.

[c] The Synod of Bishops shall either grant or withhold its approval for the appointment of a Bishop Suffragan.
4. Procedure in the event of vacancy

[a] No vacancy in the office of a Bishop Suffragan in any Diocese shall be filled except with the approval of the Synod of Bishops.

[b] If the Bishop of a Diocese shall desire to fill a vacancy in the office of a Bishop Suffragan in the Diocese, the Bishop shall make a fresh application to the Synod of Bishops for authority to fill such vacancy.

[c] It shall be competent for the Synod of Bishops, if it so desires, to ask for the views of the Diocesan Synod expressed in a resolution to be placed before it before deciding upon any such application.

5. Method of election of a Bishop Suffragan

a) In a Diocese in which the creation of the office of a Bishop Suffragan, or the filling of a vacancy in the office of a Bishop Suffragan, has been approved by the Synod of Bishops in accordance with the provisions of this Canon, a Bishop Suffragan to be appointed to such office or to fill such vacancy shall be elected in the same manner as is provided in Canon 4 for the election of a Diocesan Bishop, mutatis mutandis.

b) The mandate to summon the Elective Assembly shall be sent to the Bishop of the Diocese, who shall then fulfill the duties assigned to the Dean in terms of sections 8, 9, and 10 of Canon 4 Of Election of Bishops.

c) The Bishop of the Diocese shall determine which of the names submitted in terms of section 11(a)(ii) of Canon 4 are to be brought to the notice of the Advisory Committee, and the Bishop may add names of the Bishop's own choice.

d) The Bishop of the Diocese, if available, shall preside over the Advisory Committee and the Elective Assembly. In the event of the death of the Bishop of the Diocese after the Assembly has been summoned, or if the Bishop is unable to act in terms of this Canon, the Summons shall lapse.

6. Confirmation and Consecration

The Confirmation of the election of a Bishop Suffragan and the Consecration, (if the Bishop Suffragan is not already consecrated,) shall be conducted in the same manner as is provided in the case of a Bishop elected to fill a vacant see.

7. Standing of Suffragan Bishop

(a) Recognition as Bishop of the Province

A Bishop Suffragan shall be recognized under Article XXIV 3 of the Constitution as a Bishop of the Province.

(b) Rights in Provincial Synod and Synod of Bishops
A Bishop Suffragan shall have a seat in the Provincial Synod and shall be a member of the House of Bishops in such Synod, where the Bishop Suffragan shall be entitled as such to vote both in Provincial Synod and in the House of Bishops.

(c) Right to vote and to speak

A Bishop Suffragan shall have the right to be summoned to, and to speak and vote at, the Synod of Bishops.

8. Rights in Synod of Diocese

A Bishop Suffragan shall be a member of the House of Bishops in the Synod of the Diocese in which the Bishop Suffragan has been appointed and as such entitled to vote both in the Synod and the House of Bishops; provided that in a Diocese in which a Bishop Suffragan is appointed, the Bishop of the Diocese shall have both a deliberative and a casting vote in the House of Bishops. No Bishop Suffragan shall however, by virtue of the office as such, be the Senior Priest of the Diocese.

9 (a) Commission

A Bishop Suffragan shall hold the Commission of the Bishop of the Diocese and the successors, and during any vacancy of the See, that of the Metropolitan, for the powers, authorities, duties and responsibilities which were specified in the application to the Synod of Bishops for the creation of the office, which powers, authorities, duties and responsibilities shall be stated in such Commission. The said Commission shall not be withdrawn, save as is provided in sections 11 to 15 of this Canon, nor shall the said powers, authorities, duties or responsibilities be altered, save with the consent of the Bishop Suffragan or the authority of the Synod of Bishops given after hearing any representation which the Bishop of the Diocese and the Bishop Suffragan may wish to make on the matter.

9 (b) Regional or Area Bishops

A Bishop Suffragan holding a Commission with Episcopal responsibility for a designated geographical region or area within a Diocese under the authority of the Diocesan Bishop shall be known as a Regional or Area Bishop. However, a Bishop Suffragan shall have all the rights and obligations of a Bishop Suffragan in terms of this and the other Canons, and any withdrawal or alteration of the Commission shall be affected in accordance with the provisions of sub-section (a).

10. Subject to Diocesan Bishop

A Bishop Suffragan shall be subject to the authority of the Diocesan Bishop in all matters of policy, doctrine and discipline, and if aggrieved by any decision or direction of the Diocesan Bishop in regard to the aforesaid matter, the Suffragan Bishop) shall have the right of appeal to the Synod of Bishops provided in section 9, the terms whereof shall apply so far as is relevant, to such appeal.
11. Withdrawal of Commission

Notwithstanding the provisions of section 9, if a new Diocesan Bishop shall be appointed in a Diocese in which a Bishop Suffragan is appointed, such new Diocesan Bishop may, with the authority of the Synod of Bishops given after hearing any representations which the Diocesan Bishop and the Bishop Suffragan may wish to make on the matter, withdraw or alter the Commission of such Bishop Suffragan for any good cause shown to the Synod of Bishops.

12 (a) Residence

A Bishop Suffragan shall reside within the Diocese unless, upon the ground of ill health or other important considerations, it should for a time be undesirable; and of such exceptional circumstances the Bishop of the Diocese or failing the Bishop, the Metropolitan, shall judge.

(b) Absence

No Bishop Suffragan shall be absent from the Diocese except for duty, without the consent of the Bishop, or failing the Metropolitan.

(c) Notice to return

In the event of a Bishop Suffragan being absent from the Diocese, except for duty, without the consent required in terms of section 12(b) of this Canon, it shall be competent for the Bishop of the Diocese to give the Bishop Suffragan two weeks' notice in writing to return to the Diocese, and should the Bishop Suffragan fail then to return timeously, the Bishop of the Diocese may, with the consent of the majority of the Diocesan Bishops, withdraw the Commission of such Bishop Suffragan.

13. Unsound mind

In the case of a Bishop Suffragan being of unsound mind, it shall be competent for the Bishop of the Diocese (or failing the Bishop, the Metropolitan), with the consent of most of the Synod of Bishops, to withdraw the Commission of such Bishop Suffragan:

(a) upon being certified of the fact by such medical and other testimony as is required by the law of the country in which the Diocese of such Bishop Suffragan is situate[d], and

(b) after receiving such medical and other testimony as the Bishop Suffragan may desire to submit,

14. Revocation of Commission

Upon the representation to the Metropolitan of at least three Diocesan Bishops and after due consideration by the Synod of Bishops of any representations which the Bishop Suffragan and the Diocesan Bishop may wish to make, the Commission of the Bishop Suffragan may be revoked by the Diocesan Bishop (or failing the Bishop's agreement by the Metropolitan) if at least two-thirds of the Synod of Bishops decided that the Bishop Suffragan is no longer able to discharge adequately the duties of the office.
15. **Provision to be made**

The Synod of Bishops shall not authorize any withdrawal of the commission of a Bishop Suffragan without first being satisfied that the Suffragan Bishop will be adequately provided for in some way.

16. **Resignation**

(a) **If a Bishop Suffragan shall desire to resign** the commission, the Suffragan Bishop shall send the resignation to the Bishop of the Diocese (or failing the Bishop, the Metropolitan) in writing. The Bishops of the Province shall judge whether the resignation should be accepted.

(c) **The provisions of the last foregoing sentence of section 16(a) shall not apply when a Bishop Suffragan is elected as Bishop of a Diocese or so appointed by a delegation made in terms of sections 12 (i) or (v)] of Canon 4 of the Election of Bishops.**

17. **Retirement**

Every Bishop Suffragan shall, at the end of the month in which the Suffragan Bishop attains the normal retirement age as defined in the rules of the Provincial Pension Fund, tender a letter of resignation to the Bishop of the Diocese (or failing the Diocesan Bishop the Metropolitan), who, may either accept it or, upon the request of the Bishop Suffragan and after consultation with the Chapter of the Diocese concerned, extend the tenure of office for a period or periods not exceeding 12 months in each instance.

18. **Assistant Bishops**

The title of Assistant Bishop may be conferred upon a bishop holding special Letters of Appointment issued by a Diocesan Bishop. Assistant Bishops shall have no right to be summoned to meetings of the Synod of Bishops and their Letters of Appointment shall in no way confer any new canonical rights upon them.

19. **Dean of the Province may act**

The functions assigned to the Metropolitan in this Canon shall, in the event of the Metropolitan coming under its provisions, be exercised by the Dean of the Province, and if the Dean is unable to act or the office of the Dean is vacant then the provisions of section 3 (d) of Canon 2 shall apply.

*The Measure as amended was put by the proposer for final approval. The Measure with amendments was carried.*

**Proposer:** Mr. Donald Mampa

**Seconder:** The Revd Canon Vernon Glenn Foster

Synod adjourned for tea from 10h30 to 11.
26. MEASURE 6

Canon 11

OF RESIDENCE OF DIOCESAN BISHOPS

The Principles

1. **Whereas** the current Canons require amending, in terms of language, gender sensitivity, accessibility, format, structure and to reflect the Missional intent of our Province.

2. The Canon as it presently stands in Section 4, provides for a period of absence of six months without permission and then requires a further three months’ notice period before the Metropolitan can act.

3. A crisis in a Diocese could spiral out of control within a short time and might require urgent intervention. Technological developments, innovations, new forms of communications make it possible to shorten the notice and time periods.

THE PROPOSAL

Synod resolves

1. To amend section 4 by requiring that after a month’s absence without permission be sufficient time for the Metropolitan to act.

2. To amend Section 4 by reducing the current three months’ notice to two weeks.

3. To amend the current Canon in terms language, format, gender sensitivity and structure.

**Proposer:** Bishop Victor Mnculwane

**Seconder:** Mrs Susan Williams

Canon 11

OF RESIDENCE OF DIOCESAN BISHOPS

1. **Residence of Bishop**

Every Bishop appointed to the charge of a Diocese shall reside within the Diocese unless, upon the ground of ill-health or other important considerations, it should for a time be undesirable; and
of such exceptional circumstances the Metropolitan and the majority of Diocesan Bishops shall judge.

2. Consent for Absence

No Bishop shall be absent from the Diocese without the consent of the Metropolitan, nor the Metropolitan from the Province, without the consent of two Diocesan Bishops.

3. Appointment of Vicar-General

(a) No bishop shall be absent from the Diocese for more than six weeks without appointing a Vicar General with authority to administer the Spiritualities of the Diocese and to maintain discipline according to the Canons of the Church.

(b) If in the opinion of the Bishop access by the Vicar General to a portion or portions of the Diocese is difficult or impossible, the Bishop shall be permitted to appoint an additional Vicar General to each such area of the Diocese so affected. The separate area or areas of each Vicar General is to be specified in each appointment. Where more than one Vicar General has been appointed, the Bishop shall designate one of them as the senior Vicar General.

(d) If a bishop shall be absent from the Province for more than twelve month's the bishop] shall be bound to make due provision for Confirmations and Ordinations within the Diocese.

4. Absence without consent

In the event of a Bishop being absent from the Diocese for one month without the consent required by this Canon, it shall be competent for the Metropolitan to give the bishop two weeks' notice to return to the Diocese. Should the bishop fail to return after receipt of the above notice, the Metropolitan may, with the consent of most of the Diocesan Bishops, declare the See vacant.

5. Absence of Metropolitan

The functions assigned to the Metropolitan in the preceding section of this Canon shall, in the event of the Metropolitan coming under the operation of its provisions, be exercised by the Dean of the Province and if the Dean is unable to act or the office of the Dean of the Province is vacant then the provisions of section 3(d) of Canon 2 shall apply.

26.1 Comments and questions:

Diocese of Pretoria Bishop - Queried the drastic change to the time

Diocese of Mthatha – noted that the time is of concern from three months to two weeks. It was noted that steps are required to note communication with the person. Two weeks would be problematic in this regard.

Ms Ndungane (Diocese of Johannesburg) - RE Diocese of Mthatha lengthening the two weeks – noted that if written confirmation of efforts to contact an individual, the period can be extended if there has been proof of communication with the individual and only through extenuating circumstances.
The President noted that queries on the Proposal shall be discussed at Committee of Synod.

Primary motivation is that we do not post letters but technology has improved communication efforts.

26.2 The proposer put The Principles for approval. Voting on the Principles was carried.

26.3 This Measure was put on the agenda for Committee of Synod. An amended Measure will be discussed at a later time during Synod.

12H00 MIDDAY PRAYERS LEAD BY THE DIOCESE OF FALSE BAY

12H05 The business of Synod continued

27. MEASURE 6

-Canon 27

OF VESTRIES

27.1 The President declared this motion of a Formal Nature.

27.2 The Deputy Chancellor, Adv Ewald De Villiers Jansen explained that the Measure allows the Archbishop or Diocesan Bishop to introduce measures to convene vestry meetings that are not in person in circumstances like we just experienced with the advent of the COVID-19 pandemic, so that the functioning of the church is not interrupted.

CANON 27

Of Vestries

The Principles

Whereas

1. Canon 27 of the Constitution and Canons of the Anglican Church of Southern Africa (Constitution and Canons of ACSA) requires:

(a) Parishioners to meet annually in vestry not later than 15 March;

(b) Whenever required under the Canons, or by the rules of the Diocese;
(c) When convened from time to time by those authorized to do so by section 7 of Canon 27 either of their own motion, or if directed thereto by the Bishop or Archdeacon, or by requisition of the parishioners when they are permitted to do so by the rules of the Diocese and then to the extent therein permitted.

2. In the face of the world-wide corona virus pandemic, the Government of the Republic of South Africa declared a national state of disaster. To eliminate or limit the spread of the virus, it passed regulations which amongst other things, placed a limitation on the number of persons who may attend services and gatherings at faith-based institutions. The limitations imposed by the regulations may affect the number of parishioners who may attend vestries, thereby not giving effect to Canon 27.

3. It may be necessary, or desirable, for parishioners to meet in vestry in numbers which do not give effect to Canon 27.

4. It is necessary to amend Canon 27 to provide for future situations and emergencies of the nature encountered during the pandemic, but not limited to it.

5. The current Canon require amending, in terms of language, format and structure.

THE PROPOSAL

Synod resolves

1. To add a new section namely, Canon 27(1)(d) to Canon 27(1) reading:

"in accordance with any directions given by the Archbishop, or the Archbishop's nominee, alternatively, by the Diocesan Bishop, or the Diocesan Bishop's nominee, in circumstances (such as a national state of disaster) when vestry cannot be convened in accordance with the provisions of paragraphs (a) to (c) above."

2. To amend the current Canon in terms language, format, gender sensitivity and structure.

Proposer: Bishop Margaret Vertue

Seconder: Bishop Ebenezer Ntali

Canon 27 - Of Vestries

1. Meeting of Vestry of Parish

The Parishioners of the parish shall meet in vestry (saving that where geographical conditions make the presence of all confirmed parishioners impracticable, the Diocesan Synod shall lay down such regulations as shall ensure representation of all congregations in the Parish):

(a) at least once every calendar year not later than the 15 March;
(b) whenever required under these canons or by the rules of the Diocese;

(c) when convened from time to time by those authorized to do so by section 7 of this canon either of their own motion or if directed thereto by the Bishop or the Archdeacon, or by requisition of the parishioners when they are permitted to do so by the rules of the Diocese and then to the extent therein permitted.

3. Meetings of Vestry Chapelries

Subject to the provisions contained in section 1 above, where chapelries have been established in any pastoral charge in accordance with the provisions of section 4 of canon 23 Of Pastoral Charges, the parishioners thereof, being of an age of 18 years and upwards shall meet in vestry to elect chapelwardens as required in canon 29 Of Churchwardens and Chapelwardens, and for the exercise of such functions and the transaction of such business in relation to the chapelry as the rules of the Diocese may allow, but this shall in no way diminish their rights as full members of the parish vestry.

6. Parochial accounts

Subject to any directions given to parishes and chapelries as contemplated in section 1 (d) of this Canon, proper accounts of all parochial finance shall be presented at the vestry held in terms of section 1 of this Canon and at every other vestry called to elect a Churchwarden or Chapelwarden]and shall be accepted by the meeting before such election takes place.

7. Notice of Vestry Meetings

Meetings of vestry shall be convened by notice given in writing, signed by the incumbent and by the churchwardens. In the absence or incapacity of any one or more of them, the signature or signatures required in each case shall be that of a person or persons appointed by the Bishop or Archdeacon.

[a] Subject to any directions given to parishes and chapelries as contemplated in section 1 (d) of this Canon, such notice shall state the place, date, time, and objects of the meeting, together with, for the annual Vestry meeting, a statement of the functions of the Vestry as set out in section 5 of this Canon, and shall be affixed to the notice board of all licensed places of worship in the pastoral charge at least seven [7] days before the day appointed for the meeting.

[b] Shall where possible, be read during divine service prior to the day of the meeting.

[c] The incumbent or his deputy shall preside over each meeting of the Vestry, failing which a chairperson chosen by the meeting shall preside.

[d] No business other than that stated on the notice calling the meeting shall be transacted, except with the consent of the chairperson.

[e] During a vacancy of a Pastoral Charge and at other times when the Bishop or the Archdeacon deems it necessary, or some person appointed by either, shall preside at Vestry meetings.

Proposer: Bishop Margaret Vertue
Seconder: Bishop Ebenezer Ntlali

27.3 The proposer put the Measure for final approval.

27.4 The Measure was carried, being of a formal nature.

28. MEASURE 7

CANON 27 –

OF VESTRIES

28.1 The Principle:

1. The concept of parish boundaries within which people lived and worshipped is an historic one dating back to local church and community governance in the Church of England; residing within a parish entitled (and still entitles) residents to certain rights at their local parish church, including burial, marriage, and some degree of say as to membership of the local parish council;

2. This is not the case in our southern African context;

3. Membership of the Anglican Church is defined in Article XXIV (10) of the Constitution of ACSA, in relation to eligibility in provincial governance structures; and in Canon 27 Of Vestries, 2 (a) and 2 (b) in relation to membership of a local parish and eligibility to participate in vestries;

4. Canon 27.4 links the idea of parish boundaries and a parish roll. It says "No person ordinarily resident outside the limits of the Pastoral Charge shall be entitled to vote at Vestry meetings until individual application has been made to the Incumbent to be entered in the register of parishioners and such name shall have been registered".

5. The history of many of our communities, the inter-connectedness of our towns and cities, and different styles of worship, has resulted in people choosing to worship at a particular parish church, notwithstanding the fact that this is not their local or their nearest parish church;

28.2 The Proposal:

Synod resolves

To amend Canon 27.4, to read as follows:
Voting and speaking rights at Vestry meetings shall be confined to those individuals whose names are on the register of parishioners.

**Proposer:** Bishop Charles May

**Seconder:** Bishop Margaret Vertue

### 28.3 Discussion

28.3.1 Bishop Raphael noted that the issue of someone voting at Vestry relies on the administration of the church being accurate that cannot be guaranteed.

28.3.2 Deputy Chancellor, Adv Ewald De-Villiers Jansen— the proposed amendment is to limit the right to vote to members who appear on the register of the parish. The existing Canon is read as such. This puts the responsibility of the parishioner to ensure their name is on the register. Thus, no need for amendment to Canon 27(4).

28.3.3 Chancellor, Judge Ian Farlam: The early part of Canon 27 notes that the only people who can partake in vestry are parishioners. This proposed amendment read with Canon 27(4), the amendment changes nothing, but rather reinstates what is already in the Canon.

28.4 The President noted that this measure be retracted.

28.5 Withdrawal of Measure 7 proposed by Bishop Raphael and Seconded by Mr K Thiba

28.6. It was voted on and carried that the Measure be withdrawn.

### 29. Measure 8

**CANON 28**

Of Parish Councils

29.1 The Principles:

**Whereas**

1. The restrictions imposed by Covid-19 might make it impossible or very difficult for Parishes to hold Vestries. Therefore, provision should be made for such pandemics, now and in the future, for alternative methods to ensure Canonical compliance and effective administration and governance of Parishes.

2. Canon 28 requires: that a parish council shall be elected in every pastoral charge at Vestry held in terms of canon 27(1)(a).
3. In the face of the world-wide corona virus pandemic, the Government of the Republic of South Africa declared a national state of disaster. To eliminate or limit the spread of the virus, it passed regulations which amongst other things, placed a limitation on the number of persons who may attend services and gatherings at faith-based institutions. The limitations imposed by the regulations may affect the number of parishioners who may attend Vestries, thereby not giving effect to Canon 27.

4. It may be necessary for parishioners to meet in Vestry in numbers which do not give effect to Canon 27. It is necessary to amend Canon 27 to provide for future situations and emergencies of the nature encountered during the pandemic, but not limited to it. Given the necessity to amend Canon 27, it is necessary to amend Canon 28 in accordance with Canon 27.

5. The current Canon require amending, in terms of language, format and structure.

29.2 THE PROPOSAL

Synod resolves

1. To amend Canon 28 as set out hereunder;
2. To amend the current Canon in terms language, format, gender sensitivity and structure.

Canon 28

OF PARISH COUNCILS

1. When Elected

[a] A Parish Council shall be elected in every Pastoral Charge at the Vestry held in terms of section 1 (a) of Canon 27 Of Vestries or, in Pastoral Charges with many congregations, at such meetings as shall be determined by the Synod of each Diocese.

[b] A parish council shall be elected in every pastoral charge at the Vestry held in terms of section 1(a), [unless directed otherwise as contemplated in section 1 (d) of Canon 27 Of Vestries] or, in pastoral charges with many congregations, at such meetings as shall be determined by the Synod of each Diocese.

2. Members of Council

[a] The Council shall consist of the Incumbent, the assistant Clergy[mens] [persons] and the full-time stipendiary lay ministers licensed to the Parish, the Churchwardens, the alternate Churchwarden (if any), and elected Parish Councillors who shall be Communicants. The number of such Councillors shall be determined by the Vestry, and shall not be less than five, except with the consent of the Archdeacon.
3. **Vacancies and co-operation**

The Council shall have power to fill casual vacancies and to co-opt [...] [however,] co-opted members shall have power to speak but not to vote.

4. **Functions of Council**

The functions of the Council shall be:

(a) to consider matters affecting worship, evangelism, education, social responsibility, the environment and pastoral care, to examine the needs of the community, and to initiate such action as shall be determined in any of these concerns;

(b) to consider the general welfare and accommodation of all licensed clergy and, where applicable, their families and dependents, and to take such action as they may deem necessary;

(c) to seek at all levels such contact with other Christians as shall strengthen Christian witness and promote Christian unity;

(d) to have direction and control of the properties and revenue and expenditure of the Parish, subject to Articles XVIII and XIX of the Constitution, the Canons of the Province, and the Rules of the Diocese in which the Parish is situated:

(e) to receive, consider and approve the estimates in respect of each financial year;

(f) to receive and act upon all matters referred to it by the Bishop, the Diocesan Synod and other competent bodies.

5. **Reference to Bishop**

Where differences of opinion may hinder the work of the Council the matter may be referred by the Incumbent, the Churchwardens, or by any three members to the Bishop.

6. **Conduct**

Where the Incumbent or Archdeacon perceives that the life and conduct of a Churchwarden, Alternate Churchwarden or Parish Councillor is inconsistent with that office, [he] [the Incumbent or Archdeacon] may refer the matter to the Bishop, who shall, after further enquiry and giving that person an opportunity to be heard, have the power to dismiss or suspend for a period, the person from office. The Bishop may refer this matter to [a] Diocesan Tribunal.
7. Regulations

Regulations [with regard to the] [regarding] election of members, the frequency of meeting and the conduct of business shall be determined by the Synod of each Diocese.

Proposer: Mr. Donald Mampa

Seconder: Ms Kholeka Saule

29.3 Discussion

The Diocese of Pretoria rose on a point of clarity with regards to Measure 8 proposer. The agenda book notes Mr Donald Mampa but The President noted Mr Mampa and this was corrected. Mr Donald Mampa highlights that in the Charge to Province the Archbishop notes the challenges of the church during this time of pandemic. The principle of this Measure speaks to those challenges. Thus, necessary for canon 21 be amended to impose limitation on Canon 28 in accordance with Canon 27.

29.4 The proposer put the Measure for final approval.

29.5 The Measure was carried.

30. MEASURE 9

CANON

Of Parish Councils

30.1 THE PRINCIPLE:

Whereas

1. The Financial Intelligence Centre Act 38 of 2001 (FICA) requires accountable institutions, such as banks, insurance businesses, and investment advisers to establish and verify the identities of their clients.

2. A written constitution or similar founding document is usually requested by such accountable institutions as proof of identity.

3. The officers of Pastorals Charges often have difficulty in providing satisfactory proof of identity in the ordinary course of business with accountable institutions;

30.2 THE PROPOSAL

Synod resolves
1. Take all such steps as may be required to facilitate the transaction by Pastoral Charges of their affairs, and their compliance with financial regulations.

2. Request, through the office of the Archbishop, the Anglican Canon Law Council of Southern Africa (ACLCSA) to explore the use of a parish constitution; such constitution to be in accordance with the Constitution and Canons of ACSA, as well as the provisions of the Income Tax Act that relate to Public Benefit Organizations (PBOs).

Proposer: Adv Mancha Manaka

Seconder: Mrs Sylvia Ellick

30.3 DISCUSSION

The President consulted with the legal team, and it was recommended that this measure should instead be presented as a motion to Synod.

30.4 The proposal was put to the Proposer and Seconder (who advised that she preferred to be addressed as Ivy) and they accepted the recommendation.

30.5 The proposal was put and accepted by all.

31. MEASURE 10

CANON 42

OF TRUSTS

31.1 THE PRINCIPLES

Whereas

1. ACSA has abandoned the position and title of Provincial Secretary.

2. The Treasurer and Assistant Treasurer are officials of ACSA and are licensed positions which falls within the realm of the responsibilities of the Metropolitan. Thus, these appointments are best placed under Canon 44.

3. The requirement that the Treasurer provide security for the due performance of the functions is outdated.

4. The Canon must be amended in terms of language, format, gender sensitivity and structure.

5. The king V recommendations on good governance imply that the functions of the trusts Board and Finance Boards in dioceses should be separated.
31.2 THE PROPOSAL

Synod resolves

1. To amend the current Canon 42 (5) to delete the title and position of Provincial Secretary.

2. Section 5 is amended to concur with Canon 44.

3. To amend the Canon in terms of language, format, gender sensitivity and structure.

Proposer: Ms Kim Williams

Seconder: The Ven Nkopa Mafereka

CANON 42

Of Trusts

1. Provincial Trust Board
   [In terms of the Constitution] there shall be a Provincial Trusts' Board for the purpose of exercising powers on behalf of the Provincial Synod for the management, control, and disposal of property.

2. Constitution

   This Board shall consist of the Metropolitan and other diocesan bishops, and the Registrar of the Province [or one of the Deputy Registrars], as ex officio members, one clerical and two lay members elected by their Houses in the Provincial Synod, and one lay member nominated by the Provincial Pensions Board, who shall hold their office until the next session of the Provincial Synod. Provided that the lay member nominated by the Provincial Pensions Board may appoint an alternative representative to represent the member at any meeting of the Provincial Trusts' Board at which the member is unable to be present, and such Alternative Representative shall have the right to speak and vote at such meeting.

3. Bishops' Commissaries

   (a) Every bishop who is a member of the Board shall be entitled to appoint a special commissary to attend all or any meetings of the Board. Such commissary shall have the same powers at such meetings as the other members of the Board.

   (b) Apart from the Metropolitan (or commissary), there must at any time be at least three other diocesan bishops who have no commissaries, plus the commissaries and the permanent invitees referred to in section (f). Such a meeting shall constitute a meeting of the Board, provided there is a quorum of not less than eight, including the permanent invitees.

   (c) A commissary may be appointed to that office by more than one diocesan bishop. On occasions when the diocesan bishop or bishops concerned have not themselves attended a Board meeting, the commissary shall report on that meeting directly to the absent bishop or bishops, by way of a report or copy of the minutes or both. However, a commissary shall attend Board meetings even if the appointing bishop is also present; nevertheless,
in such a case the costs of attendance of an attending bishop who has a commissary shall be borne by the diocese concerned.

(d) Commissaries shall be confirmed communicants of this Church and should, ideally and to the extent possible, between them each have skills, expertise or learning in relation to one or more of immovable property matters, finance, accounting, law, governance and administration.

(e) The Metropolitan, or Metropolitan's commissary or deputy, if so chosen, shall chair each Board meeting.

(f) The Provincial [Executive Officer and] Treasurer [Secretary], or [their deputies] [deputy], shall attend each Board meeting as permanent invitees and arrange for minutes to be taken.

(g) All diocesan finance or trusts boards, whichever is responsible for the finances of a diocese, shall furnish to the Board (a) copies of their annual draft and audited financial statements as soon as they are available to them, together with (b) reports of their stewardship over the year covered by the financial statements and of their stewardship plans for the succeeding years.

(h) In any case of need the Board may withdraw, in part or in whole, the powers delegated to a Diocesan Synod or Diocesan Trusts' Board in terms of section 12(a) of this Canon and make alternative arrangements for the due exercise of such withdrawn powers.

4. **Chairperson**

The Metropolitan shall chair the Board. In the absence of the Metropolitan the Board shall elect its own chairperson.

5. **Secretary and Treasurer [and Assistant Treasurer]**

[A secretary and Treasurer shall be appointed] [The Provincial Treasurer and Assistant shall be appointed by the Metropolitan, after consultation with the diocesan bishops and Provincial Trust Board. The Treasurer and Assistant Treasurer] [the Board, subject to removal, as ex official Provincial Secretary and Treasurer of the Board who] shall be responsible to the Board for the due custody of all provincial moneys, the keeping of proper books and accounts, the attendance at, and the keeping of proper records of, all meetings of the Board, as well as attending to all financial and secretarial matters connected with the said Board, and such other duties as the Board shall from time to time require. [The secretary and treasurer shall be required to give such reasonable security for the due performance of such duties as the Board may from time to time consider necessary]

6. **Quorum**

The presence of not less than eight members of the Board as provided for in Section 3(b) of this Canon, shall be necessary to constitute a quorum. For the exercise of any of the powers vested in the Board, the signature of the Metropolitan or Commissary, of the Registrar or one of the Deputies of the [Registrar] of the Province, [So the Secretary for the time being,] and of one other member of the Board, shall be always necessary.
7. **Vacancies**

In case of a vacancy in the office of either of the two members elected by the Provincial Synod, the Board shall appoint a person to the vacant office until the next session of the Provincial Synod.

8. **Powers**

(a) The powers belonging to the Provincial Trusts’ Board shall be those designated in Articles XVIII and XIX of the Constitution and in the several clauses of Schedule A, annexed thereto, as belonging to a Board authorised to act on behalf of the Provincial Synod.

(b) Pursuant to clause 9 of Schedule A, the Provincial Trusts’ Board is empowered to invest:

(i) in stocks and fully paid-up shares (including rights to acquire such shares) in any body corporate;

(ii) in futures, options or any other derivative investment instruments, provided that the extent of such investments in relation to each portfolio is within the limits established from time to time by the Provincial Trusts’ Board, which shall be ratified annually by Provincial Standing Committee;

(iii) for investment purposes, in the purchase and/or development of immovable property within the Province of Southern Africa;

(iv) for ecclesiastical purposes, in loans to dioceses for the purpose of the purchase and development by such dioceses of immovable property within these dioceses, at an interest rate on such loans which shall not be lower than a rate fixed for this purpose by the Provincial Trusts’ Board from time to time, and,

(v) in banks and building societies provided that no such investment under points (i), (ii) and (iv) shall be made unless they have been approved by recognised investment advisers.

9. **Scope**

The Provincial Trusts’ Board shall exercise all the aforesaid powers with reference to the endowments of the several bishoprics (as soon as these endowments can be transferred to its charge) and to all other property given or acquired for the benefit of the Church of this Province which may be entrusted to it.

10. **Reports of Provincial Synod**

The Provincial Trusts’ Board shall lay before the Provincial Synod at every session, whether ordinary or special:

(a) Report of Proceedings;

(b) Return of Stock and Capital of every kind belonging to the trusts under its direction, and

(b) A Certified Copy of the Minutes, except such parts as contain mere matters of detail.
11. **Subcommittees**

The Provincial Trusts’ Board shall set up such subcommittees as are necessary to care for specific assets of the Anglican Church of Southern Africa and thus help in the fulfilment of Canon 42.10(b).

12. **Diocesan Trustees**

(a) Every Diocesan Synod, or Diocesan Trusts’ Board appointed by such Synod, shall be the body authorised to exercise, on behalf of the Provincial Synod as delegated from the Provincial Trusts Board, the powers designated in Articles XVIII and XIX of the Constitution and in the several clauses of Schedule A, annexed thereto, in respect of property given or acquired for the benefit of the Church in that Diocese. The delegation of the powers of the Provincial Trusts Board referred to in Canon 42.1 shall automatically pass from the transferring Diocesan body to the transferring Diocesan body upon the transfer of any district from one to the other, or upon the creation of a new Diocese out of one or more existing Dioceses, or upon any alteration of any Diocesan limits.

(b) Pursuant to clause 9 of Schedule A, diocesan trustees are empowered to invest in accordance with section 8(b) of this canon: provided that the investment advisers shall have been approved by the Provincial Trusts’ Board; provided further that diocesan trustees obtain the prior written permission of the Provincial Trusts’ Board in respect of each investment in futures, options and other derivative investments instruments referred to in section 8(b)(ii) and that any such investments be made subject to such limits as may be imposed in loans by the Provincial Trusts’ Board, and provided further that investments in loans to dioceses in terms of section 8(b)(iii) shall at no time exceed such percentage of the total investment held by such trustees as may be determined by the Provincial Trusts’ Board.

13. **Methods**

All diocesan trustees shall carry out the objects of the trust in such manner, not inconsistent with the terms of the trust, as the several Diocesan Synods shall from time to time direct.

**General Directions 14. Basis for Trust Deeds**

Every trust deed formed and administered under the direction of any Synod, board, committee, or other body, acting on behalf of the Provincial Synod, shall refer to the Constitution or Deed of Association of the Anglican Church of Southern Africa as the basis of the trust.

15. **Auditors and Bye-laws**

Every Synod, board, committee, or other body, acting on behalf of the Provincial Synod as aforesaid, shall appoint auditors for the trusts in its charge, and generally will have power to make, and shall make, all rules and bye-laws which may be necessary to give full effect to all the provisions of the Constitution affecting the trusts under its management.
16. **Rules**

The following rules shall be applicable to all trusts under which property for the benefit of the Church of this Province is, or may be, held on behalf of the Provincial Synod:

(a) **Leases**

Any trustee or trustees, if so empowered by the Synod, board, committee, or other body by which a trustee may have been appointed, may lease property on such terms as shall be agreed upon between the lessors or lessor and the lessee, the proceeds arising from such leases to be applied under the direction of the Provincial Synod, or of the Synod, board, committee, or other body acting in its behalf, to the purpose contemplated in the trust.

(b) **Hypothecation**

Any trustee or trustees, if so, empowered by the Synod, board, committee, or other body by which a trustee may have been appointed, may raise money on the security of, and mortgage, any property held by such trustee or trustees.

(c) **Application of Funds**

The money so raised, or the proceeds of such mortgage, shall be applied to the purpose contemplated in the trust upon which the property is held, provided always that this rule shall not apply to any property where the trust upon which the same was transferred prohibits the raising of money thereon or the mortgage thereof, nor to any property which has been consecrated or on which there has already been erected a consecrated church.

(d) **Regulations**

The Provincial Trusts' Board shall, after consulting the various Diocesan Trusts' Boards in the Province, draw up, and may from time to time amend, rules and regulations for the guidance of Provincial and Diocesan Trusts' Boards in matters relating to the mortgaging of Church properties, provided always that provincial and diocesan trust funds shall not be lent on the security of diocesan or parochial property.

17. **South African Tax** The Provincial Trusts' Board and each Diocesan Trusts' Board of a diocese wholly or partially within the Republic of South Africa shall ensure that, at all times whilst the Province and each Diocese in question are registered by the commissioner of the South African Revenue Service as public benefit organisations in terms of section 30 of the South African Income Tax Act (58 of 1962) as amended, the Province and Dioceses respectively abide by the provisions of Act XIX, as may be amended by the Commissioner from time to time.

31.3 **Amendment to the Principles**

An amendment to the Principles was proposed by Bishop Raphael Hess and seconded by Bishop Brian Marajh.

The amendment proposed is to include a fifth Principle:
“Some Dioceses conflate the roles and functions of the Trust Board, and Finance Board which is inconsistent with King IV recommendations on good governance.”

31.4 The proposer and seconder accepted the Amendment as put forward.

31.5 The President put the proposed amendment to the Principle to Synod and this was accepted.

31.6 The proposer put that the Principles as amended and this was approved by Synod.

31.7. As this motion was not of a formal nature, the Measure was referred to the Committee of Synod.

32. MEASURE 11

32.1 The President declared this as a formal measure. A question for education of members was asked in terms of the basis on which a measure is declared formal. The President briefly explained that this occurs where changes were not substantial or likely to cause debate and was defined in the Canons at Page 213.

CANON 44

Of Provincial Officers

32.2 THE PRINCIPLES

Whereas

1. ACSA has abandoned the position and title of Provincial Secretary.
2. The Provincial Chancellor and deputies as officers of the Province had been omitted in this Canon.
3. The appointment of the officials is best suited in this Canon and therefore it has been deleted in Canon 1(15)(a) and 16(a) and inserted as a new section in this Canon.
4. The appointments of special ministries, in terms of Canon 43.1(e) and 43.3(h), is obsolete and should be deleted.
5. Provision should be made for the appointment of an assistant treasurer.
6. The appointment and tenure of the Provincial Registrar and Provincial Chancellor and deputies has been captured in a new section.
7. The Canon must be amended in terms of language, format, gender sensitivity and structure.

32.3 THE PROPOSAL

Synod resolves

To repeal Canon 44 and to replace with a new Canon 44 as follows:
Proposer: The Revd Canon Dr Samuel Beja
Seconder: The Revd Anastasia Huntley

Canon 44

Of Provincial Officers

1. [Powers and] functions

[Provincial Synod recognizes] [ACSA has] the following [as provincial] officers: [who shall have the right to attend and speak in Provincial Synod but not to vote unless as diocesan representatives]:

(a) The Provincial Executive Officer;
(b) The Provincial Registrar and [his or her] [deputies];
(c) The Provincial [Secretary] [Treasurer] and [the] Assistant [Provincial Secretary] [Treasurer];
(d) [The Provincial Chancellor and deputies],
(d)[e] [Persons appointed to care for areas of provincial ministry in terms of Canon 43.1(e) and 43.1(h), which areas shall appear in a schedule to be approved by Provincial Standing Committee at each meeting]

[These appointments, and the terms of service of all provincial officers with the exception of the Provincial and his or her Deputy shall rest with the Metropolitan after consultation with the Provincial Standing Committee, and in the case of the Provincial Secretary and Assistant Secretary also with the Provincial Trust Board and Provincial Pensions Board.]
[2 [Appointment of Provincial Executive Officer

The Provincial Executive Officer and deputy shall be appointed by the Metropolitan, after consultation with the diocesan bishops and Provincial Trust Board, to hold office at the discretion of the Metropolitan.]

[3 [Appointment of Provincial Registrar, Provincial Chancellor and their deputies]

The Provincial Registrar, Provincial Chancellor and their deputies shall be appointed by the Metropolitan, after consultation with the diocesan bishops, to hold office at the discretion of the Metropolitan.]

[4 [Appointment of Treasurer and Assistant Treasurer

The Provincial Treasurer and Assistant shall be appointed by the Metropolitan, after consultation with the diocesan bishops and Provincial Trust Board.]
33.3 Discussion

Clarity was sought on how Provincial Secretary has been 'abandoned' (Revd Skakani). The President referred to PLO (Provincial Liaison Officer) and Provincial Secretary which, over the years, were defined differently. PLO is now the PEO (Provincial Executive Officer) and Provincial Secretary role was more of Provincial Treasurer which has since been separated. The change is now reflective of the existing functions of the Provincial Officers.

There is no position of Deputy Provincial Executive Officer and this reference was deleted.

33.4 The Measure as amended was then put and voted for with one person voting against.

33.5 The Measure as amended is therefore carried and approved.

34. Measure 12

34.1 The President ruled this as a formal motion.

CANON 46

Of the Provincial Pension Fund

34.2 THE PRINCIPLES

Whereas

1. The independence of the Provincial Pension funds is not clearly captured in the Canon.
2. The ACSA Retirement Fund has been omitted in this Canon.
3. It is unnecessary to record the registered office of the funds.

34.3 THE PROPOSAL

Synod resolves

To amend the current Canon 46 by inserting a new section 3 to read as follows:

[3] [Management of the pension funds]

[The management of the pension fund falls under the control of a Board of Trustees, in terms of the Pension Act 24 of 1956, who are independent from the ACSA and therefore not bound by the Canons and Constitution of the church].

Proposer: Bishop Stephen Diseko

Seconder: Mr. Zukusiwe Tyumre
Canon 46

Of the Provincial Pension Funds

1. Name

The name of the Funds shall be "Church of the Province of Southern Africa: Provincial Pension Fund" [and the Anglican Church of Southern Africa Retirement Fund] (hereinafter referred to as "the Funds").


The rules governing the administration of the Provincial Pension Fund [s] shall be those contained in the Rules of the Provincial Pension Fund as registered with the Registrar of Pension Funds.

[3] [Management of the pension funds]

[The management of the pension fund falls under the control of a Board of Trustees, in terms of the Pension Act 24 of 1956, who are independent from the ACSA and therefore not bound by the Canons and Constitution of the church].

34.4 DISCUSSION

The Provincial Register explained that the Pension Fund is a separate legal entity and is governed by a separate set of laws. Only the Board of Trustees manages the Pension Fund and not ACSA. ACSA does however appoint the Trustees.

34.5 Proposer moved that the Measure be put for approval.

34.6 The measure was put to the vote, carried by Synod and disposed of as of a formal nature.

35. MEASURE 13

35.1 The President declared this measure as formal.

CANON 49

Of Proposed Alterations to Canons

35.2 Introductory Note

"The Constitution and Canons of this Church are living instruments that are continuously applied throughout the Province and, in so doing, may be deemed from time to time by Provincial Synod to be in need of change of one kind or another. The canonical provisions in relation to any such process are set out in Canon 49."
35.3 THE PRINCIPLE

Whereas

1. The Covid-19 pandemic throughout this Province and the world dramatically interfered with the Church’s ability to carry out its ministry and manage its affairs. The problems with the holding of Elective Assemblies and Synods in 2020 and 2021 are manifestations of this interference.

2. The first proviso to Article II of the Church’s Constitution outlines a process that can, with limitations, be applied to relieve such impediments.

3. The guidelines in the said proviso need to be incorporated in this Canon.

35.4 THE PROPOSAL

Synod resolves

1. This Synod resolves to insert a new section 6 to read as follows:

"6 Temporary Amendment to the Canons under Exceptional Circumstances

"Should it at any time be impossible, for reasons beyond the control of this Church, to give proper effect to any of the Articles of the Constitution or the Canons and it further be impracticable to convene Provincial Synod, then the process set out below in this Canon may be applied:

(a) The Metropolitan, after consultation with the Metropolitan’s Executive appointed under Canon 21(4), may in terms of Canon 3 summon the Bishops of this Province to a Synod of Bishops to be held in person or virtually at such time and place as the Metropolitan may determine.

(b) At such Synod the Bishops may by a Resolution passed by not less than three quarters of the Bishops present and voting waive compliance with a procedure laid down by an Article or a Canon and alter the same, but only to such extent as may be necessary in the circumstances to give effect to the intent of the Article or Canon.

(c) The Resolution aforesaid shall be of force for such time as may be specified in the Resolution, but in any event no longer than the closure of the next Session of Provincial Synod

(d) The Resolution shall be laid before the next meeting of the Provincial Standing Committee for information and the next Session of Provincial Synod for ratification by such Synod. Should Provincial Synod not ratify such Resolution, this failure will not affect any decision or action taken thereunder, provided such decision or action has been properly taken in accordance with this Canon, read with the first proviso to Article 11 of the Church’s Constitution.”

Proposer: Bishop Luke Pato

Seconder: Bishop Andre Soares
Proposed new Canon 49:

**CANON 49**

 Introductory Note

"The Constitution and Canons of this Church are living instruments that are continuously applied throughout the Province and, in so doing, may be deemed from time to time by Provincial Synod to be in need of change of one kind or another. The canonical provisions in relation to any such process are set out in Canon 49."

[1] Amendment of Constitution or Canons

[a] No article of the Constitution of Canons of the church shall be liable to alterations, amendment, or repeal, and no new Article of the Constitution or Canon shall be added at any future Provincial Synod, unless formal notice of such proposed alteration, amendment, repeal or addition shall have been notified to the Metropolitan at least five months before the day fixed for the opening of such Synod. All such notices shall consist of two parts:

[b] A statement of the reasons why such alterations are desirable, and

[c] The precise alterations proposed.

[d] All such notices shall be communicated by the Metropolitan not less than three months before the meeting of the Provincial Synod to all the diocesan bishops for the information of those who shall represent their several dioceses at that Synod.

[2] Amendment of Constitution

[a] No formal notice for the alteration, amendment or repeal of any portion of the Constitution shall be received unless it proceeds out of a resolution of the House of Bishops, the Provincial Synod, a Diocesan Synod, the Provincial Standing Committee, or a duly constituted provincial or diocesan board.

[b] No formal notice for the alteration, amendment or repeal of a canon shall be received unless it proceeds out of a resolution of the House of Bishops, Provincial Synod, the Provincial Standing Committee, a committee or commission of Provincial Synod or a Diocesan Synod, council, board, committee or commission, or is accompanied by a declaration signed by a diocesan bishop or three diocesan representatives to Provincial Synod.

[3] Amendment of Wording in Motions

It is competent for the Provincial Synod to amend, modify or adopt in part the wording of any such formal notice of a new canon, or the wording of any such formal notice of the alteration, amendment, repeal of or addition to any existing canon, and to reject any such wording in whole or in part; and further to substitute new wording, so long as no new subject matter is introduced of which five months' notice has not been given.

[4] Date of Validity of New Canons
All Canons of the Church of this Province shall be in force two months from the date of the authentication and promulgation of the same, which shall always be made immediately before the dissolution of the Synod.

[5] Amendment by Resolution for emergency purposes

"Should it at any time be impossible, for reasons beyond the control of this Church, to give proper effect to any of the Articles of the Constitution or the Canons and it further be impracticable to convene Provincial Synod, then the process set out below in this Canon may be applied:

(a) The Metropolitan, after consultation with the Metropolitan’s Executive appointed under Canon 21(4), may in terms of Canon 3 summon the Bishops of this Province to a Synod of Bishops to be held in person or virtually at such time and place as the Metropolitan may determine.

(b) At such Synod the Bishops may by a Resolution passed by not less than three quarters of the Bishops present and voting waive compliance with a procedure laid down by an Article or a Canon and alter the same, but only to such extent as may be necessary in the circumstances to give effect to the intent of the Article or Canon.

(c) The Resolution aforesaid shall be of force for such time as may be specified in the Resolution, but in any event no longer than the closure of the next Session of Provincial Synod

(d) The Resolution shall be laid before the next meeting of the Provincial Standing Committee for information and the next Session of Provincial Synod for ratification by such Synod. Should Provincial Synod not ratify such Resolution, this failure will not affect any decision or action taken

(e) thereunder, provided such decision or action has been properly taken in accordance with this Canon, read with the first proviso to Article 11 of the Church’s Constitution."

35.6 Proposer put that the Measure be finally approved.

35.7 The Measure was carried.

Synod adjourned for Lunch from 13h00 to 14h00

Synod continued at 14H00

37. MEASURE 14

Measure to amend Act VI

Qualifications for Ordination

37.1 THE PRINCIPLES

Whereas
1. Provincial Standing Committee 2017 agreed on common levels or standards of qualification, to be required of all those being ordained into the diaconate and/or priesthood within the Anglican Church of Southern Africa;

2. Ordination in any diocese within the Province or Communion is a gift to the entire church of God;

3. Clergy may and do transfer to different dioceses or Provinces within the Communion;

4. Receiving dioceses require that clergy be adequately trained;

5. Parishes need the best that the church has to offer, in terms of clergy who have been formed and equipped for the ordained ministry;

6. As far as possible, the same standards and requirements for ordination should be acknowledged throughout the Province;

7. Our commitment as Anglicans to the Five Marks of Mission as a guide to the work and mission of the church.

37.2 THE PROPOSAL

Synod resolves to:

1. Delete the final paragraph of Step 3 of Procedure B and substitute it with the following:

To amend Act VI as follows:

1. Create a new section A, comprising of the current (i) and (ii) of the Act.

2. Insert a new (iii), (iv), (v) and (vi) into the new section A, to read as follows:

(iii) The minimum requirement for ordination to the transitional diaconate and the priesthood be a Diploma of Theology or a Bachelor of Theology degree from an accredited higher education institution;

(iv) The minimum requirement for ordination to the Permanent (distinctive) diaconate be the Higher Certificate (NQF5) or a Diploma of Theology from an accredited institution;

(v) Training to include an understanding of the Marks of Mission;

(vi) These requirements be in addition to any diocesan programmes or requirements.

1. Create a new section B, to read as follows

Section B
(i) Dioceses not adhering to this Provincial standard to provide reasons for this at future sessions of PSC and Provincial Synod, in line with the "comply or explain" principle.

(ii) The Advisory Board on Theological Education to provide details annually, as part of their report to PSC or Provincial Synod, whichever is meeting that year, of all theological education and formation programs being run at local diocesan level, with numbers of ordination in each diocese, and the academic/theological qualifications of those ordained.

Proposer: Bishop Luke Pretorius

Seconder: The Revd Dr Archford Musodza

37.3 Discussion

These were areas of concern raised by members of Synod from Khlahlamba, Port Elizabeth, George, Mthatha, Saldanha and Mbashe.

The Measure is not intended to exclude anyone from ordination. It was queried what happens to those under qualified and currently ordained? How will this matter be addressed?

How will it be ensured that there is standardisation throughout Diocese?
What about the recognition of prior learning?

This increases the load of the advisory board of theology - is this something that the advisory board would need to include in their duties?

What happens if there is a someone with the necessary skills and valid calling for ministry but does not have the required qualification but wants to enter into the priesthood?

Clarity was also sought on 'minimum requirement' with regards to (2)(iii) and (iv) where there is a discrepancy between those requirements. It was queried if 'minimum' requirements not be standard.

The Bishop Elect of Lesotho – with regards to Recognition of Prior Learning and standards set in the communion – these are two different aspects. With regard to the communion one still needs a theological degree. RPL is less than 50% of what you are/have studied.

Diocese Mthatha – reference to previous PSC noting that COTT provides the necessary requirements for theological studies. To emphasise the requirements, why not create satellites for students to go to these satellite colleges. These colleges will be within reasonable distance to the individual. In response it was noted that satellite colleges are not accepted.

Proposals versus Principles – the requirements for transitional to distinctive diaconate should be the same and an effort to maintain high standards in ministry.

Bishop Raphael Saldanha: Raises the point that the formation of the candidate should carry equal weight to the academic qualification.
The proposer acknowledged the input of Synod. Noting the transition into better education, the ‘raising of the bar’ is to encourage best education and not mediocrity. The exceptions are noted and these will be discussed further in Committee of Synod.

37.4 The proposer moved for the Principles of the Measure to be accepted.

37.5 The Principles of the Measure are carried.

37.6 The Measure is referred to Committee of Synod.

38. MEASURE 15

Measure to amend Act XV

38.1 The President declared the Measure of a formal nature that seeks to correct procedural matters.

Measure to amend Act XV

38.1 THE PRINCIPLES

Whereas

1. Act XV and Resolution of Permanent Force 5 set out definitions, affirmations and clarifications as a guide to the application of Canons 36 to 41.

2. The said Act has been misused by some members of the Church who seek direct access through its provisions to the Metropolitan for their charges thus avoiding the processes set out in the Canons.

38.2 THE PROPOSAL

Synod resolves to

1. Delete the final paragraph of Step 3 of Procedure B and substitute:

“Provided Articles of Presentment in terms of Canon 37 have been transmitted to the Diocesan Bishop or Vicar General and to the accused, the investigative team may be deemed to be the Board of Preliminary Inquiry envisaged in Canon 39(2), with the time period for the completion of its report being that set out in Canon 39(2)(f), and the related canonical procedures thereafter being followed as applicable in Canon 39 in place of those set out in Step 7”.

2. Delete item 2 in the first sentence of Procedure C and substitute it with:
"2.) require that formal Articles of Presentment in terms of Canon 37 be prepared and transmitted to the Metropolitan (or Dean if the Metropolitan be the accused) and the accused bishop and that thereafter the related canonical procedures in Canons 37 and 38 be followed."

Proposer: Bishop Carlos Matsinhe

Seconder: Mrs Julia Graca Langa

38.3 The proposer Bishop Carlos Matsinhe moved for the Measure to be put and accepted.

38.4 The measure was carried.

39. MEASURE 16 –

Measure to Substitute Act XX

*This Measure was withdrawn by the Proposer and the Seconder.*

The Diocese of Pretoria sought clarity on the reasons for the withdrawal of the Measure. The Provincial Registrar, Mr. Lloyd Fortuin explained that the withdrawal is to better synchronize the Canons around discipline as this measure would affect them and the consequent changes need further discussion and consideration.

40. MEASURE 17

PSC BYE-LAWS OF THE PROVINCIAL STANDING COMMITTEE

40.1 The President declared this measure of a formal nature. The Register was asked to provide background to this measure.

The measure seeks to bring the Byelaws in line with latest banking practices and seeks to improve the possible management of conflicts of interest by Treasurers.

PSC BYE-LAWS

OF THE PROVINCIAL STANDING COMMITTEE

GENERAL

40.2 THE PRINCIPLES

Whereas
1. The rules governing the conduct of the proceedings of PSC should be amended to make it agreeable with the new virtual environment in which the Province may have to operate in.

2. The Finance Sub-committee is only appointed at each sitting of Provincial Synod.

3. For governance purposes the Liaison Bishop for Finance, appointed by SoB, will chair the Sub-Committee.

4. ACSA has abandoned the position and title of Provincial Secretary.

5. Paragraph 13(b) should be clearly worded to reflect that the expenses of the Province are shared amongst the dioceses on a weighted sliding scale that recognises, as far as possible, the gross domestic product of different parts of the Province.

6. It is inappropriate for the Treasurers or Provincial Officers to have a vote at Synod, PSC or any other decision-making structures of the Province unless elected as diocesan representatives.

7. All grants are the responsibility of the Finance sub-committee.

8. Payments are made by electronic means and cheques are no longer in use.

9. The financial year end has changed to 31 December each year.

10. To amend the Canon in terms of language, format, gender sensitivity and structure.

40.3 THE PROPOSAL

Synod resolves

1. The rules governing the PSC should be agreeable with virtual environment.

2. The reference to the Provincial Standing Committee in relation to the Finance Sub-Committee is deleted.

3. The Canon is amended to refer to the Liaison Bishop for Finance who is appointed by the Synod of Bishop, who chairs the Finance Sub-Committee, and acts as the Metropolitan’s nominee.

4. All references to the title of Provincial Secretary or Assistant are deleted.

5. Paragraph 13(b) is replaced by the following paragraph:

"Paragraph 13(b). The expenses of the Province shall be shared amongst the dioceses on a weighted sliding scale that recognises where possible the gross domestic product of different parts of the Province.

6. The right of the Treasurers or Provincial Officers to attend the Finance-Sub Committee have been deleted in paragraph 9."
7. All budget grants are the responsibility of the Finance sub-committee.

8. To insert that payments are to be made by electronic means and any reference to payments by cheque is deleted.

9. The financial year end to be amended to read 31 December each year.

**Proposer:** The Revd Dr Caroline Mamabolo

**Seconder:** The Revd S'fundo Sikhakhane

**PSC Bye-Laws**

**OF THE PROVINCIAL STANDING COMMITTEE**

**GENERAL**

1. As soon as the Metropolitan has fixed, the date for a meeting of the Provincial Standing Committee (which shall be done not less than 120 days before the date appointed), in terms of section 2 of Canon 43, the Provincial Executive Officer shall give notice of the date so fixed to the following:

   (a) to each member of the Standing Committee;

   (b) to the Chairman or Secretary of any Provincial Commission established by the Metropolitan, Provincial Synod or the Provincial Standing Committee from whom a report or interim report is required.

2. Upon receipt of the notice prescribed by Byelaw 1:

   (a) any member of the Standing Committee who may wish to submit any matter for the consideration of Provincial Standing Committee shall advise the Provincial Executive Officer thereof;

   (b) any Provincial Committee required to submit a report or interim report shall forward such report to the Provincial Executive Officer;

   (c) such material, referred to in section 2 (a) and (b) above shall be placed in the hands of the Provincial Executive Officer not later than 80 days before the appointed date for the meeting.

3. The notice prescribed by section 2 of Canon 43 shall be accompanied by the Agenda for the meeting and copies of all reports and other documents referred to in such Agenda.

4. Only such matters as are on the Agenda paper shall be considered at the meeting of the Standing Committee, save with the permission of the Standing Committee.
5. The proceedings of the Standing Committee shall be governed by the Standing Rules of Provincial Synod in so far as such Rules are appropriate. Should any matter, or issue or situation arises to which such Rules are not appropriate or which is not provided for in such Rules, the Chairman of the meeting shall determine the procedure to be followed subject to any directions which may be given by the Standing Committee. However, no direction given by the Standing Committee shall invalidate any action that has already been taken upon a ruling given by the Chairperson.

FINANCE SUB-COMMITTEE

6. At each ordinary meeting of Provincial Synod the Committee shall appoint a Finance Sub-committee to hold office till the next ordinary meeting of the Provincial Synod.

7. The Committee shall consist of the Metropolitan's Nominee Liaison Bishop for finance, appointed by SoB, who will chair the Sub-Committee and four members elected by Provincial Synod. Any four members shall form a quorum. The Committee shall make recommendations, regarding the allocation of the revenue of the Common Provincial Fund for the ensuing year, and to discharge such other duties as may be assigned to it by Provincial Synod.

8. Should any vacancy occur in the Finance Sub-Committee between the meetings of the Provincial Standing Committee the Metropolitan shall have power to fill such vacancy.

9. The Provincial Treasurer and Provincial Assistant Treasurer and the Provincial Executive Officer shall be ex officio members and shall be invited to attend meetings of the Finance Sub-Committee and shall have the right to be present at their deliberations and speak but shall not have any vote. They shall be entitled to receive copies of the minutes of its proceedings.

10. In order to meet the expenses of the Common Provincial Fund the Finance Sub-Committee shall recommend the amounts to be contributed by each diocese of the Province to the Common Provincial Fund for the ensuing year.

11. Each Diocese shall forward to the Provincial Treasurer by the 31st December in each year a return showing the sums raised or received during the preceding financial year of the Diocese from parochial or Diocesan sources for general expenses. The term "general expenses" shall be held to include all monies raised or received for church expenses, stipends, salaries, interest on loans, rates, taxes, repairs to buildings, purchase of books or other accessories for worship, choir expenses, insurance and profits on parochial magazines (if brought into general revenue). Any money raised or received for a special fund, even if not brought into the general revenue account of the Diocese or parish, shall, if it be raised for any of the aforementioned purposes, be added to the general revenue for the purposes of assessment.

12. The Provincial Treasurer or Assistant Treasurer shall issue a prescribed form each year, to be completed, giving the information required in terms of paragraph 11 above:

13 (a) The figures on which the Provincial Assessment is to be based shall be the average for the two years prior to the year immediately preceding the year of calculation of assessment, e.g. the 1973 assessment calculated in 1972 is to be based on the average diocesan income for 1969 and 1970.
13 (b) The expenses of the Province shall be shared amongst the dioceses on a weighted sliding scale that recognises where possible the gross domestic product of different parts of the Province.

14. In furnishing the financial authorities of each diocese with the details of the proposed contributions to the Common Provincial Fund for the ensuing year the Finance Sub-Committee shall give full details of the calculation of assessment and of each vote requested making up the Common Provincial Fund budget.

15. If a diocese fails to render a return of diocesan income by the 31st December in any year, then the assessment of the previous year plus 15% shall be added to the diocesan assessment for the ensuing year. However, if it be found subsequently when the return is rendered that the assessment amount due on the provided figures exceed, amount determined inclusive of the 15% penalty then the assessment of that Diocese shall be increased in line with the amended figures. In the event that the calculated amount does not exceed the amount determined inclusive of the 15% penalty then no abatement will be allowed.

16. Diocesan contributions to the Common Provincial Fund shall be payable monthly in arrears and interest shall be charged on any late payments at a rate to be determined by the Committee.

17 (a) All applications for new grants from the Common Provincial Fund, together with supporting information, must reach the Provincial Treasurer not less than six months before the commencement of the meeting at which the application is to be considered.

17 (b) All applications for new grants need to be approved for consideration by the Finance sub-committee before being brought to Synod or PSC for approval for consideration for inclusion in the following years budget. If approved the application and supporting documents must reach the Finance sub-committee not less than six months before the commencement of the meeting at which the application is to be considered.

18. No grants shall be considered by Provincial Synod or the Standing Committee unless the application has first been submitted to the Finance Sub-Committee.

19. Every Provincial Board or Institution receiving a grant from the Common Provincial Fund shall submit a report and duly audited accounts, by the 31st May, in each year.

20. If any Board or Institution fails to submit such an account no grant shall be payable to it from the Common Provincial Fund during the ensuing year.

21. All grants and votes from the Common Provincial Fund shall be made monthly or quarterly in arrears unless other arrangements have been adopted by the Finance Sub-committee.

22. All payments on behalf of the Common Provincial Fund shall be paid electronically and shall be released by two persons authorised by the Finance Sub-Committee on behalf of Provincial Synod.

23. The necessary travelling expenses of Provincial Boards, Committees and Commissions having no funds of their own, shall be paid out of vote allocations, subject to the approval of the Finance Sub-Committee.
24. The Finance Sub-Committee is authorized at the close of any financial year to transfer the surplus of any vote to meet a deficit on any other vote or votes.

25. In its report to Provincial Synod or Provincial Standing Committee the Committee shall include an audited account of the revenue and expenditure of the Common Provincial Fund for the previous financial year.

40.4 DISCUSSION

The President established what the banking practices were from countries outside of South Africa some of whom are still using cheques as negotiable instruments though they are in some instances being phased out.

While the Measure was ruled formal, the President requested that the Committee of Synod look at cleaning up these aspects to take account of the different circumstances.

40.5 Measure 17 was put for approval.

40.6 The Measure was carried.

41. MEASURE 18

41.1 The President ruled this measure of a formal nature.

STANDING RULES 1 to 9

OF THE PROVINCIAL SYNOD

41.2 THE PRINCIPLES

Whereas

1. There is specific time given when the motions in the Second Agenda Book must be circulated.

2. To amend the Canon in terms of language, format, gender sensitivity and structure.

41.3 THE PROPOSAL

Synod resolves

1. Amending section 9 by substituting “as soon as possible” with “six weeks”.
2. To amend the Canon in terms of language, format, gender sensitivity and structure.
Proposer: Ms Mandisa Gumada

Seconder: Bishop Joshua Louw

41.4 DISCUSSION

The wording as presented in the Agenda Book in Clause 2(a) was not clear and so was amended to read as highlighted below:

STANDING RULES

OF THE PROVINCIAL SYNOD

1. Duration of the Rules
(a) These rules shall remain in force until amended or repealed.
(b) Amendment or repeal of the rules

No proposal to amend or repeal these rules shall be entertained until the second day after notice has been given; but any change agreed to may with leave of the Synod come into force immediately.

(c) Suspension of rule

A motion for the immediate suspension of a rule may be moved only with the unanimous consent of the Synod.

2(a) The President or the Chairperson of the Committee of Synod shall be responsible for the interpretation and observance of these rules. The President and the Chairperson’s decisions shall be final.

2(b) Cases not provided for in these rules

In all cases do not provide for in these rules, the Metropolitan shall determine the procedure to be followed. However, if the Metropolitan is not presiding when the question of procedure is raised, the President or the Chairperson of the Committee of Synod, then presiding, shall be entitled to give a ruling thereon. Such a ruling shall however be subject to an immediate appeal by any member of Provincial Synod to the Metropolitan, or failing the Metropolitan, the Dean of the Province, who may thereupon either confirm or vary the ruling given by the President, or the Chairperson of the Committee of Synod. Any such ruling given by the Metropolitan or the Dean of the Province, the President, or the Chairperson of the Committee of Synod, shall be subject to any direction which may be given by Provincial Synod. No direction by Provincial Synod shall however invalidate any action previously taken upon such ruling given by the Metropolitan, the Dean of the Province, the President or the Chairperson of the Committee of Synod.
INTERPRETATION OF TERMS

3. Interpretation of Terms

In these rules and in the proceedings of the Provincial Synod:

(i) Act of Synod

"Act" shall mean a regulation adopted by Synod which is intended to have a mandatory effect and to require any person or persons, as of obligation, to perform or abstain from performing any action or actions.

(ii) Chairperson of the Committee of Synod

"Chairperson of the Committee of Synod" shall mean the member appointed under Rule 13 to preside over the Committee of Synod.

(iii) Chairperson of the House of Laity

"Chairperson of the House of Laity" shall mean the member elected by the Lay members of the Synod under Rule 12 to preside over them whenever they deliberate apart from the Clergy.

(iv) Clergy

"Clergy" shall mean the clerical representatives sent to Synod in terms of Canon 1.2.

(v) Conference

"Conference" shall mean a meeting of Synod for the purpose of hearing and discussing the theological, pastoral and prophetic principles and implications of matters to come before Synod and of dealing with such matters in such manner as shall be recommended by the Advisory Committee, or as Conference may itself determine.

(vi) Laity

"Laity" shall mean the lay representatives sent to Synod in terms of Canon 1.2.

(vii) Measure

"Measure" shall mean a motion which proposes an alteration in, or amendment of, or addition to, or repeal of any provision in the Constitution or Canons. It shall consist of two parts:

(a) The Principles, a statement of the reason why the alteration, the amendment, the addition or repeal is desirable; and

(b) The Proposals, containing the precise alterations proposed.

(viii) Meeting
"Meeting" of the Synod shall mean the sitting together of the Synod from the hour of opening on any one day until the Synod adjourns for the day.

(ix) Member

"Member" shall mean a member of any of the three houses composing the Synod.

(x) Motions of a controversial Nature

"Motion of a Controversial Nature" shall mean a motion which is deemed likely to be a cause of serious division within the body of the Church at large or is likely to cause grave problems of conscience to members of the Church.

(xi) President

"President" shall mean the Metropolitan or the person appointed by the Metropolitan as such President in terms of Canon 1.4.

(xii) Prolocutor

"Prolocutor" shall mean the member elected by the Clergy under Rule 12 to preside over the Clergy and Laity whenever the House of Bishops shall withdraw to deliberate by themselves (Canon 1.8), or over the separate deliberation of the Clergy (Rule 15(b)).

(xiii) Resolution

"Resolution" shall mean any expression of the judgement or opinion of the Synod, which is intended to have an appreciative, hortatory or advisory, and not a mandatory effect.

(xiv) Resolution of permanent force

"Resolution of Permanent Force" shall mean a resolution of Synod which by resolution of Synod is declared to be of permanent force, until such time as it is amended or superseded.

(xv) Session

"Session" of the Synod shall mean a meeting or series of meetings of the Synod held in pursuance of anyone summons issued by the Metropolitan.

SUMMONING OF SYNOD

4. Notice of Synod

Notice of Synod shall be given in accordance with the requirements of Canon 1.1.
5. **Advisory Committee**

(i) At the time of summoning the Synod the President shall appoint an Advisory Committee consisting of the Metropolitan and not more than five others of whom not less than two shall be clergy and not less than two shall be laymen. The President shall be *ex officio* Chairperson of the Committee and shall convene its meetings. In the absence of the Metropolitan, the Dean of the Province, or in the Dean's absence the Bishop Senior by Consecration, if available, shall preside. The Provincial Executive Officer shall also be an *ex officio* member of the Advisory Committee. For the purposes of section (e) of this Rule, the Committee shall have power to co-opt consultants.

(ii) **Functions of Advisory Committee**

The functions of the Advisory Committee shall be:

(a) To scrutinize all matters to be submitted to the Synod, to make such recommendations as may be necessary in consultation with the Boards, Committees and members by whom they are submitted, and to recommend which matters shall be considered by Conference.

(b) To make all necessary preliminary arrangements for the Synod and Conference, including the provisional appointment of Secretaries and nominations for the filling of vacancies on Boards and the appointment of such interpreters as they deem necessary to ensure the efficacy of Rules 20 and 21.

(c) To arrange the order in which business is to be placed on the Agenda paper.

(d) To consider such questions of procedure as may be referred to it.

(e) To make all the arrangements for the conduct of Conference, the provision of experts to lead the discussion, and the order of conduct of Conference.

6. **Notice of Motion**

Any member of Synod intending to submit a motion to Synod shall give notice of the motion as required by Rule 30.

7. **First Agenda Book**

The President shall communicate to all the Diocesan Bishops of the Province for the information of those who will represent their several Dioceses at Synod, notices of all alterations, amendments, additions to or repeal of the Constitution or Canons submitted to the President in accordance with Canon 49. I. This communication is hereinafter referred to as the First Agenda Book.

8. **Meeting of Diocesan Representatives**

After receiving the First Agenda Book each Diocesan Bishop shall summon those elected to represent the Diocese at Synod to a meeting which shall be before the date fixed for the constitution of synod. The purpose of such meeting shall be to ensure that, without their independence of judgement being infringed, those who will attend Synod are acquainted with the
rules governing debate and have some understanding of the contents of the First Agenda Book and their significance.

9. Second Agenda Book

At least 6 (six) weeks after the last date for the giving of notices of motion prescribed by Rule 30(a) (ii), the President shall in the Second Agenda Book communicate to those who will attend Synod notices of motion and such other matters as are submitted for the attention of Synod.

41.5 The Measure as amended was put for final approval.

41.6 The Measure was carried.

42. MEASURE 19

42.1 The President ruled this a formal measure.

To Amend certain of the ACSA Constitutional and Canonical Provisions

42.2 THE PRINCIPLES

Whereas

The Anglican Communion has approved the formation and inauguration of the IAMA Province, certain Canonical and Constitutional Provisions of ACSA had to be repealed.

42.3 THE PROPOSAL

Synod resolves
To repeal the Constitutional and Canonical provisions relating to Angola, Leombo, Niassa and Nampula by deleting the following:

Schedules to the Constitution

SCHEDULE B-Dioceses

Referred to in Article XXVIII and XXIV

(Corrected to Provincial Synod 2019) Corrected to Provincial Synod 2021

9. The Diocese of Leombo, being that portion of the Republic of Mozambique lying south of the Zambezi River.
17. **The Diocese of Niassa**, will retain its original south boundary with diocese of Lebombo through the River Zambezi, on the south east by the Indian Ocean, north east will border with the Missionary Diocese of Nampula through River Ligonha, and in the east by the administrative borders of the provinces of Nampula and Cabo Delgado, and in the north by River Rovuma to the west, and in the western part by Lake Niassa (Malawi) and in further west side by the border between the province of Tete (Mozambique) and south border of Zambia.


28. **The Missionary Diocese of Nampula**, will border in the south with the Episcopal area of Zambezia in the diocese of Niassa at Ligonha River; the Indian ocean in the east, diocese of Niassa at Lurio river in the South - west; diocese of Niassa at Lugenda river in the north-west; and the Anglican diocese of Newalla in Tanzania at Rovuma river in the north.

*SCHEDULE C-BISHOPS*

*Referred to in Article XXIII*

*(Corrected to Provincial Synod 2019) Corrected to September, 2021*

1. **Bishops of the Dioceses**

The Right Reverend Andre Soares, Dip.Th. (Lubango) Bishop of Angola, 2003  
The Right Reverend Carlos Simao Matsinhe, Dip.Th., Bishop of Lebombo, 2014  
The Right Reverend Vicente Msosa, Dip.Th., BA (UP Lichinga), BD (LAMAU Lake Malawi Anglican University), Bishop of Niassa, 2017  
The Right Reverend Manuel Ernesto, B.Th. (Hons) Free University Amsterdam), Bishop of Nampula, 2019

*Acts of Provincial Synod*

**Act III (a) LEBOMBO TRUST**

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**1929**

1. This Synod by virtue of the powers vested in it by Articles XVIII, XIX and XX of the Constitution, hereby nominates, constitutes and appoints the Bishop of Lebombo for the time being, and one other person nominated by the Archbishop of Cape Town, Trustees for the time being, and as such acting for and on behalf of the Provincial Synod of the Church of the Province of Southern Africa, to hold in trust all property, either movable or immovable, real or personal, which may be given, obtained or held for the benefit of the Church of this Province, in trust for the Diocese of Lebombo.

2. In the event of the See becoming vacant, this Synod hereby authorizes and empowers the Archbishop of Cape Town to nominate a Trustee to the vacant office to act until such time as the See is again canonically filled, when the person appointed shall automatically cease to hold office as a Trustee.
3. The aforementioned Trustees of the said Diocese of Lebombo shall be a body authorized to exercise, on behalf of the Provincial Synod, the powers designated in Articles XVIII and XIX of the Constitution, and in the several clauses of Schedule A, annexed thereto, in respect of property given or acquired for the benefit of the Church in the said Diocese, but excluding all property as afore mentioned formerly within the then Diocese of Lebombo and now within the Diocese of Niassa.

Act III (b)

NIASSA TRUST

1982
This Synod by virtue of the powers vested in it by Articles XVIII, XIX and XX of the Constitution, hereby nominates, constitutes and appoints the Bishop of Niassa for the time being, and one other person nominated by the Archbishop of Cape Town, Trustees for the time being, and as such acting for and on behalf of the Provincial Synod of the Church of the Province of Southern Africa, to hold in trust all property, either movable or immovable, real or personal, which may be given, obtained or held for the benefit of the Church of this Province, in trust for the Diocese of Niassa.

Proposer: Bishop Manuel Ernesto

Seconder: Acting Presiding Bishop Carlos Matsinhe

42.4 The measure as proposed was put for approval.

42.5 The measure as proposed was unanimously accepted.

Synod adjourned from 15h40 to 16h00 for tea

Synod resumed at 16h00

43. MEASURE 20

43.1 The President declared that this is a measure of a formal nature.

Measure to Green the Canons
43.2 THE PRINCIPLES

Whereas

1. That the Anglican Marks of Mission “are an important statement on mission. They express the Anglican Communion’s common commitment to, and understanding of, God’s holistic and integral mission”;

2. That the fifth Mark of Mission is “To strive to safeguard the integrity of creation, and sustain and renew the life of the earth”;

3. At Provincial Synod 2019, a number of our Canons were amended to be in line with the Fifth Mark of Mission; these Proposals are completing this process.

43.3 THE PROPOSAL

Synod resolves

Canon 15 (1) be amended to read as follows:

1. The main function of the Archdeacon is to share in the pastoral ministry and missionary leadership of the Bishop, and to lead his/her archdeaconry in the Five Marks of Mission, in the area to which the Archdeacon is appointed.

Canon 27 (5) (c) to be amended by inserting the words “the environment” after “development”; to read as follows:

(c) the care, with the Incumbent, of the Parish in matters affecting worship, ministry, education, evangelism, unity, development, the environment, and social responsibilities

Canon 35 to be amended to include the words

“This instruction shall include an awareness of the five marks of Mission”. After the first sentence in section 7, to read as follows:

7 No person shall be confirmed unless he has been prepared in accordance with such forms of instruction as have been approved by the Bishop of the Diocese. This instruction shall include an awareness of the five marks of Mission. The Incumbent must be satisfied with his preparedness and obvious commitment before presenting him to the Bishop for the Sacrament of Confirmation.

Canon 42 to be amended by adding the words

“bearing in mind the importance of ethical investment” in section 8 (a) (i), after the words “body corporate”

Canon 43 (7) be amended by adding the words “in electronic format”, to read as follows:

7. As soon as may be after the close of each meeting of the Committee a digest of the proceedings shall be issued to all members of the Committee and be made available for the general information of the Church in electronic format.
Proposer: Bishop Manuel Ernesto
Seconder: Ms Mandisa Gumada

Bishop Manuel Ernesto noted that the Measure seeks to complete the process of greening the canons.

43.4 Discussion:

Mavuso Malindi of Mthatha noted that environmental matters are important. However, it was noted that rather an environment sub-committee be established to discuss and report to the Synod on the works of the proposed new sub-committee. Noted that including someone would be problematic.

Bishop Tsietsi of Mzimvubu - noted that the measure is good if every parish had someone sitting in the parish council rather than at PSC level. This is since implementation is required at grassroots level and not at such a body.

43.4 Amendment proposed by the President and seconded by Bishop Luke of Namibia – to delete the following as presented to Synod.

Canon 43 (3) (a) be amended by adding the following new sub-section (v):

(v)(a) The Metropolitan shall nominate one environmental representative to the Provincial Standing Committee who shall be a confirmed communicant over the ages of 18 years and office-bearers of the ACSA Environmental Network. The nominated representative shall have the rights and privileges of elected representatives, including the right to speak and to vote."

The motivation to delete this is that Canon 1 stipulates who the representatives to both Provincial Synod and Provincial Standing Committee are. Provision is made to invite the President of different organisations with the right to speak but not to vote for e.g., the AWF and MU. This measure if approved would result in a contradiction of Canon 1.

The Provincial Chancellor, Judge Ian Farlam clarified:

The structure of our church is based on the principles of a union of Dioceses and they elect and sends representatives to the PSC or Synod. This is why organisations to PSC and Synod do not have rights to vote as they are not elected by a Diocese. Therefore, a representative from the Environmental Network to the PSC and Synod as an elected member (to vote and speak) would be against the principles of the meeting in terms of elections.

The proposer and seconder accepted the amendment proposed.

43.5 The Amendment to the Measure was put. The Amendment to the Measure was carried noting 2 abstentions and 1 against.

43.6 The Amended Measure was put for final approval.

43.7 The Amended Measure was carried.
44. MEASURE 21

MEASURE TO AMEND CANON 28 OF PARISH COUNCILS & CANON 29 OF CHURCHWARDENS & CHAPELWARDENS

TO ENSURE YOUTH REPRESENTATION ON PARISH COUNCILS AND AT SENIOR LEVELS OF PARISH GOVERNANCE

44.1 PRINCIPLES

Whereas this Synod

4. Noting

a. The desire of young people to be active in parish affairs.

b. The need for young persons to be identified and nurtured for leadership positions in the church.

c. That Canon 28 (3) makes provision for co-option to parish councils.

d. That resolution 14.4 of the Acts and Resolutions of the 2016 Provincial Synod states, “Encourages Parishes, Diocesan and Provincial Structures to include at least 25% representation of young people in the decision making and implementation of initiatives in the aforementioned structures of the church and”.

e. That 14.6 of the above-mentioned resolutions, recognises the need to “find ways to include and involve young people in the life and work of the church and provide education and training for potential young leaders.”

44.2 PROPOSALS

This Synod proposes

5. To amend Canon 28.2 by adding, after the last sentence in this paragraph, the following sentence:

At least one of those elected shall be between the ages of 18 and 30.

6. To amend Canon 28.3 by adding the following sentence to this paragraph:

Should the meeting of Vestry referred to in Canon 28.2 (above) be unable, for whatever reason, to elect a young person between the ages of 18 and 30 as a member of Parish Council, the newly elected Council shall, as soon as practically possible after the meeting of Vestry at which Council was elected, co-opt a young person to serve on Council.
7. **To amend Canon 29.2** by adding, at the end of 2 (a), the following sentence:

One of those elected shall be a young person who is between the ages of 21 and 30 and who has already served for two terms as a member of Parish Council. Alternatively, the position of Alternate Churchwarden may be filled by such a young person.

8. **To amend Canon 29.3** by adding, at the end of 3 (a), the following sentence:

One of those elected shall be a young person who is between the ages of 21 and 30 and who has already served for two terms as a member of Chapelry Council. Alternatively, the position of Alternate Chapelwarden may be filled by such a young person.

*Proposed: Ms Funeka Ndungane*

*Seconder: Mr Teboho Makhalanyane*

Ms Funeka Ndungane motivated the principles for adoption of this Measure by Synod. This is to ensure that youth are included in decision making bodies from Parish through to Provincial level. Noted the need for young people to be included intentionally.

**44.3 Discussion**

Free State – Bishop Dintoe - As an institution the deliberate attention to who can be nurtured is an investment by the church identifying the future of the church. This Measure is supported. In addition, it was noted that young people are part of the church now. Not the future.

Christ the King – Mpho Mohale – noting the intentionality of the church in including young people and creating spaces for young people. It was noted that including young people in positions it is not about ticking boxes.

Mavusa Malindi- Mthatha– this motion is supported. Noted we must query the programmes to be done to attract the youth to coming to church. What are the responsibilities given to young people so that they understand how the church works. Noted the need to make the church relevant for and to young people.

Cape Town – Rev. Shaun Cozette – queried in terms of practicality, what do we do with parishes who don't have young people. How do we legislate a canon inclusive of all in the province.

Natal – Ven Forbes: agree with the principles – concerned hearing suggestions that youth involved doing them a favour. The issue is that we are people who accept a 25-year-old CEO but not a 25 year old Church Warden.

Grahamstown - not comfortable with young people in positions of churchwardens because leadership is required. Programmes are required.

False Bay – Kim Williams: suggested that Dioceses have youth synods to introduce young people to the structures of the church. While this may not allow for decision making the measures and motions passed are presented at Diocesan Synod for decision making. The ageism must be set
aside and the church must go out to the young people. Young people do not leave the church by choice it is because there is no space made for them. This measure is supported.

44.5 The Principles of the Measure were put and carried.

The Measure is deferred to the Committee of Synod.

45. MINUTES OF 21 SEPTEMBER 2021

Proposed by Grahamstown and seconded by Christ the King for minutes to be signed.

The minutes of 21 September 2021 was signed by The Most Revered Thabo Makgoba.

46. MOTIONS

46.1 Arising from the Archbishop’s Charge: Theological and loving response in terms of vaccination.

Proposer: Ms Tebogo Molefe of Diocese of Johannesburg

Seconder: Bishop Raphael Hess of Saldanha Bay

MOTION ARISING OUT OF THE ARCHBISHOP’S CHARGE

This Provincial Synod

Noting that

1. The Archbishop in his charge reminded us that “in a deadly pandemic, the right of your neighbour to inevitably circumscribes your right to do as you like”, and “further asked us to “to take seriously our prophetic role in society when we debate this matter.

2. The Coronavirus pandemic has affected our common life as a church

3. That in the church there are those who believe strongly in vaccination and those opposed to vaccination

4. That in 1 Cor 8:9 in dealing with an issuing dividing the church over food offered to idols urges ‘But take care that this liberty of yours does not somehow become a stumbling block to the weak.’

Acknowledging

1. The work of the ACSA COVID-19 Advisory Team in its advice and guidance to the Province and commending the information video for use in services
2. The COVID pandemic continues to wreak havoc in our common life as parishes and affects both clergy and laity alike

3. The National Covid Command Council in South Africa predicts a likely fourth wave later this year

4. There is a recognition of the fact that vaccinations have not always been used for good and that this has caused fear and suspicion in the hearts and minds of our communities

5. There is much controversy and debate around the science of vaccinations which is creating vaccine hesitancy in our communities

6. Our theology as Anglicans encourages us to be bound by ties of love and also to remember that we are our sister and brother’s keeper

7. We need a theological response which assists our member to engage with the scientific and legal debates

Resolves to

1. Request the ACSA Covid Advisory Team prepare a theological response to guide the church in fulfilling its prophetic role with regard to its position on vaccination.

2. This theological framework to be available for all Dioceses by no later than end of October 2021 and used as part of the ongoing education of our members

3. In the interim until such a response is available this Synod urges all clergy and laity alike to seriously consider vaccination as an act of love for both ourselves and our neighbour.

4. Encourage all to continue to be vigilant in observing all protocols and regulations relating to the prevention of the further spread of the virus.

5. That a google survey of views of vaccination be made available to all diocese and via social media and that the statistics on vaccination be reviewed at PSC in 2022

46.1.1 Discussion:

This motion seeks to amongst others encourage ACSA to provide a theological response to Covid-19 and guide for ongoing education within our churches. It was noted that there is much controversy and debate around vaccinations which is contributing to vaccine hesitancy.

The theological guideline to be made available by October 2021. It was encouraged that vaccination is an act of love.

Bishop Raphael notes that this motion reminds us as Christians to address this through theology, being prophetic. Mandatory vaccination is promoted.
There were a number of other points that were raised and the President requested that a special team comprising The proposer and seconder, Ms Rosalie Manning and Mr John Allen to revisit the motion and to bring it back at a later date.

*The motion will be revisited on 23 September 2021.*

47. ANSWERING OF QUESTIONS

No answers were received.

18H00 EVENING PRAYER

SYNOD ADJOURNS

19H00 COMMITTEE OF SYNOD

Proposed by: Bishop Hess Seconded by: Bishop Ntali

Signed as a correct and complete set of the Minutes by His Grace, Archbishop of Cape Town. The Most Reverend Dr Thabo Cecil Makgoba on this the 23rd day of September 2021

Signature: [Signature]

Date: 23rd September 2021