

MEMORANDUM

To: Bishop Mark Macdonald
National Indigenous Anglican Bishop

From: David Jones

Date: February 3, 2017

Re: **ELEMENTS FOR A SELF-DETERMINING NATIONAL INDIGENOUS
MINISTRY WITHIN THE ANGLICAN CHURCH OF CANADA**

+Mark, the purpose of this memo is to follow up on our very helpful and stimulating discussion when you were in Edmonton on January 27th about the elements required to develop a self-determining National Indigenous Ministry. What follows are simply suggestions of the structural elements—the details can be changed. And it builds on the memorandum I prepared in 10 October 2015.

1. There needs to be an entity.

There already is an entity—we already have one, called the National Indigenous Ministry, and it would be simplest to take the existing entity and transform it into what is needed. The existing name can be changed.

2. There needs to be a description of the work undertaken by the entity

What is its purpose? What will it do? Some possible words: “The National Indigenous Ministry is a confederation of groups in the Anglican Church of Canada to coordinate, support, nurture, and provide pastoral support to indigenous ministries.”

3. There needs to be a constitution for the entity

There needs to be a constitution that sets out the elements of the entity, and how they operate. A constitution is “a rule for the making of rules”. The constitution does not need to be elaborate—and we already have the essential components of it: the Sacred Circle, ACIP, the NIAB.

4. How do the various ministries connect with the entity?

There needs to be clarity and a statement about how various entities connect or relate to the entity. Is it a voluntary association, so that different groups can choose to be associated with it? Will there be different classes—dioceses, congregations, priests, individual lay persons?

5. Making the entity self-determining

In order for the entity to be self-determining, there needs to be a mechanism so that the entity itself can change its constitution. Currently, General Synod has control of Canon XXII. Assuming all of the various components can be put in place, General Synod could amend Canon XXII to provide (for example) a method for the entity itself to amend some or all of the parts of the entity's constitution, without needing any further action by General Synod.

Canons XV and XVI are examples of how this can be done. In these canons, General Synod approved the creation of the Ecclesiastical Provinces of Ontario and British Columbia respectively, provided for their initial constitutions, and provided that the provinces could thereafter amend their respective constitutions (without any further approval from General Synod). In a certain sense, Canons XV and XVI are now simply placeholders, and those provincial synods are completely self-governing. This model could be used to amend Canon XXII to create the mechanism for the national indigenous ministry entity itself to be able to amend the operative parts of Canon XXII.

A variant would be to keep certain parts of Canon XXII in the canon, but provide that other parts of the canon could be amended by someone other than General Synod. For example, the third sentence of section 3 of Canon XXII could be amended to provide something along the following lines: "*... Until otherwise determined by the Sacred Circle, it will consist of the following voting members: ...*"; and similarly for other parts of Canon XXII.

6. Incorporation of the entity, or not?

A decision will need to be made about whether to incorporate the entity (or some part of the entity). Strictly speaking, this is not necessary for either legal or tax reasons. However, incorporation might make it simpler for the entity to hold property and other funds. Given the pan-Canadian nature of the national indigenous ministry, one would probably use the federal Not-for-profit Corporations Act as the vehicle for incorporation, although that legislation does impose certain requirements for

frequency of meetings and reporting, which creates certain practical concerns about the exact details of which entity is to be incorporated and how it must operate.

The question about whether and how to incorporate does not need to be decided immediately, but does need to be discussed soon in the process.

7. Charitable status for tax receipts

If it is contemplated that the entity will be able to issue tax receipts, it will be necessary for it to be registered as a charity with CRA (and some provincial tax authorities). In order to meet their requirements, some care will need to be taken to describe the purpose and objects of the entity in a way which will meet the legal definition of a charity.

Alternatively, it may be possible to flow donations through the national church, using its charitable tax number, with such designated money being allocated to the entity.

8. Financial arrangements

In order for the entity to be self-determining, it will need to have financial arrangements for its on-going costs. Currently, most of the finances for the national indigenous ministry comes from General Synod, as part of its budget. For example, your salary as the National Indigenous Anglican Bishop is paid by General Synod to you as part of Church House staff, and similarly for the people who work in that department. There would need to be discussions with Church House and CoGS about whether that money could be paid to the entity, and if so what structures and reporting and accountability would need to be put in place.

9. What happens to the National Indigenous Anglican Bishop?

A decision would need to be made about whether the National Indigenous Anglican Bishop would remain on the staff of General Synod at Church House, or would become part of the self-determining entity. A similar decision would need to be made about the other people who work in that department of General Synod.

10. Relationship of the Entity to Existing Dioceses—"Jurisdiction"

There would need to be clarity about the relationship of the entity to dioceses and diocesan bishops.

To the extent that the entity's work is pastoral and co-operative, it would operate with the permission of the appropriate diocesan bishop—much as your ministry as NIAB

has operated and flourished over the last 10 years. The particular ministries involved, however, remain in their respective dioceses.

It would be possible, however, for a diocesan bishop to enter into an episcopal agreement that the NIAB will have episcopal oversight with respect to a particular priest or congregation in the diocese (which remains in the diocese). As a variant, it would be possible for a diocesan bishop to agree that a particular priest could be seconded to the national indigenous ministry, under the episcopal authority of the NIAB. This is the model for the Anglican Military Ordinariate—the priests are seconded and are under the authority of the Bishop Ordinary, but remain canonically resident in their own diocese.

In all such arrangements, there needs to be clarity about who is responsible (which can be tested by who can discipline and whose insurance policy is engaged if there is a problem).

11. Next Steps

How does this get taken to the next steps? Who speaks for the indigenous communities,, and what conversations need to take place there? What conversations can usefully be undertaken at the gathering which the Primate and you are calling together later this year?

What can the Governance Working Group do to assist in either the discernment process or in generating the documents that will be needed to make this operational? What does the timetable need to be in order to be able to take any proposal to the provincial synods (which meet in 2018), or the House of Bishops, or CoGS—all of which were very helpful in the process for the very successful implementation of the two previous iterations of Canon XXII?

How complete does the project need to be for General Synod 2019? Are there some parts that can be done in order to get to GS 2019, with further parts to come to later General Synods (as one discerns more clearly how the ministry will continue to develop)?

What can I do to help?

David Jones