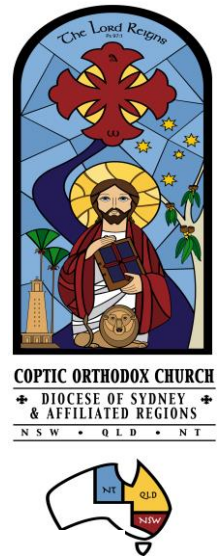


# Coptic Orthodox Church Sydney Diocese and Affiliated Regions



## Report of the Constitution Committee

### Introduction

The Constitution Committee (“The Committee”) was appointed to examine, update and revise the Constitution (“The Constitution”) for the Coptic Orthodox Church Diocese of Sydney and its Affiliated Regions (“The Diocese”). His Eminence Archbishop Angaelos appointed the Committee in his capacity as Papal Legate to the Diocese. The Committee has produced this short report to explain the process.

The Committee was made up of experienced and practising legal professionals, the interim trustees, who initiated the amendments to the Constitution, and lawyers from within and outside the Diocese who contributed to the process. This provided the Committee with both an objective and legal perspective on the process of updating the Constitution.

The Committee had in mind that the current active Constitution is based on a time historically when the Diocese had a handful of churches under direct Papal responsibility. The landscape has changed considerably since those early days. By the grace of God, the Diocese now has many churches, monasteries, properties, colleges and several other entities.

The Committee considered much of the hard work done previously in seeking to update the Constitution. This included the previous Draft Constitution, circulated for consultation by the interim diocesan trustees under the care of His Eminence Metropolitan Tadros of Port Said. The

Committee has built on that work, refining and crystallising that which must be contained within the Constitution.

The Committee recognised the wide variety of views held within the Diocese. It sought to carry the most significant consensus of views possible whilst retaining the legal objectives that the Constitution must achieve.

The Committee sought to accomplish a Constitution that allows for the fluid operation of the Diocese regarding its administration, properties, and fixed or liquid assets, with the appropriate accountability, checks and balances in place.

### **The recent consultation process**

After a consultation process in 2022, which followed the initial consultation process under the interim trustees, comments were received through the official email address. The Committee is grateful to all those who took time to comment on the Constitution. The Committee has carefully considered all these comments, and they broadly fall into the following categories: -

1. Suggestions that have been adopted into the Constitution.
2. Suggestions that may be adopted into the by-laws.
3. Suggestions that were not adopted since the Constitution does not require them.
4. Suggestions that cannot be adopted because they would contradict other parts of the Constitution.
5. Suggestions which surround pastoral care and these will be dealt with separately.

The suggestions also highlighted the need for the Committee to explain the purpose and function of the Constitution, as well as the next steps. These are as follows.

### **Purpose of the Constitution**

The essential purpose of the Constitution is not, as many might think, to define the functions of the key positions within the Diocese for internal purposes. The purpose of the Constitution is to

explain to external organisations and bodies, both for legal and financial purposes, what the Diocese is and who has responsibility for which function. This is because the Diocese has a legal status under the laws of New South Wales, Australia. It also has charitable status and owns and handles a considerable number of assets.

Whilst the Constitution needs to be set out with sufficient detail for those purposes, it does not need to contain anywhere near the same level of detail regarding ecclesiastical, religious, spiritual and social functions. These matters are purely internal to the Diocese. The lack of such detail does not mean that there is no system for ecclesiastical, religious, spiritual and social functions, which all come under the standard canons and practises of our Coptic Orthodox Church. These canons and practises apply to any Diocese, whether in Egypt or outside, including this Diocese.

### **Functions of the Constitution**

The Constitution must cater to the various roles and responsibilities regardless of the person occupying the specific position within the Diocese. The Committee carefully examined those roles and responsibilities, both collectively and individually. In doing so, the Committee set before itself several significant criteria. For this purpose, the role must be:-

1. Necessary.
2. Sufficiently supported.
3. Able to function effectively to discharge what is best for the Diocese.
4. Accountable, with sufficient checks and balances in place.

No role should be overburdened or carry overall singular responsibility for decision-making, particularly when it comes to handling the assets of the Diocese. This is to avoid suggestions of impropriety or unnecessary risk-taking against any individual, whether actual, genuinely perceived or malicious. Equally, the Diocese must have the confidence to conduct its affairs as necessary. At the heart of this endeavour is the integrity and trust that the affairs of the Diocese are being appropriately handled.

## **Next steps**

This stage of the Constitution process has now been finalised with the approval of His Holiness Pope Tawadros II, Pope of Alexandria, and Patriarch of the See of St Mark, who authorised and signed the official Constitution on the Feast of Nayrouz, on 11 September 2022.

The Constitution will now formally be registered with the Australian Charities and Not-for-profits Commission (“ACNC”) as required by law. Given the charitable status of the Diocese, the ACNC is the legal body responsible with which the Constitution has to be registered.

Immediately following the registration of the Constitution, steps will be taken to amend the “Coptic Orthodox Church (NSW) Property Trust Act 1990 No 67” so that it aligns with the Constitution, moving responsibility from a sole trusteeship to a board of trustees appointed under the Constitution.

Until then, the process continues to operate lawfully under the delegation arrangements allowed by the current legislation.

The Committee hopes this answers many of the questions raised throughout the process and commends the work to the Diocese and its members.

The Committee Members

9 October 2022