

Principal Ordinances

(Ordinances proposed to be amended or repealed
at the 2009 session of Synod)

2nd Session of the 48th Synod

19, 20, 21, 26 and 27 October 2009

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Archbishop of Sydney Appointment Ordinance 1982

(Reprinted under the Interpretation Ordinance 1985.)

The Archbishop of Sydney Appointment Ordinance 1982 as amended by and in accordance with the Archbishop of Sydney Appointment Ordinance 1982 Amendment Ordinance 1993, the Archbishop of Sydney Appointment Amendment Ordinance 1997, the Miscellaneous Amendments Ordinance 1999, the Archbishop of Sydney Appointment Ordinance 1982 Amendment Ordinance 2001 and the Archbishop of Sydney Appointment Ordinance 1982 Further Amendment Ordinance 2001.

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Long Title

An Ordinance to provide for the appointment of Archbishops to the Metropolitan See of Sydney.

Preamble

Whereas

A. By resolution No 7 of 1982, the Synod of the Diocese of Sydney expressed its belief that the Archbishop of Sydney Appointment Ordinance 1962 was unnecessarily obscure and was understood to contain many deficiencies and the Synod requested the Standing Committee of the Synod, among other things, to bring, if appropriate, amending legislation to the next session of Synod.

B. The Standing Committee has complied with the request.

Now the Standing Committee of the Synod of the Diocese of Sydney in the name and place of the said Synod Hereby Ordains Declares Directs and Rules as follows.

Preliminary/Vacancy

1. Citation

This Ordinance may be cited as the "Archbishop of Sydney Appointment Ordinance 1982".

2. Resolution that Vacancy be filled

(1) Except where the Standing Committee has passed a resolution under subclause (2) of this clause, the Standing Committee shall, as soon as practicable after the date on which a vacancy occurs in the See of Sydney, resolve that the vacancy be filled in accordance with this Ordinance.

(2) The Standing Committee may, at any time within the period of 8 weeks before the date on which a vacancy shall occur in the See of Sydney, resolve that the vacancy be filled in accordance with this Ordinance.

3. Appointment of Returning Officers

Where the Standing Committee has passed a resolution under subclause (1) or (2) of clause 2, it shall –

- (a) not less than 28 days prior to the date upon which a meeting of the Synod is summoned under clause 5, appoint a Returning Officer and a Deputy Returning Officer for the purposes of that meeting; and
- (b) inform the Secretaries of Synod of the appointments.

4. Functions of Returning Officers

(1) The Returning Officer appointed under clause 3 shall exercise and perform all the powers, authorities, duties and functions conferred or imposed on the Returning Officer under this Ordinance.

(2) Where the Returning Officer appointed under clause 3 is, for any reason, unable to act, the Deputy Returning Officer shall have and shall exercise and perform all the powers, authorities, duties and functions conferred or imposed on the Returning Officer under this Ordinance.

(3) In the exercise and performance of his powers, authorities, duties and functions under this Ordinance, the Returning Officer may, with the approval of the President, have and use the assistance of such persons as the Returning Officer considers necessary.

5. Summoning of Synod

(1) The person who, on the occurrence of a vacancy in the See of Sydney, is entitled under the Constitutions to exercise the powers vested in the Archbishop shall –

- (a) where the Standing Committee has passed a resolution under subclause (1) of clause 2 - within 21 days after the passing of the resolution; or
- (b) where the Standing Committee has passed a resolution under subclause (2) of clause 2 - within 21 days after the occurrence of the vacancy in the See,

summon, by notice in writing given, so far as is possible, to each member of the Synod, a meeting of the Synod in order to fill the vacancy.

(2) A meeting of the Synod summoned under subclause (1) of this clause –

- (a) shall be held within the period being not less than 8 weeks and not more than 16 weeks after the occurrence of the vacancy;
- (b) may commence on any day of the week; and
- (c) shall be held at a place within the Diocese of Sydney.

(3) The notice referred to in subclause (1) of this clause shall specify –

- (a) the day and the time on that day on which the meeting of the Synod shall commence;
- (b) the place at which the meeting shall be held;

- (c) the day, determined in accordance with clause 7, on which nominations of duly qualified persons for the office of Archbishop of the See of Sydney shall close;
- (d) the person to whom and the place at which nominations shall be given; and
- (e) such other matters as the person giving the notice thinks fit.

6. Administrative Committee

(1) The person who, on the occurrence of a vacancy in the See of Sydney, is entitled under the Constitutions to exercise the powers vested in the Archbishop may appoint such members of the Standing Committee as he determines to constitute, under his chairmanship, an Administrative Committee for the purpose of determining and giving effect to administrative matters relating to –

- (a) the convening of the meeting of the Synod; and
- (b) the conduct of the proceedings of the Synod at that meeting.

(2) The Administrative Committee shall not make or give effect to any decision or determination which is inconsistent with the terms of this Ordinance.

Nominations

7. Nominations

(1) Any 2 or more members of the Synod may, in accordance with subclause (2) of this clause, nominate any duly qualified person for the office of Archbishop of the See of Sydney.

(2) A nomination under subclause (1) of this clause must –

- (a) be in writing;
- (b) be signed by the nominators;
- (c) specify the address for service of notices on the nominators and the address for service of notices on the nominee; and
- (d) be given to the person and at the place specified in the notice referred to in subclause (1) of clause 5 not later than 35 days before the day on which the meeting of the Synod shall commence.

(3) A duly qualified person shall be deemed not to have been nominated to the office of the Archbishop of the See of Sydney unless one or more nominations signed by not less than 20 members of Synod are received under subclause (2).

(4) Upon a person being nominated to the office of the Archbishop of the See of Sydney, the person specified in the notice referred to in subclause (1) of clause 5 must give the nominee notice in writing that he is a nominee for that office. A notice under this subclause is deemed to have been sufficiently given if sent by post to the address for the nominee specified in a nomination under subclause (2) and if there are one or more different addresses so specified, notice shall be sufficiently given if sent by post to one of those addresses.

(5) Upon receipt of a notice under subclause (4) the nominee may, within 14 days, give notice that he does not wish to be a nominee for the office of Archbishop of the See of Sydney whereupon that person shall be deemed, for the purposes of the remaining clauses of this Ordinance, not to have been nominated for that office.

8. List of Nominations

The person who, on the occurrence of a vacancy in the See of Sydney, is entitled under the Constitutions to exercise the powers vested in the Archbishop shall, after the close of nominations and not less than 10 days before the day on which the meeting of the Synod shall commence, forward, so far as is possible, to each member of the Synod a list, in alphabetical order, of the persons nominated showing, in relation to each such person, the names of all members of the Synod who have nominated that person.

9. Determination of Proposer and Seconder

(1) The nominators of a nominee must –

- (a) determine, among themselves if need be, by a majority, in relation to each stage in the proceedings under this Ordinance, who shall propose and second the nomination at that stage; and
- (b) notify either of the secretaries of the Synod of their determination within sufficient time to enable the name of the proposer and seconder to be included in the appropriate day's business paper.

(2) Where the nominators of a nominee are unable to make a determination referred to in subclause (1) of this clause in respect of any stage, the President shall select, from among those nominators, the proposer and seconder of the nomination in respect of that stage.

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(3) Nothing in this clause prevents the Synod from granting leave to any member of the Synod to propose or second the nomination of a nominee at any stage in the proceedings under this Ordinance, notwithstanding that –

- (a) the member did not nominate the nominee under clause 7; or
- (b) the member is not a member notified under paragraph (b) of subclause (1) of this clause or selected under subclause (2) of this clause.

Proceedings of Synod

10. Right of Reply

Where a motion is proposed under this Ordinance and any other member of the Synod (not being the seconder of the motion) speaks in respect of the motion, the proposer shall, after all speeches have been made in respect of that motion, have the right of reply.

11. Order of Business – First Day

- (1) The order of business for the first day of the meeting of the Synod shall be as follows –
 - (a) The List of Clergy summoned to the Synod shall be laid upon the table by the President.
 - (b) The List of Representatives shall be laid upon the table by the President, and those who have not presented their Certificates of Election, and signed the Declaration shall then do so.
 - (c) The President shall deliver his address.
 - (d) The President may lay upon the table a document appointing a Commissary.
 - (e) Motions for the election of –
 - (i) A Chairman of Committees.
 - (ii) A Deputy Chairman of Committees.
 - (iii) A Committee of Elections and Qualifications.
 - (iv) A Committee for the purpose of checking and, if agreed, certifying the minutes of each meeting other than a meeting of the Committee of the Whole Synod.
 - (f) The Minute Book of the Standing Committee shall be laid upon the table.
 - (g) Petitions.
 - (h) Notices of Questions.
 - (i) Notices of Motions.
 - (j) Motions in connection with the formal reception and printing of Reports, Accounts and other documents.
 - (k) Motions by request of the Standing Committee with respect to the proceedings under this Ordinance.
 - (l) The Synod shall then proceed in accordance with clause 15.
- (2) The President may not invite or request another person to give the President's address.

12. Proceedings held in private

At the conclusion of the President's address, the public shall be excluded and shall continue to be excluded until the meeting of the Synod ends.

13. Order of Business – Second and Subsequent Days

The order of business for the second and subsequent days of the meeting of the Synod shall be as follows –

- (a) The Minutes of the previous day's proceedings shall be read and signed as a correct record or otherwise dealt with in accordance with any resolution passed at the meeting of the Synod.
- (b) Questions.
- (c) Petitions.
- (d) Notices of Questions.
- (e) Notices of Motions.
- (f) The continuation of the procedure determined in accordance with this Ordinance for the election of a person to the office of Archbishop of the See of Sydney.
- (g) Motions according to the order of notice or in the order determined by the Administrative Committee.

14. Announcement as to Voting

(1) Immediately after each vote on a motion by show of hands is taken under this Ordinance, the President shall announce the result of the vote together with the number of members of the Synod (being, where applicable, the numbers of members of each order) who have voted for and the number of members of the Synod (being, where applicable, the numbers of the members of each order) who have voted against the motion.

(2) After each ballot is taken under this Ordinance, the Returning Officer shall hand to the President his record of the counting in respect of the ballot and the President shall announce the analysis appearing in the record.

Select List

15. Reduction of List of Nominations and Compilation of Select List

(1) After the items of business referred to in paragraphs (a)-(k) of clause 11(1) have been dealt with, each nominee shall be proposed and seconded in the order in which his name appears on the list of nominations referred to in clause 8.

(2) After a nominee has been proposed and seconded, the President shall ask whether any member of the Synod wishes to speak against the nomination and each member of the Synod who wishes so to speak may, unless the Synod otherwise determines, address the Synod accordingly.

(3) Where a member of the Synod speaks against a nomination, the President shall ask whether any member of the Synod wishes to speak in respect of that nomination and each member of the Synod who wishes so to speak may, unless the Synod otherwise determines, address the Synod accordingly.

(4) Where –

- (a) speeches in respect of the nominee whose name last appears on the list of nominations referred to in clause 8 have concluded; or
- (b) no member of the Synod wishes to speak against that nomination,

the President shall, unless the Synod otherwise determines, put the following motion to the Synod in respect of each nominee whose name appears on that list of nominations –

“That the name of (A.B.) be placed upon the Select List.”.

(5) A vote on each of the motions put to the Synod under subclause (4) shall be taken simultaneously by a secret ballot in each order of the members of the Synod then present, the lay members of the Synod voting first, in accordance with clause 15A.

(6) If a majority of either order of the members of the Synod then present and voting vote in favour of the motion in respect of a nominee, the name of that nominee shall be placed on the Select List.

(7) The order in which the names of the nominees shall be placed upon the Select List shall be determined by the President by lot.

(8) The President shall announce to the Synod the names which have been placed upon the Select List and the order in which they have been so placed.

15A. Ballot Procedure

(1) Each member of the Synod then present shall be given a separate ballot paper for each motion referred to in subclause (4) of clause 15 of a colour specified by the President as the colour to be used by the order to which that member belongs.

(2) A ballot paper referred to in subclause (1) shall be –

- (a) printed with the name of the nominee referred to in the motion; and
- (b) printed with two squares opposite the name of the nominee with the word “Yes” above one square and the word “No” above the other.

(3) On receipt of a ballot paper, a member of the Synod shall record his or her vote by marking the box under the word “Yes” if the member wants the name of the nominee to be placed on the Select List or by marking the box under the word “No” if the member does not want the name of the nominee to be placed on the Select List.

Final List

16. Reduction of Select List and Compilation of Final List

(1) After compilation of the Select List in accordance with clause 15, each nominee whose name appears on the Select List shall be proposed and seconded in the order in which his name appears upon that List.

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(2) After a nominee has been proposed and seconded, the President shall ask whether any member of the Synod wishes to speak in respect of the nomination and each member of the Synod who wishes so to speak may, unless the Synod otherwise determines, address the Synod accordingly.

(3) Where –

- (a) speeches in respect of the nominee whose name last appears on the Select List have concluded; or
- (b) no member of the Synod wishes to speak against that nomination,

the President shall, unless the Synod otherwise determines, put the following motion to the Synod in respect of each nominee whose name appears on the Select List –

“That the name of (A.B.) be placed upon the Final List.”.

(4) A vote on each of the motions put to the Synod under subclause (3) shall be taken simultaneously by a secret ballot in each order of the members of the Synod then present, the lay members of the Synod voting first, in accordance with clause 16A.

(5) If a majority of each order of the members of the Synod then present and voting vote in favour of the motion in respect of a nominee, the name of that nominee shall be placed on the Final List.

16A. Ballot Procedure

(1) Each member of the Synod then present shall be given a separate ballot paper for each motion referred to in subclause (3) of clause 16 of a colour specified by the President as the colour to be used by the order to which that member belongs.

(2) A ballot paper referred to in subclause (1) shall be –

- (a) printed with the name of the nominee referred to in the motion; and
- (b) printed with two squares opposite the name of the nominee with the word “Yes” above one square and the word “No” above the other.

(3) On receipt of a ballot paper, a member of the Synod shall record his or her vote by marking the box under the word “Yes” if the member wants the name of the nominee to be placed on the Final List or by marking the box under the word “No” if the member does not want the name of the nominee to be placed on the Final List.

17. Where Motion Carried in respect of less than 3 Nominees

(1) Where –

- (a) there were 3 or more nominees on the Select List; and
- (b) the motion put under subclause (3) of clause 16 is carried with respect to less than 3 nominees,

the President shall, without further debate, again put the motion under subclause (3) of clause 16 to the Synod in respect of each nominee whose name was on the Select List but was not placed upon the Final List.

(2) A vote on a motion put as referred to in subclause (1) shall be taken by a secret ballot and the provisions of subclauses (4) and (5) of clause 16 and clause 16A apply to that ballot.

(3) If a majority of both orders of the members of the Synod then present and voting vote in favour of the motion in respect of a nominee, the name of that nominee shall be placed upon the Final List.

18. Where Motion carried in respect of more than 3 Nominees

Where –

- (a) the motion put under subclause (3) of clause 16 is carried with respect of more than 3 nominees; or
- (b) pursuant to clause 17, there are more than 3 nominees on the Final List,

a ballot or series of ballots shall without further debate be taken in accordance with clause 19, 20 or 21, as the case may require, so as to reduce the nominees on the Final List to 3.

19. More than 5 Nominees

(1) Where –

- (a) the motion put under subclause (3) of clause 16 is carried with respect to more than 5 nominees; or
- (b) pursuant to clause 17, there are more than 5 nominees on the Final List,

each member of the Synod then present shall be given 3 ballot papers, each of which is distinguishable from the others.

(2) On the first ballot, each member of the Synod then present and voting shall write on the ballot paper nominated by the President, in the order in which they appear on the Select List, the names of the 5 nominees whom he or she wishes to remain upon the Final List.

(3) The nominees in excess of 5 who receive the lowest number of votes after the votes of both orders of the members of the Synod have been added together shall be excluded.

(4) On the second ballot, each member of the Synod then present and voting shall write on the ballot paper nominated by the President, in the order in which they appear on the Select List, the names of the 4 nominees whom he or she wishes to remain upon the Final List.

(5) The nominee who receives the lowest number of votes after the votes of both orders of the members of the Synod have been added together shall be excluded.

(6) On the third ballot, each member of the Synod then present and voting shall write on the remaining ballot paper, in the order in which they appear on the Select List, the names of the 3 nominees whom he or she wishes to remain upon the Final List.

(7) The nominee who receives the lowest number of votes after the votes of both orders of the members of the Synod have been added together shall be excluded.

20. 5 Nominees

(1) Where –

- (a) the motion put under subclause (3) of clause 16 is carried with respect of 5 nominees; or
- (b) pursuant to clause 17, there are 5 nominees on the Final List,

each member of the Synod then present shall be given two ballot papers, each of which is distinguishable from the other.

(2) On the first ballot, each member of the Synod then present and voting shall write, on the ballot paper nominated by the President, in the order in which they appear upon the Select List, the names of the 4 nominees whom he or she wishes to remain upon the Final List.

(3) The nominee who receives the lowest number of votes after the votes of both orders of the members of the Synod have been added together shall be excluded.

(4) On the second ballot, each member of the Synod then present and voting shall write, on the remaining ballot paper, in the order in which they appear upon the Select List, the names of the 3 nominees whom he or she wishes to remain upon the Final List.

(5) The nominee who receives the lowest number of votes after the votes of both orders of the members of the Synod have been added together shall be excluded.

21. 4 Nominees

(1) Where –

- (a) the motion put under subclause (3) of clause 16 is carried with respect of 4 nominees; or
- (b) pursuant to clause 17, there are 4 nominees on the Final List,

each member of the Synod then present shall be given a ballot paper.

(2) On the ballot, each member of the Synod then present and voting shall write, in the order in which they appear upon the Select List, the names of the 3 nominees whom he or she wishes to remain upon the Final List.

(3) The nominee who receives the lowest number of votes after the votes of both orders of the members of the Synod have been added together shall be excluded.

22. Procedure in event of equality of votes

(1) Where, pursuant to a ballot under clause 19, 20 or 21, 2 or more nominees receive an equal number of votes and one or more of them is to be excluded, the President shall, without debate, call on each member of the Synod then present to express his or her preference among those nominees who have received an equal number of votes by voting for only 1 of those nominees, being the nominee whose name he or she wishes to remain upon the Final List. This clause shall not apply where the number of nominees who receive an equal number of votes is fewer than the number of nominees to be excluded.

(2) A vote in respect of each nominee to whom subclause (1) of this clause applies by show of hands shall be taken of the members of the Synod then present and voting as a whole.

(3) The nominee or nominees, as the case may require, who receives or receive the lowest number of votes after a vote is taken under subclause (2) of this clause shall be excluded.

(4) If two or more nominees again receive an equal number of votes those nominees shall be excluded.

23. Order of Placement of Names on Final List

- (1) Where, pursuant to clause 16, 17, 18, 19, 20, 21 or 22, a nominee is placed upon or remains upon the Final List, the order in which his name shall be placed upon the Final List shall be determined by the President by lot.
- (2) The President shall announce to the Synod the names which have been placed upon the Final List and the order in which they have been so placed.

Final Selection of a Nominee

24. One Nominee on Final List

- (1) Where the name of only 1 nominee has, in accordance with this Ordinance, been placed upon the Final List, the President shall put the following motion to the Synod –

“That (A.B.) be invited to be Archbishop of Sydney.”

- (2) A vote on the motion by show of hands shall be taken in each order of the members of the Synod then present, the lay members of the Synod voting first.
- (3) If a majority of both orders of the members of the Synod then present and voting vote in favour of the motion, the President shall declare (A.B.) duly elected to the office of Archbishop of Sydney.

25. Final List of 2 or 3 Nominees

- (1) Where, pursuant to clause 16, 17, 18, 19, 20, 21 or 22, the names of 2 or 3 nominees have been placed upon or remain upon the Final List, each nominee shall be proposed and seconded in the order in which his name appears upon the Final List.
- (2) After all nominees have been proposed and seconded, the President shall ask whether any member of the Synod wishes to speak in respect of any nomination and each member of the Synod who wishes so to speak may, unless the Synod otherwise determines, address the Synod accordingly.
- (3) When speeches in respect of the nominations have concluded, the Synod shall adjourn to the following day or a later day determined by the Synod.

26. Limitation of Speeches

- (1) The duration of speeches pursuant to this Ordinance shall be –
 - (a) in the case of a person proposing that the name of a nominee be placed upon the Select List - 15 minutes;
 - (b) in the case of a person proposing that the name of a nominee be placed upon the Final List - 10 minutes;
 - (c) in any other case - 5 minutes.
- (2) Nothing in subclause (1) of this clause prevents the Synod from granting leave to any member of the Synod to speak for such length of time as is specified in the grant of leave.

27. Printing and Distribution of Ballot Papers

- (1) When the Synod meets on the day to which the Synod is adjourned pursuant to subclause (3) of clause 25, each member of the Synod then present shall be given a ballot paper of a colour specified by the President as the colour to be used by the order to which that member belongs.
- (2) A ballot paper referred to in subclause (1) shall be –
 - (a) in a form as prescribed in the Schedule to this Ordinance appropriate to the number of nominees whose names appear upon the Final List;
 - (b) printed with the names of the nominees upon the Final List in the order in which they were placed upon the Final List;
 - (c) printed with a square opposite the name of each nominee; and
 - (d) one of either of two colours, one colour being for use by the lay members of the Synod and the other colour being for use by the clerical members of the Synod.

28. Voting

On receipt of a ballot paper, a member of the Synod shall record his or her vote by placing the number “1” in the square opposite the name of the nominee for whom he or she desires to give his or her first preference and the number “2” or the numbers “2” and “3”, as the case may require, in the square opposite the name or names of the other nominees so as to indicate by numerical sequence the order of his or her preference.

29. Method of Counting Votes

- (1) The Returning Officer shall count the total number of first preferences given by the members of the respective orders for each nominee.

(2) If one of the 2 or 3 nominees, as the case may be, has received an absolute majority of the first preferences of the members of the Synod in each order present and voting he shall be declared by the President to be elected.

30. Failure of Either of 2 Nominees to Obtain Absolute Majority on First Count

(1) Where there are 2 nominees on the Final List and neither nominee receives an absolute majority as referred to in subclause (2) of clause 29, after the President has announced the analysis appearing in the Returning Officer's record of the ballot, a further ballot shall be taken.

(2) Clauses 27, 28 and 29 apply to and in respect of a ballot under subclause (1) of this clause in the same way as they apply to and in respect of a ballot under those clauses.

31. Failure of any of 3 Nominees to obtain absolute majority on first Count

(1) Where there are 3 nominees on the Final List and no nominee receives an absolute majority as referred to in subclause (2) of clause 29, the nominee who has received the fewest first preferences after the first preferences of both orders of the members of the Synod have been added together shall be excluded and each ballot paper counted to him shall be counted to the nominee next in the order of the voter's preference.

(2) Where there are 3 nominees on the Final List and 2 or more nominees have an equal number of first preferences after the first preferences of both orders of the members of the Synod have been added together and one of them is to be excluded, a further ballot shall be taken in respect only of those nominees who have received such equal number of first preferences.

(3) Clauses 27, 28 and subclause (1) of clause 29 apply to and in respect of a ballot under subclause (2) of this clause in the same way as they apply to and in respect of a ballot under those clauses.

(4) The nominee who, on a ballot under subclause (2) of this clause, receives the lowest number of votes after the votes of both orders of the members of the Synod have been added together shall be excluded.

(5) If, after counting to a nominee the preferences of a nominee excluded under subclause (1) or subclause (4) of this clause, one of the nominees receives an absolute majority of the votes of the members of the Synod in each order present and voting he shall be declared by the President to be elected.

(6) Where no nominee receives an absolute majority as referred to in subclause (5) of this clause, a further ballot shall be taken in respect of the nominees who have not been excluded.

(7) Clauses 27, 28 and 29 apply to and in respect of a ballot under subclause (6) of this clause in the same way as they apply to and in respect of a ballot under those clauses.

32. Consequences of Certain Ballots

(1) If, after making a count in respect of a ballot taken under subclause (2) of clause 30 or subclause (7) of clause 31, one of the nominees receives an absolute majority of the first preferences of the members of the Synod in each order present and voting he shall be declared by the President to be elected.

(2) If, after making a count referred to in subclause (1) of this clause, no nominee receives an absolute majority as so referred to, the Synod shall adjourn to the following day or a later day determined by the Synod.

33. Proceedings on Resumption After Adjournment

(1) When the Synod meets on the day to which the Synod is adjourned pursuant to subclause (2) of clause 32, for the purpose of determining the course of action the Synod shall pursue, the President shall, without debate, put the following motions in the following order –

- (a) That a further ballot be taken in respect of the nominees not excluded from the Final List.
- (b) That the Synod reconsider the nominees on the Final List by reverting to the procedure specified in clause 27 and the following clauses of this Ordinance.
- (c) That the Synod reconsider the nominees on the Select List by reverting to the procedure specified in clause 16 and the following clauses of this Ordinance.
- (d) That the Synod adjourn for a period of not less than 42 days and not more than 56 days, as determined by the President, in order that the procedure specified in clause 7 and the following clauses of this Ordinance may apply.

(2) Where a motion put under subclause (1) of this clause is carried, the President shall not be required to put any subsequent motion under that subclause.

(3) The provisions of this Ordinance shall apply, in so far as they are applicable, to and in respect of a motion carried under subclause (1) of this clause.

Offer, Acceptance, Confirmation etc

34. Confirmation of Election

The Provincial Synod Ordinance for the Confirmation of Bishops' Elections (N.S.W.) Assenting Ordinance 1965 applies to and in respect of the confirmation of a person elected in accordance with this Ordinance.

35. Commencement in Office

Where the election of a nominee under this Ordinance –

- (a) is not required to be confirmed under the Provincial Synod Ordinance for the Confirmation of Bishops' Elections (N.S.W.) Assenting Ordinance 1965; or
- (b) is required to be confirmed under that Ordinance and the election of the nominee is certified pursuant to that Ordinance,

the nominee elected shall become Archbishop of the See of Sydney upon acceptance by him, consecration (if not then consecrated) and the taking of his seat in the Cathedral Church of the Diocese.

36. Refusal of or Delay in Confirmation

Where the confirmation of the nominee elected under this Ordinance is required under the Provincial Synod Ordinance for the Confirmation of Bishops' Elections (N.S.W.) Assenting Ordinance 1965 and the election of the nominee is not certified pursuant to that Ordinance, the election of the nominee shall be null and void and proceedings shall be taken under this Ordinance as if the vacancy in the See had occurred at the time of the election becoming null and void.

37. Provision Against Deadlock

Where –

- (a) the election of the nominee has become null and void pursuant to clause 36; and
- (b) the nominee is again elected under the provisions of this Ordinance,

then subject to the election of the nominee being certified pursuant to the Provincial Synod Ordinance for the Confirmation of Bishops' Elections (N.S.W.) Assenting Ordinance 1965, the nominee shall become Archbishop of the See of Sydney upon acceptance by him, consecration (if not then consecrated) and the taking of his seat in the Cathedral Church of the Diocese.

38. Failure of Nominee to Accept Election, Etc

If a nominee elected under this Ordinance does not accept the election or is not consecrated or does not take his seat in the Cathedral Church of the Diocese within a reasonable time after the election, as the case may be, then, upon a resolution in that behalf being made by the Synod, or if the Synod is not then in Session, by the Standing Committee, the election shall be null and void and proceedings shall be taken under this Ordinance as if the vacancy in the See had occurred at the time of the election becoming null and void.

39. Failure to Fill Vacancy for Other Cause

Where the vacancy in the See is not filled as a consequence of a cause not provided for in this Ordinance, then, upon a resolution declaring the failure being made by the Synod, or if the Synod is not then in Session, by the Standing Committee, the proceedings under this Ordinance shall be repeated until the vacancy is filled as if the vacancy had occurred immediately before the passing of the resolution.

40. Declaration of Election

When a person has been elected Archbishop of Sydney in accordance with this Ordinance, the President shall cause a declaration of the election to be publicly made in the Cathedral Church of the Diocese during the time of Divine Service on the next Sunday, the terms of the declaration being as follows –

(Title and name of the person elected)

of

has been duly elected Archbishop of this Diocese

and as Archbishop he is also Metropolitan

of the Province of New South Wales.

41. Proceedings after Declaration of Election

As soon as a person is publicly declared to be elected Archbishop in accordance with clause 40, the President, or if the Synod is not then in Session, the Standing Committee, shall take such steps to give effect to the election as the Synod may direct.

Interpretation, Repeals, Saving Provision etc

42. Application of Other Ordinances

(1) The Conduct of the Business of Synod Ordinance 2000, shall, except to the extent of any inconsistency with the provisions of this Ordinance, apply to a meeting of the Synod summoned in accordance with this Ordinance.

(2) To the extent of any inconsistency between the provisions of this Ordinance and the Standing Committee Ordinance 1897, as subsequently amended, with respect to a meeting of the Synod summoned in accordance with this Ordinance, the provisions of this Ordinance shall prevail.

43. Manner of Dealing with Certain Circumstances

Where any circumstance arises in relation to a meeting of the Synod summoned in accordance with this Ordinance for which no provision is made in this Ordinance, that circumstance shall be dealt with in such manner as may be determined by resolution of the Synod, or if the Synod is not then in session, of the Standing Committee.

44. Interpretation

In this Ordinance –

“Administrative Committee” means the committee constituted under subclause (1) of clause 6;

“Constitutions” means the Anglican Church of Australia Constitutions Act, 1902, and the Anglican Church of Australia Constitution Act, 1961;

“nominee” means a person nominated under clause 7;

“President”, in relation to a meeting of the Synod, means the person presiding at that meeting;

“Standing Committee” means the Standing Committee of the Synod;

“Synod” means the Synod of the Diocese of Sydney.

45. Repeals

(1) The Archbishop of Sydney Appointment Ordinance 1962, the Elections Amendment Ordinance 1981 and clauses 5A, 5B, and 5C of the Election Ordinance 1970 are repealed.

(2) A repeal under subclause (1) of this clause shall not affect or invalidate any act, matter or thing done or suffered to be done or any election or appointment made under or by virtue of an Ordinance or provision repealed by subclause (1) of this clause.

The Schedule

(To be used in the case of 3 nominees)

Archbishop of Sydney Appointment Ordinance 1982

Ballot Paper

Place the number “1” in the square opposite the name of the nominee for whom you desire to give your first preference and the numbers “2” and “3” in the squares opposite the names of the other nominees in the order of your preference.

(To be used in the case of 2 nominees)

Archbishop of Sydney Appointment Ordinance 1982

Ballot Paper

Place the number “1” in the square opposite the name of the nominee for whom you desire to give your first preference and the number “2” in the square opposite the name of the other nominee.

Table of Amendments

Clause 7	Amended by Ordinance No 41, 1997.
Clause 8	Amended by Ordinance No 41, 1997.
Clause 9	Amended by Ordinance Nos 41, 1997 and 14, 2001.
Clause 10	Amended by Ordinance No 41, 1997.
Clause 11	Amended by Ordinance No 41, 1997.
Clause 15	Amended by Ordinance Nos 4, 1993; 41, 1997 and 27, 1999.
Clause 15A	New clause inserted by Ordinance No 41, 1997.
Clause 16	Amended by Ordinance No 41, 1997.

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Clause 16A	New clause inserted by Ordinance No 41, 1997.
Clause 17	Amended by Ordinance No 41, 1997.
Clause 22	Amended by Ordinance No 41, 1997.
Clause 23	Amended by Ordinance No 41, 1997.
Clause 25	Amended by Ordinance No 41, 1997.
Clause 31	Amended by Ordinance No 4, 1993.
Clause 35	Amended by Ordinance No 5, 2001.
Clause 36	Amended by Ordinance No 5, 2001.
Clause 37	Amended by Ordinance No 5, 2001.
Clause 42	Amended by Ordinance No 5, 2001.



Conduct of the Business of Synod Ordinance 2000

(Reprinted under the Interpretation Ordinance 1985.)

The Conduct of the Business of Synod Ordinance 2000 as amended by the Conduct of the Business of Synod Amendment Ordinance 2002 and the Conduct of the Business of Synod Amendment Ordinance 2005.

Clause	Table of Provisions
1	Name
2	Adoption of new rules of procedure
3	Repeal of previous rules
4	Commencement
Schedule	
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1.2	President
1.3	Houses of the Synod
1.4	Quorum
Part 2 - Officers and Committees of the Synod	
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Part 4 - Resolutions	
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4.3	Notice of motions required
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4.5	Calling the motions on the business paper
4.6	Time limits for speeches
4.7	Number of speeches
4.8	After a motion has been seconded
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4.10	Putting a motion to the vote
4.11	Right of reply
4.12	Voting on a motion
4.13	Adjournment of debate
4.14	Not voting on a motion
4.15	Withdrawal of a motion
4.16	Motions previously voted on
4.17	Synod in Committee
Part 5 - Making of Ordinances by the Synod	
5.1	Introduction
5.2	Notice of the proposed ordinance is to be given
5.3	Introduction of the proposed ordinance
5.4	Passing the proposed ordinance formally
5.5	Approving the proposed ordinance in principle
5.6	Considering the text of the proposed ordinance
5.7	Passing the proposed ordinance
5.8	Further consideration of the text of the proposed ordinance
5.9	Reconsideration of the text of the proposed ordinance if assent is withheld
5.10	Proposed ordinances referred from the Standing Committee
5.11	Referral of ordinances by the Synod
Part 6 - Other Matters	
6.1	Questions about the election or qualification of a member
6.2	Petitions to Synod
6.3	Questions

6.4	Personal explanations
6.5	Suspension of these rules
6.6	Media
6.7	Rules

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An Ordinance to make rules for the conduct of the business of the Synod of the Diocese of Sydney.

The Synod of the Diocese of Sydney ordains.

1. Name

This Ordinance is the Conduct of the Business of Synod Ordinance 2000.

2. Adoption of new rules of procedure

The rules for the conduct of the business of the Synod of the Diocese of Sydney are in the Schedule to this Ordinance.

3. Repeal of previous rules

- (1) The Standing Orders Ordinance 1968 is repealed.
- (2) Each reference in an ordinance (other than this Ordinance) to the Standing Orders Ordinance 1968 is changed to the Conduct of the Business of Synod Ordinance 2000.

4. Commencement

Clauses 2 and 3 of this Ordinance commence on the day next following the last day of the second session of the 45th Synod or on the day on which assent is given to this Ordinance, whichever is later.

Schedule

Synod of the Diocese of Sydney

Rules for Conducting the Business of the Synod

Part 1 Meeting Time, President, Houses of the Synod and Quorum

1.1 Meeting time

- (1) The Synod is to meet at 3.15 pm on each appointed day unless it decides to meet at another time.
- (2) No motion about a proposed ordinance may be considered before 4.30 pm apart from the unopposed introduction of a proposed introduction.

1.2 President

- (1) The Archbishop is the President.
- (2) In the absence of the Archbishop, the President is the person appointed by the Archbishop as his commissary under section 11 of the Constitutions in the Schedule to the 1902 Constitutions.
- (3) In the absence of the Archbishop and the commissary, the President is the person next in ecclesiastical rank who is licensed in the Diocese and is present at the meeting of the Synod.
- (4) If the person who is the President of the Synod is, for any reason, unwilling or unable (otherwise than by absence) to preside in respect of any business of the Synod, the President is the person next in ecclesiastical rank after that person who is licensed in the Diocese and is present at the meeting of the Synod.
- (5) Nothing in this rule amends the provisions of the Constitutions in the Schedule to the 1902 Constitutions concerning the giving of assent to an ordinance of the Synod. Accordingly, a person who is President of the Synod under rule 1.2(2) or (3) or (4) may not assent to an ordinance unless that person is authorised to do so under those Constitutions.
- (6) In this rule 1.2, the word "Archbishop" means, if the See is vacant, the person appointed under an ordinance of the Synod to administer the Diocese.

1.3 Houses of the Synod

- (1) Each member of the Synod (other than the President) is a member of a House of the Synod.
- (2) A member who is ordained is a member of the House of Clergy.
- (3) A member of the Synod who is not ordained is a member of the House of Laity.

1.4 Quorum

- (1) When a motion about a proposed ordinance is being considered, one fourth of the members of each House is a quorum.

(2) Otherwise, 50 members of the House of Clergy and 100 members of the House of Laity is a quorum.

(3) If at the time fixed for a meeting of the Synod or during a meeting of the Synod, a quorum is not present the President is to adjourn the Synod to a time determined by him. If a debate is interrupted as a consequence then, subject to rules 3.3, 3.4 and 3.5, the debate is to resume at the point where it was interrupted.

Part 2 Officers and Committees of the Synod

2.1 Introduction

The Synod elects several officers and committees to assist it in conducting its business. Those officers and committees are

- (a) the Secretaries of the Synod
- (b) the Chairman of Committees
- (c) the Deputy Chairman or Chairmen of Committees
- (d) the Committee of Elections and Qualifications
- (e) the Committee for the Order of Business
- (f) the Minute Reading Committee.

This Part sets out the functions of the officers and committees of the Synod.

2.2 The Secretaries of the Synod

(1) One clerical and one lay member are to be elected as Secretaries of the Synod on the first day of each session of the Synod.

(2) The Secretaries of the Synod are to

- (a) prepare the business paper for each day after the first day of each session of a Synod, and
- (b) take minutes of the meetings of the session, and maintain the minute book, and
- (c) record the ordinances passed by the Synod, and
- (d) prepare and publish the report of the session of the Synod.

(3) With the permission of the President, a Secretary of the Synod may give notices to the Synod about any matter concerning the business of the Synod.

2.3 The Chairman of Committees

(1) One member is to be elected as the Chairman of Committees on the first day of each session of the Synod.

(2) The Chairman of Committees presides during meetings of the Synod in Committee and, when presiding, has the same authority as the President.

2.4 The Deputy Chairman or Chairmen of Committees

(1) One or more members is to be elected as the Deputy Chairman or Deputy Chairmen of Committees on the first day of each session of the Synod.

(2) The Deputy Chairman of Committees presides during meetings of the Synod in Committee if the Chairman of Committees is unable or unwilling to act, or if the Chairman of Committees requests that a Deputy Chairman of Committees act. When presiding, the Deputy Chairman has the same authority as the President.

(3) If more than one Deputy Chairman of Committees is elected, the person to preside in the place of the Chairman of Committees is to be determined by the persons who have been elected as Deputy Chairmen of Committees or, if they are unable to agree, by the President.

(4) If

- (a) the Chairman of Committees, and
- (b) the Deputy Chairman of Committees or each of the Deputy Chairmen of Committees,

is unable or is unwilling to preside during a meeting of the Synod in Committee, the person to preside during that meeting is to be a member appointed by the Synod as a result of a motion without notice passed by the Synod. When presiding, that person has the same authority as the President.

2.5 The Committee of Elections and Qualifications

(1) The Committee of Elections and Qualifications is to consist of not more than 5 members elected on the first day of each session of the Synod.

(2) The Committee of Elections and Qualifications is to investigate and report when required by rule 6.1.

(3) A person may not act as a member of the Committee of Elections and Qualifications in relation to a question referred by the Synod about

- (a) the validity of the election or appointment of that person as a member of the Synod, or
- (b) that qualification of that person to be a member of the Synod.

2.6 The Committee for the Order of Business

(1) The Committee for the Order of Business is to consist of

- (a) the Secretaries of the Synod, and
- (b) not more than 5 members elected by the Synod on the first day of each session of the Synod.

(2) The Committee for the Order of Business is to review the business paper for each day of a session, other than the first day, and settle the order of motions appearing on the business paper.

2.7 The Minute Reading Committee

(1) The Minute Reading Committee is to consist of not more than 8 members elected on the first day of each session of the Synod.

(2) Any 2 members of the Minute Reading Committee are to review the minutes of the proceedings of each day and certify their correctness, or otherwise, to the President.

Part 3 The Order of Business of the Synod

3.1 Introduction

This Part sets out the order in which the business of the Synod is to be conducted on each day of a session.

3.2 Order of business for the first day of a session

The order of business for the first day of a session of is as follows.

- (a) The President, or a person appointed by him, is to read prayers.
- (b) The President is to table a list of the members of the Synod.
- (c) The President may make a speech to the Synod.
- (d) The President is to table a document appointing a commissary.
- (e) The Synod is to consider any motion to declare a vacancy or vacancies among the membership of the Property Trust in accordance with the Anglican Church Property Trust Diocese of Sydney Ordinance 1965.
- (f) The President is to table a list of the results of uncontested elections and declare the persons concerned elected.
- (g) The Synod is to consider motions for the election of
 - the Secretaries of Synod
 - the Chairman of Committees
 - the Deputy Chairman or Chairmen of Committees
 - the Committee of Elections and Qualifications
 - the Committee for the Order of Business
 - the Minute Reading Committee.
- (h) The minute book of the Standing Committee is to be tabled.
- (i) The President is to allow members to present petitions.
- (j) The President is to allow members to ask questions in accordance with rule 6.3.
- (k) The President is to allow a member to give procedural motions and is to invite members to give notice of other motions.
- (l) The President is to call the motions in the order in which they appear on the business paper in accordance with rule 4.5.
- (m) The Synod is to consider motions for the formal reception and printing of reports, accounts and other documents in the order in which they appear on the business paper.
- (n) The Synod is to consider motions for proposed ordinances which have been referred from a previous session of the Synod, or from a previous Synod, in the order in which they appear on the business paper, unless the Synod determines, by motion without notice, that those motions should be considered on a subsequent day.
- (o) The Synod is to consider motions to be moved at the request of the Synod or the Standing Committee in the order in which they appear on the business paper.
- (p) The Synod is to consider motions to be moved at the request of a regional council in the order in which they appear on the business paper.

- (q) The Synod is to consider motions received by the Standing Committee from members in accordance with rule 4.3(3) in the order in which they were received.

3.3 Order of business for the second and third days of a session

The order of business for the second and third days of a session is as follows.

- (a) The President, or a person appointed by him, is to read prayers.
- (b) The President, or a person appointed by him, is to read a passage from the Bible and apply it.
- (c) The minutes of the proceedings of the previous day are to be signed by the President as a correct record, or be otherwise dealt with.
- (d) Subject to rule 6.3(5), answers to questions asked on the previous day are to be given.
- (e) The President is to allow members to present petitions.
- (f) The President is to allow members to ask questions in accordance with rule 6.3.
- (g) The President is to allow members to give procedural motions and is to invite members to give notice of other motions.
- (h) The President is to call the motions in the order in which they appear on the business paper in accordance with rule 4.5.
- (i) The Synod is to consider motions about proposed ordinances in the order in which they appear on the business paper.
- (j) The Synod is to consider other motions in the order in which they appear on the business paper.

3.4 Order of business for the fourth and subsequent days of a session

The order of business for the fourth and subsequent days of a session of the Synod is the order specified in rule 3.3 except that no member may

- (a) ask a question, or
- (b) give notice of a motion,

except with the permission of the majority of the members then present.

3.5 Order of motions

Motions are to be considered in the order in which they appear on the business paper. The Synod may determine, as a result of a motion with or without notice passed by the Synod,

- (a) to vary the order in which motions are considered, or
- (b) to fix a time for when a motion is to be considered.

Part 4 Resolutions

4.1 Introduction

The main way in which the Synod expresses a view on a matter is by the making of a resolution. Generally, a resolution is made in the following way.

- (a) A member of the Synod (referred to in these rules as the “mover”) moves a motion (referred to in these rules as the “principal motion”). Usually, the mover will have given notice of the principal motion on a previous day.
- (b) Except during a meeting of the Synod in Committee, a motion is to be seconded.
- (c) When called by the President, the mover will speak in support of the principal motion and the seconder may also speak in support of the motion.
- (d) If any member wishes to speak against the principal motion, or move a proposed amendment, debate will proceed.
- (e) If no member wishes to speak against the principal motion or move an amendment, the President is to ask the Synod to vote on the principal motion.
- (f) After debate has concluded, the President is to ask the Synod to vote on any amendments. After any amendments have been agreed to or rejected, the President is to ask the Synod to vote on the principal motion, as amended by any amendments which have been agreed.
- (g) If the principal motion, with or without amendments, is passed, it becomes a resolution of the Synod.

The remaining rules in this Part contain the details of this procedure, and the details of the special situations in which the general procedure is modified.

4.2 General rules

- (1) A member may only address the Synod when called by the President to do so.
- (2) The President may take part in debate.

(3) If the President stands, all other members are to sit and remain seated until the President sits down.

(4) Any member may speak to a question about procedure. A question about procedure is to be decided by the President whose decision is final unless immediately altered as a result of a motion without notice passed by the Synod.

(5) The President is to confine each speaker to the subject matter being debated. A member may not interrupt a speaker, except with the permission of the President, or as a result of a motion without notice passed by the Synod.

(6) A speaker may not make a remark which reflects adversely on the personality of any member or imputes an improper or questionable motive to any member. If a speaker makes such a remark, the President is to

- (a) ask the speaker to withdraw the remarks and apologise and,
- (b) warn the speaker against making such remarks in future.

If, having been asked, the speaker refuses to withdraw the remark and apologise, the member may be suspended from the Synod as a result of a motion with or without notice passed by the Synod, for the time specified in the motion.

(7) A member may not act in a disorderly way. If a member acts in a disorderly way, he or she may be suspended from the Synod as a result of a motion with or without notice passed by the Synod, for the time specified in the motion.

4.3 Notice of motions required

(1) The Synod is not to consider a motion unless

- (a) notice of the motion was given on a previous day, or
- (b) the Synod agrees to consider the motion.

(2) Motions intended to facilitate the consideration of business at the time are known as "procedural motions" and can rarely be notified in advance. Rule 4.3(1) does not apply to procedural motions and those other motions for which notice is not required by Parts 4 and 5.

(3) A member may send notice of a motion to the Standing Committee to be received at least 1 month before the first day of the session. Notice of such motion is to be printed on the business paper for the first day of the session. A member may not send notice of more than 2 motions.

(4) If notice in writing is given to a Secretary of the Synod by 7.00 pm on the first day of a session then notice of the motion will be regarded as having been given on a previous day for the purposes of rule 4.3(1).

4.4 Motions to be seconded

(1) No motion, or motion to amend a motion, is to be considered unless it is seconded.

(2) Rule 4.4(1) does not apply to a motion moved in a meeting of the Synod in Committee.

4.5 Calling the motions on the business paper

(1) At the time required by rule 3.2, 3.3 or 3.4, the President is to call the motions in the order in which they appear on the business paper, except those motions about a proposed ordinance.

(2) When a motion is called, the President is to ask for the motion to be seconded unless 8 or more members call "object" or 1 or more members calls "amendment". If the motion is seconded, the Synod is to vote on the motion without any speeches or debate.

(3) If 8 or more members call "object" or 1 or more members calls "amendment"

- (a) the President is to immediately call the next motion on the business paper to be called under this rule or, if there is no such motion, proceed to the next item of business, and
- (b) any member who calls "amendment" is to
 - deliver a written copy of the proposed amendment to a Secretary of the Synod, and
 - make himself or herself available to discuss the proposed amendment with the mover of the motion on the day on which the call is made.

(4) If the mover of a principal motion, after discussing a proposed amendment called under rule 4.5(3), notifies a Secretary of the Synod that the mover wants to move the motion in an amended form, the motion in the amended form becomes the principal motion, and is to be printed on the next day's business paper.

4.6 Time limits for speeches

(1) The following time limits for speeches apply.

- (a) For a motion that a proposed ordinance be approved in principle

- the mover may speak for up to 20 minutes, and up to 10 minutes in reply
 - other members may speak for up to 10 minutes.
- (b) For other motions, except motions moved in the Synod in committee
- the mover may speak for up to 10 minutes, and up to 5 minutes in reply
 - other members may speak for up to 5 minutes.
- (c) For motions moved in a meeting of the Synod in Committee, a member may speak for up to 3 minutes.

(2) A member, not being the speaker at the time, may move a procedural motion for the speaker to continue for a nominated number of minutes.

4.7 Number of speeches

(1) No member may speak more than once on the same motion except

- (a) during a meeting of the Synod in Committee, or
- (b) when invited to give an explanation, or
- (c) when exercising a right of reply under rule 4.11.

(2) A member who formally seconds a motion is not regarded as having spoken to the motion.

4.8 After a motion has been seconded

(1) After a motion has been moved and seconded, the President is to ask a question to the effect "Does any member wish to speak against the motion or move an amendment?"

(2) If no member indicates a wish to speak against the motion or move an amendment, the Synod is to vote on the motion without any debate.

(3) If a member indicates a wish to speak against the motion or move an amendment, debate on the motion is to proceed.

4.9 Amendments to motions

(1) A member may move a motion to amend a principal motion at any time before the close of debate. The motion to amend must be in writing and a copy handed to the President.

(2) A member may move a motion to amend a motion to amend a principal motion. The motion to amend must be in writing and a copy handed to the President.

(3) A member may ask the Synod to be allowed to withdraw their own motion to amend at any time before the close of debate.

(4) If motions to amend have been moved, but not passed by the Synod, the motion to be put to the vote is the principal motion.

(5) If motions to amend have been moved and passed by the Synod, the motion to be put to the vote is the amended principal motion.

(6) If a member has moved a motion to amend and another member moves a motion for a different amendment or indicates an intention to move a motion for a different amendment, the President may

- (a) put to the Synod questions about the principal motion and the proposed amendment to establish the mind of the Synod on the principle or principles of the motions, or
- (b) nominate a person or persons to
 - prepare a suitable form of words which expresses the mind of the Synod
 - report to the Synod,

and adjourn the debate on the principal motion and the proposed amendments until the report has been received.

(7) If debate on a motion is adjourned under rule 4.9(6)(b), the Synod is to proceed to the next item of business.

(8) If the President considers that the strict application of rule 4.9 may cause confusion or prevent the Synod from expressing its mind, he may waive the application of this rule, or so much of it as he thinks fit.

4.10 Putting a motion to the vote

(1) When the President thinks that sufficient time has been allowed for debate on a motion, he is to ask the Synod a question to the effect

"Does the Synod consider that the motion has been sufficiently debated and should now be voted on?"

(2) If the majority of the members present answer "Aye", the debate on the motion will be regarded as having ended, subject to the mover of the motion exercising a right of reply under rule 4.11. If the majority

of members present answer "No" the President is to allow the debate to continue. Rule 4.10(1) and rule 4.10(2) apply until debate has ended.

4.11 Right of reply

- (1) The mover of a motion has a right of reply after debate on a motion has ended unless the motion is
 - (a) a motion for an amendment, or
 - (b) a procedural motion under rule 4.14(1) that a motion not be voted on.
- (2) After a right of reply has been exercised, the motion is to be voted on.

4.12 Voting on a motion

- (1) A vote on a motion is taken by the President asking present members who are in favour of the motion to say "Aye" and then to ask those members who are against the motion to say "No". Voting may also take place by a show of hands at the option of the President or if requested by a member. A motion is passed only if a majority of the persons present and voting vote in favour of the motion.
- (2) If requested by 8 or more members, voting on a motion is to be conducted by ballot. If a ballot is requested, the Synod, upon motion without notice and without debate, is to determine when and how the ballot is to be conducted.
- (3) The members of the Synod are to vote collectively unless 8 members request that the vote be taken by Houses.
- (4) If a vote is required to be taken by Houses, each House is to vote separately, the House of Laity voting first. The motion is passed only if a majority of persons present and voting in each House vote in favour of the motion. If a majority of the persons present and voting in the House of Laity do not vote in favour of the motion, the House of Clergy is not required to vote.

4.13 Adjournment of debate

- (1) A procedural motion for the adjournment of either the Synod or a debate may be moved without notice at any time between speeches.
- (2) If debate on a motion is adjourned, that debate takes precedence over all other business, unless these rules provide otherwise, or the Synod decides otherwise as a result of a motion without notice passed by the Synod.

4.14 Not voting on a motion

- (1) If it is desired to avoid or postpone a vote on a motion, a member may move without notice the procedural motion
"That the motion not be voted on."
- (2) When this procedural motion is moved, the President is to immediately ask the Synod a question to the effect
"Does the Synod wish the debate on the principal motion to continue before the procedural motion is put to the Synod?"
- (3) The question asked by the President in rule 4.14(2) may be debated but the debate is to be limited to that question until it is disposed of by vote of the Synod.
- (4) If the majority of members present and answering answer "Aye" to the question asked by the President in rule 4.14(2), debate on the principal motion is to continue and the mover of that motion has a right of reply before the procedural motion is voted on. If the procedural motion is not passed, the principal motion, and any amendments, are to be voted on immediately without further debate.
- (5) If the majority of members present and answering answer "No" to the question asked by the President in rule 4.14(2), the President is to immediately put the procedural motion without debate and without any right of reply.
- (6) The procedural motion in rule 4.14(1) is not to be moved in a meeting of the Synod in Committee.

4.15 Withdrawal of a motion

A motion may be withdrawn at any time by its mover with the permission of the Synod.

4.16 Motions previously voted on

- (1) No motion which has been considered by the Synod and voted on is to be debated again during the same session of the Synod.
- (2) No motion which is substantially the same as one which has been voted on during the same session is to be considered.

(3) Any question about whether a motion is substantially the same as one which has been voted on during the same session is to be decided by the President whose decision is final unless immediately altered as a result of a motion without notice agreed to by the Synod.

4.17 Synod in Committee

(1) The Synod may, as a result of a procedural motion with or without notice passed by the Synod, resolve itself into the Synod in Committee to consider any matter. A motion for the Synod to resolve itself into the Synod in Committee to consider the text of a proposed ordinance (see rule 5.6) is

“That Synod resolves itself into the Synod in Committee to consider [further] the text of the [name of proposed ordinance].”

(2) During a meeting of the Synod in Committee, the Chairman of Committees or the Deputy Chairman of Committees has the functions set out in rules 2.3 and 2.4.

(3) The Synod in Committee may, as a result of a motion with or without notice passed by the Committee, resolve to adjourn its meeting. A motion to adjourn a meeting of the Synod in Committee is

“That the Chairman of Committees leaves the chair and reports progress.”

(4) On a motion to adjourn a meeting of the Synod in Committee being passed, the Chairman of Committees is to report progress to the Synod.

(5) When the Synod in Committee has concluded consideration of the matter before it, the Chairman of Committees is to report to Synod. Where the matter being considered was the text of a proposed ordinance, the Chairman of Committees is to report in the manner referred to in rule 5.6(3).

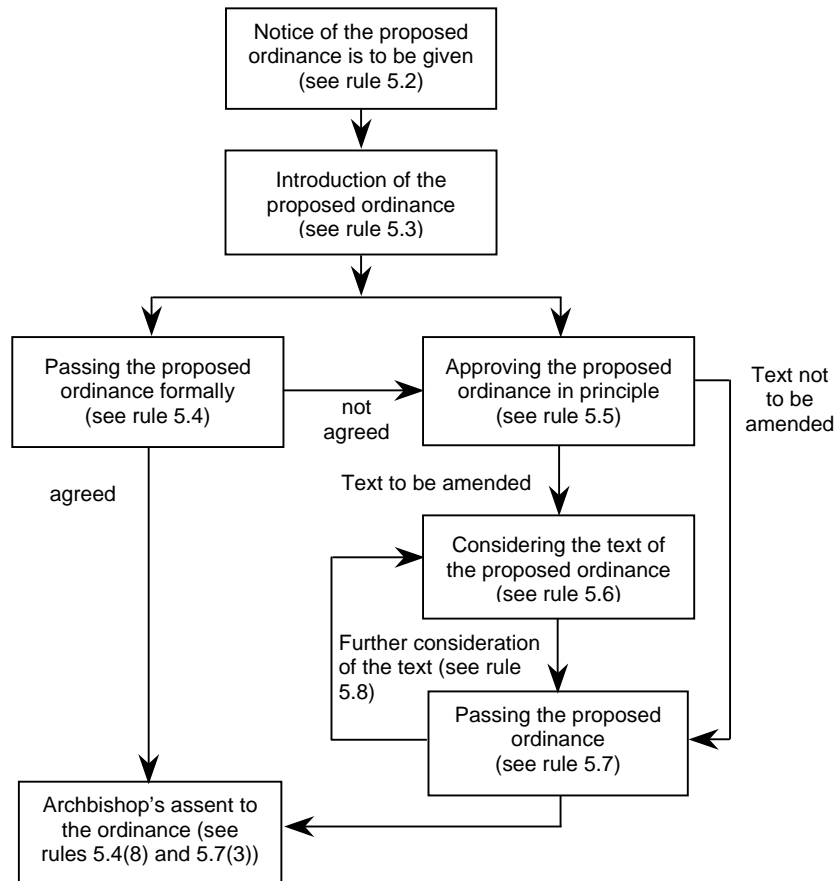
(6) The rules of procedure in this Part 4, so far as applicable, apply to a meeting of the Synod in Committee.

(7) In a meeting of the Synod in Committee the same number of members constitutes a quorum as in the Synod itself. If a quorum is not present, the Chairman of Committees is to leave the chair and report progress.

Part 5 Making of Ordinances by the Synod

5.1 Introduction

The general procedure for the making of an ordinance by the Synod is summarised in the following diagram.



The remaining rules in this Part contain the detail of this procedure, and the details of the special situations where the general procedure is modified.

5.2 Notice of the proposed ordinance is to be given

- (1) Notice of a proposed ordinance is to be given to members before the Synod may consider the proposed ordinance.
- (2) Except as provided by rule 5.2(3), notice will be regarded as having been given only if a copy of the proposed ordinance has been circulated to members present before a motion to introduce the proposed ordinance is moved.
- (3) If a proposed ordinance seeks
 - (a) to assent to a canon of the General Synod of the Anglican Church of Australia to amend the Constitution in the Schedule to the Anglican Church of Australian Constitution Act 1961, or
 - (b) to amend rule 5.2,
notice will be regarded as having been given only if
 - (c) a copy of the proposed ordinance was sent to each member at least 3 months before the first day of the session at which the proposed ordinance is to be considered, or
 - (d) 75% of the members present and voting permit the proposed ordinance to be introduced without notice, other than the notice provided for in rule 5.2(2).

5.3 Introduction of the proposed ordinance

- (1) A proposed ordinance is introduced by a member moving a motion to the effect
“That Synod permits the introduction of the [name of the proposed ordinance].”
- (2) If the motion to introduce the proposed ordinance is passed, the mover may immediately move a motion to the effect -
“That Synod agrees to consider passing the proposed ordinance formally.”
- (3) If the motion to consider passing the proposed ordinance formally is passed, the procedure in rule 5.4 applies.
- (4) If -
 - (a) the mover does not move a motion to the effect that the Synod agrees to consider passing the proposed ordinance formally, or
 - (b) such a motion is moved but is not passed,

the mover may immediately move the motion in rule 5.5(1). If the mover does not immediately move that motion, the mover is to move a motion to the effect -

“That Synod agrees to consider [at a specified time] a motion that the [name of the proposed ordinance] be approved in principle.”

5.4 Passing the proposed ordinance formally

- (1) If the Synod agrees to consider passing a proposed ordinance formally, the mover may immediately make a speech for not longer than 3 minutes about the proposed ordinance.
- (2) At the end of the speech, the President is to ask a question of the Synod to the effect
“Does any member have a question about the proposed ordinance?”
- (3) If a member indicates that he or she has a question, the President is to allow the question to be asked and rules 5.4(4), 5.4(5) and 5.4(6) apply. If no member indicates that he or she has a question, the time for questions will be regarded as having ended.
- (4) A question is to be answered by the mover or seconder unless the President allows another person to answer the question.
- (5) When the President thinks that sufficient time has been allowed for questions, he is to ask the Synod a question to the effect
“Does the Synod consider that sufficient time has been allowed for questions?”
- (6) If the majority of members present answer “Aye”, the time for questions will be regarded as having ended. If the majority of members present answer “No”, the President is to allow the time for questions to continue. Rules 5.4(5) and 5.4(6) apply until the time for questions has ended.
- (7) Subject to rule 5.4(9), after the time for questions has ended, the mover is to immediately move a motion to the effect
“That the [name of the proposed ordinance] pass formally as an ordinance of the Synod.”

(8) If the Synod passes the proposed ordinance formally as an ordinance of the Synod, as soon as possible the Secretaries of the Synod are to send to the Archbishop for his assent, the original copy of the ordinance upon which

- (a) the Chairman of Committees has certified the text of the ordinance, and
- (b) the Secretaries of Synod have certified that the ordinance has passed as an ordinance of the Synod.

(9) If

- (a) prior to the motion in rule 5.4(7) being voted on, 8 members stand in their place to object to the proposed ordinance being passed formally, or
- (b) the motion in rule 5.4(7) is not passed,

the mover is to immediately move a motion to the effect

“That Synod agrees to consider [on a specified future day/on a specified future day and at a specified time] a motion that the [name of proposed ordinance] be approved in principle.”

5.5 Approving the proposed ordinance in principle

(1) At the time permitted by these rules, the mover of a proposed ordinance may move a motion to the effect

“That the [name of the proposed ordinance] be approved in principle.”

(2) After this motion has been moved and seconded, and the mover and seconder have spoken, the President is to ask the Synod a question to the effect

“Does any member have a question about the proposed ordinance?”

(3) If a member indicates that he or she has a question, the President is to allow the question to be asked and rules 5.5(4), 5.5(5) and 5.5(6) apply. If no member indicates that he or she has a question, the time for questions will be regarded as having ended.

(4) A question is to be answered by the mover or seconder unless the President allows another person to answer the question.

(5) When the President thinks that sufficient time has been allowed for questions, he is to ask the Synod a question to the effect

“Does the Synod consider that sufficient time has been allowed for questions?”

(6) If the majority of members present answer “Aye”, the time for questions will be regarded as having ended. If the majority of members present answer “No”, the President is to allow the time for questions to continue. Rules 5.5(5) and 5.5(6) apply until the time for questions has ended.

(7) After the time for questions has ended, the President is to immediately ask the Synod a question to the effect

“Does any member wish to speak against the motion, or to move an amendment to it?”

(8) If a member indicates that he or she wishes to speak against the motion, or to move an amendment, the President is to allow debate on the motion to proceed.

(9) Upon a proposed ordinance being approved in principle, the President is to immediately ask the Synod a question to the effect

“Does any member wish to move an amendment to the text of the proposed ordinance?”

(10) If a member indicates to the President that he or she wishes to move an amendment to the text of the proposed ordinance, rule 5.6 applies.

(11) If no member indicates to the President that he or she wishes to move an amendment, rule 5.7 applies and the mover is to immediately move the motion in rule 5.7(1).

5.6 Considering the text of the proposed ordinance

(1) If upon the President asking the question under rule 5.5(9) a member indicates that he or she wishes to move an amendment to the text of the proposed ordinance, the Synod is to

- (a) immediately consider the text of the proposed ordinance in a meeting of the Synod in Committee, or
- (b) determine another time for such consideration.

(2) When considering the text of a proposed ordinance in a meeting of the Synod in Committee, the Chairman of Committees is to put each clause of the proposed ordinance separately in the order in which the clauses occur in the proposed ordinance, leaving the preamble to be considered last, unless, in the opinion of the Chairman of Committees, it is expedient to put 2 or more consecutive clauses together.

(3) When consideration of the text of the proposed ordinance has been completed by the Synod in Committee, the Chairman of Committees is to report the proposed ordinance to the Synod, with or without amendments as the case may be.

(4) Upon the report being adopted by the Synod as a result of a motion without notice passed by the Synod, the mover of the proposed ordinance is to immediately move a motion to the effect

“That Synod agrees to consider [on a specified future day/on a specified future day and at a specified time] a motion that the [name of the proposed ordinance] pass as an ordinance of the Synod.”

5.7 Passing the proposed ordinance

(1) When permitted by these rules, the mover may move a motion to the effect

“That the [name of proposed ordinance] pass as an ordinance of the Synod.”

(2) A motion that a proposed ordinance pass as an ordinance of the Synod is not to be moved until the Chairman of Committees has certified the text on the original copy of the proposed ordinance.

(3) If the Synod passes a motion that a proposed ordinance pass as an ordinance of the Synod, the Secretaries of the Synod are to

(a) certify on the original copy of the ordinance that the ordinance has passed as an ordinance of the Synod, and

(b) as soon as possible, send the original copy of the ordinance to the Archbishop to enable him to consider his assent.

5.8 Further consideration of the text of the proposed ordinance

At any time before the Synod passes a motion that a proposed ordinance pass as an ordinance of the Synod, the Synod may, as a result of a motion with or without notice passed by the Synod, refer the proposed ordinance, or any clause of the proposed ordinance, or any amendment, to the Synod in Committee for consideration. Rules 5.6, 5.7 and 5.8 then apply, so far as they are relevant.

5.9 Reconsideration of the text of the proposed ordinance if assent is withheld

If the Archbishop withholds assent to an ordinance then, ignoring rules 5.3, 5.4 and 5.5, the Synod may, as a result of a motion with notice passed by the Synod, refer the proposed ordinance, or any clause of the proposed ordinance, or any amendment, to the Synod in Committee for consideration. Rules 5.6, 5.7 and 5.8 then apply, so far as they are relevant.

5.10 Proposed ordinances referred from the Standing Committee

If an ordinance proposed to be made by the Standing Committee is referred to the Synod then, subject to notice of the proposed ordinance being given in accordance with rule 5.2, consideration of the proposed ordinance by the Synod is to commence with a member moving the motion in rule 5.3(1).

5.11 Referral of ordinances by the Synod

(1) The Synod may, as a result of a motion with or without notice passed by the Synod, refer a proposed ordinance at any point in the procedure concerning it

(a) to the next session of the same Synod, or

(b) to a session of the next Synod.

(2) Consideration of the proposed ordinance at the next session of the Synod or at a session of the next Synod, as the case may be, resumes at the point in the procedure reached when it was referred.

Part 6 Other Matters

6.1 Questions about the election or qualification of a member

(1) A question about

(a) the validity of the election or appointment of a member, or

(b) the qualification of any person to be a member,

may be referred by the Synod to the Committee of Elections and Qualifications for investigation.

(2) The Committee of Elections and Qualifications

(a) may meet during a session of the Synod, and

(b) when investigating a question referred to it, may receive such evidence as is available, whether that evidence would be admissible in legal proceedings or not.

(3) After completing its investigation, the Committee of Elections and Qualifications is to report to the Synod its findings about

(a) whether the relevant member was validly elected or appointed, or

(b) whether the person is qualified to be a member.

(4) A member of the Synod may move, with or without notice, that the report of the Committee of Elections and Qualifications be adopted. The motion is to state whether the member the subject of the report has been validly elected or appointed or not, or whether the person is qualified to be a member.

(5) If the Synod passes a motion to the effect that a person has not been validly elected or appointed, or that the person is not qualified to be a member, that person is not to thereafter take part in the proceedings of the Synod unless and until that person becomes duly elected, appointed or qualified, as the case may be.

6.2 Petitions to Synod

(1) This rule 6.2 applies to the petitions referred to in rules 3.2(i) and 3.3(e).

(2) Petitions must be in writing and conclude with the signatures of the petitioners.

(3) No petition is to

(a) be expressed in language which, in the opinion of the President, is disrespectful or offensive, or

(b) have been altered by erasure or interlineation.

(4) A member presenting a petition is to

(a) be acquainted with the contents of the petition, and

(b) affix his or her name at the beginning of the petition, and

(c) state from whom it comes and its contents.

(5) On the presentation of a petition, the only motion the Synod is to consider is a motion to the effect "That Synod receives the petition."

6.3 Questions

(1) This rule 6.3 applies to the questions referred to in rules 3.2(j) and 3.3(f).

(2) A question may be asked by any member. A member may hand a written notice of a question to a Secretary of the Synod or any other member to be asked on his or her behalf.

(3) A question is to relate to a matter connected with the business of

(a) the Synod, or

(b) any committee, board or commission of the Synod, or established by or under an ordinance, or by resolution of the Synod or the Standing Committee.

(4) No question is to

(a) contain an assertion, or

(b) express an opinion, or

(c) offer an argument, or

(d) make any inference or imputation, or

(e) be expressed in language which, in the opinion of the President, is disrespectful or offensive, or

(f) seek a legal opinion.

(5) An answer to a question is to be read orally to the Synod by the President on the next day or as soon as convenient after the next day. As soon as possible a written copy is to be

(a) handed to the person who asked the question, and

(b) posted on a notice board in a prominent position in or near the building in which the Synod is meeting.

If the answer includes statistics or other detailed material, the answer may be supplemented with a document which need not be read orally.

(6) Each question and reply is to be recorded in the minutes of the Synod.

6.4 Personal explanations

With the permission of the President, a member may explain matters of a personal nature. These matters are not to be debated.

6.5 Suspension of these rules

Any rule of procedure may be suspended by motion

(a) with notice, or

(b) without notice unless 8 members object.

6.6 Media

- (1) Unless the Synod otherwise determines as a result of a motion with or without notice passed by the Synod, the proceedings of the Synod are to be open to the media.
- (2) With the permission of the President, the proceedings, or parts of the proceedings, may be televised, broadcast or photographed.

6.7 Rules

A rule which the Synod is authorised to make by the Constitutions set out in the Schedule to the Anglican Church of Australia Constitutions Act 1902 may be made by resolution, unless those Constitutions require the rule to be made by ordinance. No rule made by resolution is to be contrary to the terms of an ordinance.

Table of Amendments

Rule 1.2	Amended by Ordinance No 34, 2005
Rule 3.2	Amended by Ordinance No 61, 2002.
Rule 3.3	Amended by Ordinance No 61, 2002.
Rule 4.6	Amended by Ordinance No 61, 2002.
Rule 4.10	Amended by Ordinance No 61, 2002.
Rule 4.12	Amended by Ordinance No 61, 2002.
Rule 4.14	Amended by Ordinance No 61, 2002.
Rule 5.3	Amended by Ordinance No 61, 2002.
Rule 5.4	Amended by Ordinance No 61, 2002.
Rule 5.5	Amended by Ordinance No 61, 2002.



Discipline Ordinance 2006

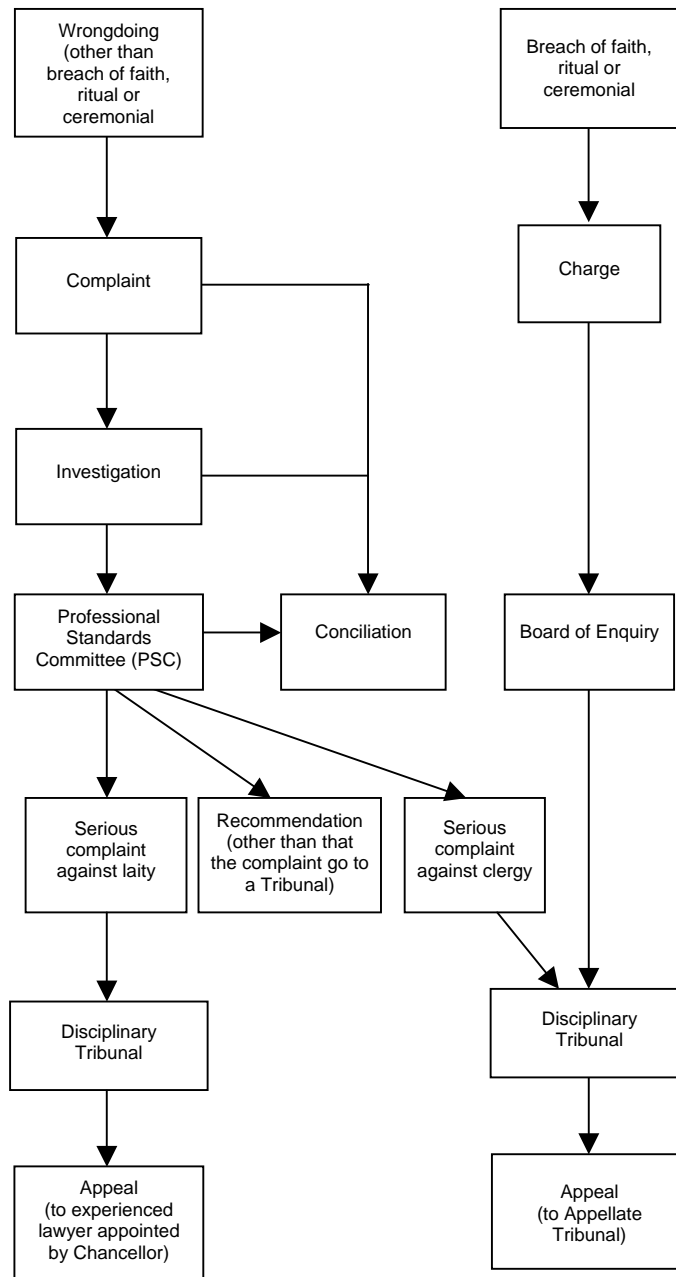
(Reprinted under the Interpretation Ordinance 1985.)

The Discipline Ordinance 2006 as amended by the Discipline Amendment Ordinance 2007 and the National Register (Access and Disclosure) Ordinance 2008.

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Diagrammatic Summary of Provisions



Long title

An Ordinance to make provision with respect to the standard of conduct and the discipline of church workers.

The Synod of the Diocese of Sydney ordains as follows.

**CHAPTER 1
PRELIMINARY**

1. Name

This Ordinance is the *Discipline Ordinance 2006*.

2. Definitions

In this Ordinance –

Appellate Tribunal means the Appellate Tribunal constituted by and under Chapter IX of the 1961 Constitution.

Archbishop means the Archbishop of the Diocese or, in his absence, his Commissary or, if the See is vacant, the Administrator of the Diocese.

Board of Enquiry means the Board of Enquiry appointed under this Ordinance.

ceremonial has the same meaning as in the 1961 Constitution.

Note: Under section 74(1) of the 1961 Constitution, ceremonial includes ceremonial according to the use of this Church, and also the obligation to abide by such use.

charge means a charge under the 1961 Constitution or a charge under this Ordinance.

child means a person under the age of 18 years.

chief executive officer of an organisation constituted by an ordinance of the Synod or the Standing Committee means the person who is responsible to the governing body of the organisation for the work of the organisation.

child abuse has the same meaning as in *Faithfulness in Service*.

Note: In *Faithfulness in Service*, child abuse means the following conduct in relation to a child –

- *bullying*
- *emotional abuse*
- *harassment*
- *neglect*
- *physical abuse*
- *sexual abuse, or*
- *spiritual abuse.*

Each of these components of child abuse is further defined in *Faithfulness in Service*.

church authority means the Archbishop or a person or body having administrative authority of or in a church body to license, appoint, authorise, dismiss or suspend a church worker.

church body includes a parish, school, any body corporate, organisation or association that exercises ministry within, or on behalf of, this Church in this Diocese.

church worker means a person who –

- (a) is or has been a member of the clergy, or
- (b) holds or has held any position of leadership within the Diocese and without limiting the generality of the foregoing a position of leadership includes –
 - (i) an office, or
 - (ii) membership of a body incorporated by or under the Bodies Corporate Act, or
 - (iii) a churchwarden, or
 - (iv) membership of a parish council, or
 - (v) membership of any other board, council or committee established by the Synod, the Standing Committee, a regional council or a parish council, or
 - (vi) a chief executive officer of an organisation constituted by an ordinance of the Synod or the Standing Committee, or

- (vii) an officer of the kinds specified in part 6 of the Church Administration Ordinance 1990, or
- (viii) an appointment by a rector, a curate-in-charge, churchwarden or parish council or by any delegate or agent of such a person or body of persons,

but excludes a bishop who is subject to the jurisdiction of the Special Tribunal.

Diocesan Tribunal means the Diocesan Tribunal constituted for the Diocese in accordance with Chapter IX of the 1961 Constitution and Part 3 of Chapter 8 of this Ordinance.

Director means the person appointed for the time being under clause 101.

disciplinary action includes a sentence as referred to in Chapter IX of the 1961 Constitution.

Disciplinary Tribunal means a Tribunal constituted in accordance with Part 4 of Chapter 8.

discipline has the same meaning as in the 1961 Constitution.

Note: Under section 74(9) of the 1961 Constitution, in the context of a charge for a breach of discipline in respect of a person in Holy Orders licensed by the Archbishop or resident in the Diocese, discipline means –

- the obligations in the ordinal undertaken by the person, and
- the ordinances in force in the Diocese.

doctrine has the same meaning as in the 1961 Constitution.

Note: Under section 74(1) of the 1961 Constitution, doctrine means the teaching of this Church on any question of faith.

elected member of the Board of Enquiry means a member of the Board of Enquiry elected under clause 126 or appointed under clause 130 to fill a vacancy in the office of a member elected under clause 126.

elected member of the Diocesan Tribunal means a member of the Diocesan Tribunal elected under clause 115 or appointed under clause 118 to fill a vacancy in the office of a member elected under clause 115.

exempt conduct means conduct that is the subject of a declaration under Chapter 6.

exercise a function includes, if the function is a duty, performance of the duty.

experienced lawyer means a person –

- (a) who is or has been a judge or justice of an Australian, State or Territorial court or tribunal, or
- (b) who has been admitted as a legal practitioner for not less than 10 years.

faith has the same meaning as in the 1961 Constitution.

Note: Under section 74(1) of the 1961 Constitution, faith includes the obligation to hold the faith. Under section 74(4), reference to faith extends to doctrine.

Faithfulness in Service means the code for personal behaviour and the practice of pastoral ministry by clergy and church workers adopted by the Synod in October 2004 with such amendments as may be adopted from time to time by the Synod.

function includes power, authority and duty.

licence and **licensed** have the same meanings as in the 1961 Constitution.

Note: Under section 74(1) of the 1961 Constitution, licence means a licence under seal of the bishop of a diocese, and licensed has a meaning corresponding with that of licence.

member of the clergy means a person in Holy Orders.

member of this Church has the same meaning as in the 1961 Constitution.

Note: Under section 74(1) of the 1961 Constitution, member of this Church means a baptised person who attends the public worship of this Church and who declares that he or she is a member of this Church and of no Church which is not in communion with this Church.

National Register means the National Register established under the National Register Canon 2007.

parish has the same meaning as in the 1961 Constitution.

Note: Under section 74(1) of the 1961 Constitution, parish includes any parochial district or similar pastoral division constituted by or under ordinance of the synod of a diocese.

In the Parishes Ordinance 1979, "ecclesiastical district" is defined to mean a parish or provisional parish constituted under or recognised as such for the purposes of that ordinance.

Under clause 13(1) of the Recognised Churches Ordinance 2000, the provisions of the Church Administration Ordinance 1990 which provide for the governance and administration of a single church parish apply in relation to a recognised church as if the meeting place or the ecclesiastical district assigned to the church is a parish and a cure of souls within the Diocese and the minister thereof licensed thereto as incumbent.

parishioner has the same meaning as the 1961 Constitution.

Note: Under section 74(1) of the 1961 Constitution, parishioner means a member of this Church who is entitled to vote at a meeting of a parish for the election of churchwardens, or who if no such meeting is provided for is at least 18 years of age.

person under legal incapacity has the same meaning as in the Civil Procedure Act 2005.

Note: Under section 3(1) of the Civil Procedure Act 2005, person under legal incapacity means any person who is under a legal incapacity in relation to the conduct of legal proceedings (other than an incapacity arising under section 4 of the Felons (Civil Proceedings) Act 1981) and, in particular, includes –

- (a) a child under the age of 18 years, and
- (b) a temporary patient, continued treatment patient or forensic patient within the meaning of the Mental Health Act 1990, and
- (c) a person under guardianship within the meaning of the Guardianship Act 1987, and
- (d) a protected person within the meaning of the Protected Estates Act 1983, and
- (e) an incommunicate person, being a person who has such a physical or mental disability that he or she is unable to receive communications, or express his or her will, with respect to his or her property or affairs.

Professional Standards Committee or **PSC** means the Professional Standards Committee established under Part 2 of Chapter 8.

prohibition order means an order prohibiting a church worker from holding a specified position or office in or being employed by a church body or church authority or from exercising any specified functions in relation to any office or position in the Diocese or in relation to employment by a church body.

ritual has the same meaning as in the 1961 Constitution.

Note: Under section 74(1) of the 1961 Constitution, ritual includes rites according to the use of this Church, and also the obligation to abide by such use.

Safe Ministry Board means the board constituted under the Safe Ministry Board Ordinance 2001.

serious offence means –

- (a) a serious sex offence within the meaning of section 5 of the Child Protection (Prohibited Employment) Act 1998, or
- (b) a registrable offence within the meaning of the Child Protection (Offenders Registration) Act 2000.

sexual abuse has the same meaning as in Faithfulness in Service.

Note: In Faithfulness in Service, sexual abuse of an adult means sexual assault, sexual exploitation or sexual harassment of an adult. Sexual abuse of a child means the use of a child by another person for his or her own sexual stimulation or gratification or for that of others. It includes –

- sexual touching and fondling;
- being forced to touch or fondle another person;
- kissing or holding in a sexual manner;
- being forced to perform oral sex;
- vaginal or anal intercourse;
- vaginal or anal penetration with an object or any bodily part;
- making any gesture or action of a sexual nature in a child's presence;
- making sexual references or innuendo using any form of communication;
- voyeurism;
- exposure to any form of sexually explicit or suggestive material;
- discussion of, or inquiry about, personal matters of a sexual nature;
- being forced to masturbate self or others, or watch others masturbate; and
- indecent exposure.

Sexual abuse of a child does not include –

- sex education with the prior consent of a parent or guardian; or

- *age appropriate consensual sexual behaviour between peers (ie the same or a similar age).*

Special Tribunal means the Special Tribunal constituted by and under Chapter IX of the 1961 Constitution.

Synod means the Synod of the Diocese.

the 1961 Constitution means the Schedule to the *Anglican Church of Australia Constitution Act 1961*.

this Church has the same meaning as in the 1961 Constitution.

Note: Under section 74(1) of the 1961 Constitution, *this Church* means the Anglican Church of Australia.

wrongdoing means –

- (a) a breach of faith, ritual, ceremonial or discipline, or
- (b) an offence specified by canon, ordinance or rule.

3. Notes

- (1) Notes in this Ordinance are for explanatory purposes only and do not form part of this Ordinance.
- (2) The Diocesan Secretary is authorised to update the notes when reprinting this Ordinance under clause 8 of the Interpretation Ordinance 1985.

CHAPTER 2

WRONGDOING BY CHURCH WORKERS (OTHER THAN
BREACHES OF FAITH, RITUAL OR CEREMONIAL)

Part 1 Complaints

4. Complaints relating to offences under s. 54(2) of the 1961 Constitution

A complaint may be made against a person licensed by the Archbishop, or a person in holy orders resident in the Diocese, alleging that the person has committed or, if a charge is preferred, would at that time have committed –

- (a) an offence specified by the *Offences Ordinance 1962*, or
- (b) an offence under clause 5 of the *Relinquishment of Holy Orders Ordinance 1994*, or
- (c) an offence under clause 12 of the *General Synod – Holy Orders, Relinquishment and Deposition Canon 2004 Adopting Ordinance 2005*, or
- (d) an offence under clause 9 or 24 of this Ordinance.

Notes:

- (1) *Offences included under the Offences Ordinance 1962 are –*
 - (a) *unchastity,*
 - (b) *drunkenness,*
 - (c) *habitual and wilful neglect of ministerial duty after written admonition in respect thereof by the Bishop of the Diocese,*
 - (d) *wilful failure to pay just debts,*
 - (e) *conduct, whenever occurring –*
 - (i) *which would be disgraceful if committed by a member of the clergy, and*
 - (ii) *which at the time the charge is preferred is productive, or if known publicly would be productive, of scandal or evil report,*
 - (f) *sexual abuse,*
 - (g) *child abuse,*
 - (h) *conviction in New South Wales of an offence which is punishable by penal servitude or imprisonment for 12 months or upwards or the conviction outside New South Wales of an offence which, if committed in New South Wales, would be an offence so punishable.*
- (2) *The offence under clause 5 of the Relinquishment of Holy Orders Ordinance 1994 is for a person who is regarded as having relinquished his or her holy orders under that Ordinance to hold out that the person continues to hold those orders.*
- (3) *The offences under clause 12 of the General Synod – Holy Orders, Relinquishment and Deposition Canon 2004 Adopting Ordinance 2005 are –*
 - (a) *for a person who has relinquished the exercise of his or her holy orders under section 3 of the Canon to hold out that the person continues to exercise those orders, and*
 - (b) *for a person who has been deposed under section 4 of the Canon to hold out that the person remains in holy orders.*

5. Complaints relating to offences under s. 54(2A) of the 1961 Constitution

A complaint may be made against a member of the clergy alleging that the member of the clergy has committed an offence of unchastity, an offence involving sexual misconduct or an offence relating to a conviction for a criminal offence that is punishable by imprisonment for 12 months or upward if –

- (a) the conduct of the member of the clergy which gave rise to the complaint is alleged to have occurred in the Diocese, or
- (b) the member of the clergy was licensed by the Archbishop or was resident in the Diocese within 2 years before the complaint is made, or
- (c) the member of the clergy is in prison as a convicted person at the time the complaint is made but within 2 years before such imprisonment was licensed by the Archbishop or was ordinarily resident in the Diocese.

6. Complaints against lay church workers

A complaint may be made against a church worker (not being a person licensed by the Archbishop or a person in holy orders resident in the Diocese) alleging that the person has committed or, if a charge is preferred, would at that time have committed –

- (a) an offence specified by the *Offences Ordinance 1962*, or
- (b) an offence under clause 9 or 24 of this Ordinance.

Note: *Offences included under the Offences Ordinance 1962 are –*

- (a) *unchastity,*
- (b) *drunkenness,*
- (c) *habitual and wilful neglect of the duties of the person's position after written admonition in respect thereof by the appropriate church authority,*
- (d) *wilful failure to pay just debts,*
- (e) *conduct, whenever occurring –*
 - (i) *which would be disgraceful if committed by a person holding the position held by the person against whom the allegation is made or in which the person acts, and*
 - (ii) *which at the time a charge is preferred is productive, or if known publicly would be productive, of scandal or evil report,*
- (f) *sexual abuse,*
- (g) *child abuse,*
- (h) *conviction in New South Wales of an offence which is punishable by penal servitude or imprisonment for 12 months or upwards or the conviction outside New South Wales of an offence which, if committed in New South Wales, would be an offence so punishable.*

7. Other complaints

A complaint may allege that a person (including a person who may be the subject of a complaint under this Part) has attempted, by threat, intimidation or inducement –

- (a) to dissuade a person from making a complaint, or
- (b) to persuade a person to withdraw a complaint, or
- (c) to persuade a person to consent to the withdrawal of a complaint.

8. Who can make a complaint?

- (1) A complaint may be made by any person, including the Director.
- (2) A complaint may be made by –
 - (a) a person on his or her own behalf, or
 - (b) a person on behalf of a person under legal incapacity.

9. Obligation to report knowledge or reasonable belief of child abuse

- (1) A church worker who knows or has reason to believe that another church worker has engaged in conduct which constitutes child abuse is to report to the Director, as soon as practicable, the name or a description of the other church worker and the grounds for believing that the other church worker has engaged in such conduct.
- (2) A person licensed by the Archbishop or a person in holy orders resident in the Diocese who, without reasonable excuse, fails to make a report under subclause (1) commits an offence.
- (3) A church worker who holds an authority issued under the Deaconesses, Readers and Other Lay Persons Ordinance 1981 for the purpose of undertaking paid work who, without reasonable excuse, fails to make a report under subclause (1) commits an offence.

10. Complaint by Director on knowledge or reasonable belief of inappropriate conduct

If the Director knows or has reason to believe that a church worker has engaged in conduct that constitutes an offence specified by canon, ordinance or rule and a complaint has not been made against the person in respect of that conduct, the Director is to make a complaint against the person in respect of that conduct.

11. Person to whom complaint is made

A complaint is to be made to the Director.

12. Form of complaint

- (1) A complaint may be made orally or in writing, or partly orally and partly in writing.
- (2) Details of the conduct the subject of the complaint are to be provided with the complaint.
- (3) The Director, or a person nominated by the Director, may assist a person to make a complaint, to provide details of the conduct the subject of the complaint and, if the complaint is required to be verified under subclause (6), to verify the complaint.
- (4) The Director is to reproduce in writing a complaint, or that part of a complaint, that is made orally.

(5) The Director may require a complainant to provide, within a period of not less than 14 days specified by the Director, further details of the conduct the subject of the complaint and other details that, in the opinion of the Director, may be relevant to the complaint.

(6) The Director may require a complainant to verify the complaint by statutory declaration within a period of not less than 14 days specified by the Director.

13. Circumstances in which a complaint may be declined or deferred

- (1) The Director may decline to deal with a complaint if –
- (a) the person making the complaint has failed to provide details of the conduct the subject of the complaint or any further details required by the Director under clause 12(5), or
 - (b) the complainant has failed to verify the complaint by statutory declaration as required by the Director under clause 12(6), or
 - (c) the complaint is withdrawn under clause 16, or
 - (d) in the case of a complaint against a member of the clergy –
 - (i) the member of the clergy is not licensed by the Archbishop and was not licensed by the Archbishop at the time the conduct the subject of the complaint is alleged to have occurred, or
 - (ii) the member of the clergy is not resident in the Diocese and was not resident in the Diocese within 2 years before the complaint was made, or
 - (iii) the conduct the subject of the complaint did not occur in the Diocese.
- (2) The Director, with the concurrence of the PSC, may decline to deal with a complaint at any time if the PSC is of the opinion that –
- (a) the complaint is false, vexatious or misconceived or the subject-matter of the complaint is trivial, or
 - (b) there is insufficient evidence to warrant an investigation under Part 2 of this Chapter, or
 - (c) the complaint does not allege any conduct which may be the subject of a complaint under this Part or
 - (d) the conduct the subject of the complaint is under investigation by some other competent person or body.
- (3) The Director may defer consideration of a complaint if the subject matter of the complaint is under investigation by some other competent person or body or is the subject of legal proceedings.
- (4) The Director is to record the reasons for declining to deal with a complaint or for deferring consideration of a complaint and is to provide a copy of the record to the PSC.
- (5) If the Director declines to deal with a complaint or defers consideration of a complaint, the Director may do all such things as are necessary or convenient to give effect to the decision.

14. Subject-matter of complaint already dealt with

No action is to be taken or continued under this Ordinance in respect of a complaint against a person if the Director, with the concurrence of the PSC, determines that the conduct the subject of the complaint is not materially different from conduct already dealt with under –

- (a) this Ordinance, or
- (b) the *Church Discipline Ordinance 1996*, or
- (c) the *Church Discipline Ordinance 2002*, or
- (d) the *Tribunal Ordinance 1962*, or
- (e) a formal investigation or inquiry with the authority of the Archbishop which was commenced prior to the date of assent to the *Church Discipline Ordinance 2002*,

unless, in the opinion of the Director, the complaint is supported by apparently credible evidence of fresh facts likely to lead to a different result.

15. Exempt conduct

No action is to be taken or continued under this Ordinance if the Director, with the concurrence of the PSC, determines that the whole of the conduct concerning which the complaint has been made is exempt conduct.

16. Withdrawal of complaint

- (1) A complainant may, by notice in writing to the Director, withdraw the complaint at any time before the Director refers the complaint to the PSC under clause 32.
- (2) A complaint is also withdrawn if at any time before the Director refers the complaint to the PSC under clause 32 –

- (a) the complainant notifies the Director orally of the complainant's decision to withdraw the complaint, and
- (b) the Director provides the complainant with written confirmation of the withdrawal.

(3) If the Director knows the name and address of a person who is alleged to have been a subject of conduct to which the complaint relates, the complaint cannot be withdrawn without the written consent of the person or the person's representative.

Note: *If the complaint is withdrawn, any information about the complaint included on the National Register may be removed from the Register under section 10(1) of the National Register Canon 2007.*

17. Investigation or notification of making of complaint

- (1) After receiving a complaint, the Director may appoint a person to investigate the complaint.
- (2) After receiving the investigator's report or if, after receiving a complaint, the Director decides not to appoint a person at that particular time to investigate the complaint, the Director is –
 - (a) to notify the substance of the complaint to the person against whom the complaint is made, and
 - (b) to request the person to provide a response to the complaint within a period of not less than 21 days specified by the Director, and
 - (c) to inform the person generally of the processes under this Ordinance, including the opportunity for conciliation (which may be done by providing the person with a copy of this Ordinance), and
 - (d) to advise the person of the possible sanctions that might follow if the allegations in the complaint are proven, and the opportunities for their mitigation or suspension, and
 - (e) to caution the person not to make any admissions without the benefit of legal advice.

Note: *Upon notifying the substance of the complaint to the person against whom the complaint is made, the complaint may become a notifiable complaint for the purposes of the National Register Canon 2007. In this case, section 8 of the Canon requires the Director to notify the General Secretary of certain information about the complaint for inclusion on the National Register within 1 month of having access to that information.*

18. Response to complaint

- (1) A person against whom a complaint is made and who has been provided with a copy of the complaint may respond to the complaint by admitting or denying it in whole or in part.
- (2) A response must be in writing signed by the person against whom the complaint is made or, in the case of a person under legal incapacity, by –
 - (a) a parent or guardian, or
 - (b) a person responsible for the welfare of the person under legal incapacity or acting on his or her behalf.

Part 2 Investigation and assessment of complaints

19. Admission of complaint or substance of complaint—referral of complaint to PSC

If the person against whom the complaint is made admits the complaint or the substance of the complaint, the Director is to refer the complaint to the PSC.

20. Non-admission of complaint—appointment of investigator

If the person against whom the complaint is made denies the complaint, or does not admit the complaint or the substance of the complaint within the period specified by the Director, the Director is to appoint a person to investigate the complaint, unless the complaint has been investigated under clause 17.

21. Investigation of complaint

A person appointed to investigate a complaint under clause 17 or clause 20 is to investigate the complaint promptly.

22. General functions of investigator

- (1) For the purposes of an investigation, the investigator is, subject to this clause, to obtain such statutory declarations, written statements, recorded conversations, reports, documents and other material as the investigator considers necessary or advisable.
- (2) The investigator may require the person making the complaint to verify the complaint by statutory declaration if this has not already been done.
- (3) If the investigator interviews a person, the investigator must allow the person to have another person present with them, being a person who is not a witness to the matters which are the subject of the complaint.

- (4) The investigator is –
- (a) to make a written record or, with the consent of the person, an audio record, of all interviews with the person, and
 - (b) to provide the person with a copy of the record, and
 - (c) to have the person verify the record by signing a copy of it or, in the case of an audio record, by signing a statement to the effect that the audio record is a true record of the interview.

23. Responsibility of person against whom complaint is made to co-operate in the investigation

- (1) The investigator may, by notice in writing to the person against whom the complaint is made, require the person –
- (a) to respond to a question or series of questions within the time specified in the notice in relation to any matter relevant to the investigation, and
 - (b) to otherwise assist in, or cooperate with the investigation of the complaint in a specified manner.
- (2) It is the obligation of a person against whom a complaint is made –
- (a) to answer truthfully any question put by or on behalf of the investigator in the exercise of powers conferred by this Ordinance, and
 - (b) not to mislead or obstruct the investigator, and
 - (c) not unreasonably to delay the investigator in the exercise of functions conferred by this Ordinance.

24. Offences in relation to an investigation

- (1) A person licensed by the Archbishop or a person in holy orders resident in the Diocese who, without reasonable excuse, fails to comply with a notice issued under clause 23(1) commits an offence.
- (2) A church worker who holds an authority issued under the Deaconesses, Readers and Other Lay Persons Ordinance 1981 for the purpose of undertaking paid work who, without reasonable excuse, fails to comply with a notice issued under clause 23(1) commits an offence.
- (3) A person referred to in subclause (1) or (2) must not mislead or obstruct the investigator in the exercise of powers conferred by this Ordinance. The wilful contravention of this subsection is an offence.

25. Report of investigation

The investigator is to make and forward to the Director, without unnecessary delay, a report setting out the results of the investigation together with a copy of all records made as referred to in clauses 22 and 23 and any other relevant material obtained in the course of the investigation.

26. Revocation of appointment of investigator

The Director may, by notice in writing, revoke the appointment of an investigator if the investigator fails or refuses to comply with clause 21, 22 or any reasonable requirement of the Director.

Part 3 Suspension and prohibition orders

27. Recommendation for suspension or prohibition order

At any time after a complaint is made against a person, the Director may, after giving the person an opportunity to be heard, recommend to the relevant Church authority either or both of the following –

- (a) that the person should be suspended from exercising the functions of office or employment by one or more Church bodies,
- (b) that a prohibition order be made against the person.

28. Matters to be considered before making a recommendation

Before making a recommendation under clause 27, the Director is to take the following matters into account –

- (a) the seriousness of the conduct alleged in the complaint,
- (b) the nature of the material to support or negate the complaint,
- (c) whether any person is at risk of harm,
- (d) after consultation with the relevant Church body or its representative, the effect on the person against whom the complaint is made, a relevant Church body and on the Church of acting and of not acting under clause 27,
- (e) any other allegation of conduct similar to that alleged in the complaint previously made to the Director or to an equivalent person or body within the previous 10 years,

and may take into account any other relevant matter.

29. Giving effect to a recommendation

The relevant Church authority is authorised to do all such things as may be necessary to give effect to a recommendation made under clause 27.

30. Termination of suspension or prohibition order

(1) A suspension or prohibition order made by a Church authority pursuant to a recommendation under clause 27 must be terminated by the Church authority –

- (a) if the Director terminates the investigation without referring the matter to the PSC, or
- (b) upon any direction to that effect given by the PSC, or
- (c) upon the Church authority giving effect to a recommendation of the Diocesan Tribunal under section 60 (1) of the 1961 Constitution or the Disciplinary Tribunal under clause 66.

(2) A suspension by the Archbishop pursuant to a recommendation under clause 27 must also be terminated by the Archbishop if the Archbishop suspends the person against whom the complaint is made under section 61 of the 1961 Constitution.

31. Effect of suspension or prohibition order

During a suspension or prohibition order pursuant to the provisions of this Part or during a period when a person voluntarily stands down from a position while conduct the subject of a complaint is dealt with under this Ordinance –

- (a) the person against whom the complaint is made must comply with the terms of any prohibition order, and
- (b) the person against whom the complaint is made is ineligible for appointment to any position or function covered by any suspension or prohibition order, and
- (c) the relevant Church authority may fill the vacancy caused by any suspension or prohibition order, or while the person against whom the complaint is made is standing down, and
- (d) the person against whom the complaint is made is entitled to whatever stipend, salary, allowances and other benefits that he or she would otherwise have received and which are to be met or reimbursed from funds under the control of the Synod.

Part 4 Reference of complaints to the PSC

32. Action on receipt of investigator's report

(1) On receipt of the investigator's report, the Director must –

- (a) notify the PSC of the identity of the person against whom the complaint is made, and
- (b) furnish the PSC with a copy of all material in the Director's possession relevant to the complaint, including a copy of the investigator's report, and
- (c) request the PSC to provide a written report to the Director within 42 days or such longer period as may be agreed to by the Director at any time.

(2) The Director must –

- (a) notify the person against whom the complaint is made that the complaint has been referred to the PSC, and
- (b) furnish the person with a copy of all material in the Director's possession relevant to the complaint, including a copy of the investigator's report, and
- (c) invite the person to provide any further information or material, and to make written representations to the PSC, relating to the complaint, within 28 days or such longer period as may be agreed to by the Director at any time.

33. Review of material by the PSC

The PSC is to review the material furnished to it by the Director and any further information or material provided to it by the person against whom the complaint is made.

34. Recommendations and directions of the PSC

(1) After conducting its review, the PSC may make one or more of the following recommendations in relation to the person against whom the complaint is made –

- (a) if arrangements for the conciliation of the complaint have not previously been made, that the complaint be the subject of conciliation,

Note: *Chapter 3 makes provision for the conciliation of complaints.*

- (b) that the person make an apology of a kind specified by the PSC,
- (c) that the person make reparation as specified by the PSC for the conduct the subject of the complaint,
- (d) that the person be admonished,

- (e) that the person undertake training, or retraining, of a nature specified by the PSC,
- (f) that the person receive counselling of a nature specified by the PSC,
- (g) that the person's ministry or employment be made subject to conditions or restrictions of the kind specified by the PSC,
- (h) that the person's ministry or employment be terminated,
- (i) if the person is subject to the jurisdiction of the Diocesan Tribunal, and if the PSC is of the opinion that there is a reasonable likelihood that the complaint, if sustained, will result in the Diocesan Tribunal making a recommendation for the person's deposition from orders, prohibition from functioning or removal from office, that the Archbishop appoint a person to promote a charge against the person before the Diocesan Tribunal, or that the complaint be referred to a body in another diocese with equivalent jurisdiction,

Note: *As to the persons who are subject to the jurisdiction of the Diocesan Tribunal, see the note to Division 1 of Part 2 of Chapter 4.*

- (j) if the person is subject to the jurisdiction of the Disciplinary Tribunal, and if the PSC is of the opinion that there is a reasonable likelihood that the complaint, if sustained, will result in the Disciplinary Tribunal making a recommendation for a prohibition order against the person, that the Archbishop appoint a person to promote a charge against the person before the Disciplinary Tribunal, or that the complaint be referred to a body in another diocese with equivalent jurisdiction,

Note: *The persons who are subject to the jurisdiction of the Disciplinary Tribunal are church workers who are not subject to the jurisdiction of the Diocesan Tribunal – see clause 44.*

- (k) that no further action be taken with respect to the complaint.

(2) In making a recommendation, the PSC is to take the following matters into consideration –

- (a) the nature of the complaint and the seriousness of the conduct the subject of the complaint, in particular, whether that conduct comprises a serious offence or child abuse,
- (b) whether there is more than one complaint,
- (c) whether the complaint alleges more than one incident, or only a single incident,
- (d) when the conduct is alleged to have occurred,
- (e) the circumstances in which the conduct is alleged to have occurred,
- (f) the ages of the complainant and the person against whom the complaint is made at the time the conduct is alleged to have occurred,
- (g) if the person against whom the complaint is made –
 - (i) is a member of the clergy – whether the person was a member of the clergy at the time the conduct is alleged to have occurred, or
 - (ii) is not a member of the clergy – the position held or function performed by the person at the time the conduct is alleged to have occurred,
- (h) whether the evidence of the complainant is corroborated,
- (i) any views expressed by the complainant as to the desired outcome of the complaint,
- (j) whether the person against whom the complaint is made has made any reparation for the conduct the subject of the complaint and, if so, the nature and extent of the reparation,
- (k) any other offences committed by the person against whom the complaint has been made,
- (l) whether any part of the conduct the subject of the complaint is exempt conduct,
- (m) the practicability and likely effectiveness of the recommendation,
- (n) such other matters as the PSC considers relevant.

(3) The PSC may direct that a suspension or prohibition order made by a Church authority pursuant to a recommendation under clause 27 must be terminated by the Church authority.

(4) If the PSC considers –

- (a) that the material furnished to it by the Director does not disclose any conduct which may be the subject of a complaint under Part 1 of this Chapter, or
- (b) that the complaint is false, vexatious or misconceived, or
- (c) that it is more likely than not that the subject-matter of the complaint did not occur, or
- (d) that the subject-matter of the complaint is trivial,

the PSC is to recommend that no further action be taken with respect to the complaint.

Notes:

(1) *Section 39 of the Commission for Children and Young People Act 1998 imposes a duty on employers to notify the Commission for Children and Young People of certain disciplinary proceedings taken against employees for causing harm to a child. However, there is an exemption from the*

requirement to notify if there has been a finding in the disciplinary proceedings that the allegations in respect of which they were brought were vexatious or misconceived (see clause 8 of the Commission for Children and Young People Regulation 2000) or the alleged conduct did not occur.

(2) If the PSC considers that the complaint is false, vexatious or misconceived or that it is more likely than not that the subject-matter of the complaint did not occur, any information about the complaint which has been included on the National Register may be removed from the Register under section 10(1) of the National Register Canon 2007 on the basis that it relates to a notifiable complaint which has been exhausted.

35. Notice of recommendation

(1) The PSC is to give notice in writing of its recommendation to the complainant, the person against whom the complaint is made, the Director and the Archbishop as soon as practicable after the recommendation is made.

(2) The notice must include a statement that if the person against whom the complaint is made does not accept the PSC's recommendation within 14 days after the date of the notice, proceedings will be taken against the person in accordance with clause 36.

(3) If any information about the complaint has been included on the National Register, the notice must indicate whether acceptance of the PSC's recommendation will result in the information being removed from or retained on the National Register.

36. Response to the recommendation

(1) If the person against whom the complaint is made, by notice in writing to the Director, accepts the recommendation of the PSC within 14 days after the date of the notice of the recommendation and complies with the recommendation to the satisfaction of the Director, no further action is to be taken against the person under this Ordinance in relation to the complaint, except as provided by this clause.

(2) If the only recommendation is for the conciliation of the complaint and conciliation is attempted but the parties to the conciliation and the person conducting the conciliation are not satisfied that the subject of the complaint has been properly dealt with by the conciliation, the Director is to refer the complaint to the PSC for a further recommendation under clause 34.

(3) If the person against whom the complaint is made fails to comply with the recommendation to the satisfaction of the Director –

- (a) in the case of a person subject to the jurisdiction of the Diocesan Tribunal - the Archbishop is to appoint a person to promote a charge against the person before the Diocesan Tribunal or refer the complaint to a body in another diocese with equivalent jurisdiction, or
- (b) in the case of a person who is subject to the jurisdiction of the Disciplinary Tribunal - the Archbishop is to appoint a person to promote a charge before the Disciplinary Tribunal or refer the complaint to a body in another diocese with equivalent jurisdiction.

(4) If the person against whom the complaint is made does not accept the recommendation of the PSC by notice in writing to the Director within 14 days after the date of the notice of the recommendation –

- (a) in the case of a person subject to the jurisdiction of the Diocesan Tribunal - the Archbishop is to appoint a person to promote a charge against the person before the Diocesan Tribunal or refer the complaint to a body in another diocese with equivalent jurisdiction, or
- (b) in the case of a person subject to the jurisdiction of the Disciplinary Tribunal – the Archbishop is to appoint a person to promote a charge before the Disciplinary Tribunal or refer the complaint to a body in another diocese with equivalent jurisdiction.

37. Recommendation that a complaint be dealt with by a Tribunal

If the recommendation of the PSC is that the Archbishop appoint a person to promote a charge before the Diocesan Tribunal or the Disciplinary Tribunal, the Archbishop must comply with the recommendation.

CHAPTER 3

CONCILIATION OF COMPLAINTS

38. Arrangements for conciliation

- (1) The Director may, with the consent of the complainant and the consent of the person against whom the complaint is made, make arrangements for the conciliation of the complaint.
- (2) Arrangements for the conciliation of a complaint may be made –
 - (a) at any time before the PSC makes a recommendation under clause 34, or
 - (b) if the PSC makes a recommendation that the complaint be the subject of conciliation, at any time after the recommendation is made and before a charge arising from the complaint is promoted before the Diocesan Tribunal or the Disciplinary Tribunal.
- (3) Conciliation cannot be arranged if –
 - (a) the complaint alleges child abuse and the person alleged to have been abused is still a child, or
 - (b) the complaint alleges sexual abuse which comprises a serious offence, or
 - (c) the conduct the subject of the complaint, if proven, is likely, in the Director's opinion, to result in the imposition of a penalty on the person against whom the complaint is made which comprises or includes either or both of the following –
 - (i) in the case of a person who is a licensed by the Archbishop – the suspension or revocation of the person's licence,
 - (ii) in any case – the issue of a prohibition order against the person.

39. Conduct of conciliation

- (1) The conciliation of a complaint is to be conducted by a person appointed by the Director in such manner as the person thinks fit.
- (2) Any other process under this Ordinance which is current at the time when conciliation is commenced or which may be implemented at any subsequent time may be suspended or deferred in accordance with such directions as may be given from time to time by the Director.
- (3) Any such direction has effect according to its terms.

40. Termination of conciliation

- (1) The person conducting the conciliation of a complaint may terminate the conciliation at any time.
- (2) The person conducting the conciliation of a complaint must terminate the conciliation if requested to do so by any party to the conciliation.
- (3) The conciliation of a complaint is terminated, unless it is completed or terminated at an earlier time, on the expiration of 2 months after the conciliation commenced to be conducted.

41. Outcome of conciliation

- (1) If the parties to a conciliation and the person conducting the conciliation are satisfied that the matter the subject of the complaint has been properly dealt with by the conciliation, no further action is to be taken under this Ordinance with respect to the matter.
- (2) The outcome of a conciliation to which subclause (1) applies is to be recorded in writing and signed by the parties to the conciliation.
- (3) If the parties to a conciliation and the person conducting the conciliation are not satisfied that the matter the subject of the complaint has been properly dealt with by the conciliation, any process which was suspended or deferred under clause 39(2) may be resumed or implemented.

42. Confidentiality of conciliation

- (1) A person involved in a conciliation is to treat as confidential all communications, whether written or oral, that take place during the course of the conciliation and those communications cannot be used in –
 - (a) an investigation under this Ordinance, or
 - (b) proceedings before the Diocesan Tribunal or the Disciplinary Tribunal, or
 - (c) a development review under the *Parish Development Review Ordinance 2001*, or
 - (d) a licensing review under the *Parish Relationships Ordinance 2001*, or
 - (e) action taken under the *Parish Disputes Ordinance 1999*.
- (2) This clause does not apply to the agreed outcome of the conciliation.
- (3) The agreed outcome of the conciliation is to be recorded by the Director and a copy is to be given to each party to the conciliation and the Archbishop.

(4) The agreed outcome may be notified by the Director to the Standing Committee of Synod (and by the Standing Committee to the Synod), but the notification must not disclose the names of a party to the conciliation, or any other information that would enable a party to be identified, unless the party has consented to his or her name being disclosed.

CHAPTER 4

THE TRIBUNALS

Part 1 Introductory

Note: This Chapter, in so far as it applies to the Diocesan Tribunal, is made under and for the purposes of the Anglican Church of Australia Constitution Act 1961 and, in particular, Chapter IX (The Tribunals) of the Schedule to that Act. In order to understand more easily the disciplinary scheme that is found partly in that Act and partly in this Ordinance, summaries of the relevant provisions of that Act are included as notes at appropriate places in this Ordinance. As the notes do not necessarily reproduce the exact text of that Act, reference should, where necessary, be made directly to that Act.

43. Definition

In this Chapter, **the Tribunal** means –

- (a) in the case of a person who is subject to the jurisdiction of the Diocesan Tribunal – the Diocesan Tribunal, and
- (b) in the case of a person who is subject to the jurisdiction of the Disciplinary Tribunal – the Disciplinary Tribunal.

Division 1 Jurisdiction of the Tribunals

What is the nature of the Diocesan Tribunal?

Note: Section 54(1) of the 1961 Constitution provides that the Diocesan Tribunal is the court of the Archbishop.

What is the jurisdiction of the Diocesan Tribunal?

Note: Section 54(2) of the 1961 Constitution provides that the Diocesan Tribunal has jurisdiction to hear and determine charges of breaches of faith, ritual, ceremonial or discipline and of such offences as may be specified by canon, ordinance or rule in respect of –

- a person licensed by the Archbishop, or
- any other person in holy orders resident in the diocese.

Section 54(2A) of the 1961 Constitution provides that the Diocesan Tribunal also has jurisdiction to hear a charge relating to an offence of unchastity, an offence involving sexual misconduct or an offence relating to a conviction for a criminal offence that is punishable by imprisonment for 12 months or more in respect of a member of the clergy if –

- the act of the member of the clergy which gave rise to the charge occurred in the Diocese, or
- the member of the clergy was licensed by the Archbishop or was resident in the Diocese within 2 years before the charge was laid, or
- the member of the clergy is in prison as a convicted person at the time the charge was laid, but within 2 years before imprisonment was licensed by the Archbishop or was ordinarily resident in the Diocese.

44. What is the jurisdiction of the Disciplinary Tribunal?

The Disciplinary Tribunal has jurisdiction to hear and determine charges brought against church workers who are not subject to the jurisdiction of the Diocesan Tribunal.

Division 2 Charges

Note: By clause 79 of this Ordinance, Divisions 2 and 3 of Part 1 of this Chapter apply to a charge in respect of a breach of faith, ritual or ceremonial in the same way as those Divisions apply to a charge for other wrongdoing except as provided by Chapter 5.

45. Archbishop's appointee

- (1) The appointment by the Archbishop of a person to make a charge is to be in writing signed by the Archbishop.
- (2) The appointment continues until it is revoked in writing by the Archbishop, unless the appointment is expressed to be for the purpose of making a particular charge or charges or for a specified period of time.

46. What is the form of a charge?

- (1) A charge must state –
 - (a) the wrongdoing that it is alleged the person has committed, and
 - (b) particulars of the acts or omissions alleged to constitute the wrongdoing.
- (2) A charge may allege more than one wrongdoing.

- (3) The allegations in the charge must be verified by statutory declaration made by the person or persons making the charge or by any other person or persons.
- (4) A charge must be signed by the person or persons making the charge.
- (5) A charge must include an address within the Diocese for service of documents on the person or persons making the charge.
- (6) A charge may be, but does not have to be, in the form of Schedule 1, Schedule 2 or Schedule 3, to this Ordinance.

47. How is a charge made?

A charge is made by lodging a copy of the charge at the Registrar's office together with the statutory declaration or declarations verifying the allegations in the charge.

48. Is there a time limit to the making of a charge?

- (1) Subject to clause 80, there is no time limit to the making of a charge.
- (2) However, the Tribunal, under clause 61, may dismiss a charge for delay in making the charge.

49. Can a charge be withdrawn?

- (1) The person who has or the persons who have made a charge may, with the consent of the person charged, withdraw the charge at any time before it has been referred to the Tribunal by the Registrar.
- (2) The person who has or the persons who have made a charge may, with the consent of the person charged and of the Tribunal, withdraw the charge at any time after it has been referred to the Tribunal by the Registrar.
- (3) In granting its consent, the Tribunal may direct that a specified person or persons be substituted for the person or persons who made the charge.
- (4) A charge is withdrawn by lodging a copy of the notice of withdrawal at the office of the Registrar.
- (5) The notice of withdrawal is to be signed by the person or persons making the charge and the person charged.
- (6) If a charge is withdrawn, no further proceedings may be taken under this Ordinance in relation to the charge by the person or persons who made the charge.
- (7) However, the withdrawal of a charge does not prevent another person or other persons from making the same or a different charge against the person named in the charge that is withdrawn.

50. Notice of the charge

As soon as practicable after a charge is made against a person, the Registrar must serve a copy of the charge on the person.

Circumstances in which the Archbishop may suspend a person from office

Notes:

- (1) *Suspension before promotion of charge –*

Section 61(2) of the 1961 Constitution provides that the Archbishop may suspend a person licensed by the Archbishop, or a person in holy orders resident in the Diocese, from the duties of office where –

- (a) *a charge is proposed to be promoted under this Ordinance, and*
- (b) *the charge will not allege a breach of faith, ritual or ceremonial, and*
- (c) *the charge relates to an offence that is punishable by imprisonment for 12 months or more of which the person has been charged or convicted or in respect of which the Archbishop has received a report from an experienced lawyer stating that there is a prima facie case of the person having committed the offence.*

Section 61(3) – (6) of the 1961 Constitution provide that the period of suspension must not exceed 28 days from the date of service of the Archbishop's notice of suspension on the person unless the charge is promoted within the period of suspension, in which case the period of suspension continues until the first meeting of the Standing Committee thereafter. The Archbishop may revoke a suspension at any time during its currency. Suspension from the duties of office does not deprive a person from the emoluments appertaining to the office.

- (2) *Suspension following promotion of charge –*

Section 61(1) of the 1961 Constitution provides that where a charge has been promoted before the Diocesan Tribunal against a person licensed by the Archbishop, the Archbishop, with the concurrence of the Standing Committee, may suspend the person from the duties of his or her office until determination of the charge, or a lesser time. The Archbishop may make such arrangements for the performance of the

duties of the office as may be authorised by any canon, ordinance or rule or, in the absence of such canon, ordinance or rule, as the Archbishop deems proper.

51. Request for answer to the charge

- (1) The Registrar must serve, with the copy of the charge –
 - (a) a request that the person charged lodge an answer to the charge at the Registrar's office within a period of not less than 21 days specified in the Registrar's request, and
 - (b) general information concerning the processes under this Ordinance, the possible sanctions that might follow if the charge is proven, and the opportunities for their mitigation or suspension (all of which may be done by providing the person charged with a copy of this Ordinance), and
 - (c) a caution not to make any admissions without the benefit of legal advice.
- (2) The Registrar may from time to time by notice in writing to the person charged extend the period specified for lodging the person's answer even though the period originally specified or any previous extension has elapsed.

52. Answer to the charge

- (1) An answer to a charge must be signed by the person charged.
- (2) In an answer, the person charged may do either or both of the following –
 - (a) admit all or any of the allegations in the charge,
 - (b) deny all or any of the allegations in the charge and verify such denial by way of statutory declaration lodged with the answer.
- (3) The answer, together with any statutory declaration verifying the denial of all or any of the allegations in the charge, is to be lodged at the Registrar's office.
- (4) The Registrar is to send a copy of the answer and any statutory declaration lodged with the answer to the person or persons making the charge.
- (5) The Registrar is to notify the person or persons making the charge if the person against whom the charge is made fails to lodge an answer within the requisite period.
- (6) A failure by the person against whom the charge is made –
 - (a) to admit in an answer any allegation in the charge, or
 - (b) to deny in an answer any allegation in the charge and to verify such denial by way of statutory declaration lodged with the answer,

within the requisite period for lodging an answer to a charge is taken to be a denial of the allegation within the requisite period.

53. What procedure applies if a charge (not relating to faith, ritual or ceremonial) is admitted?

- (1) If any wrongdoing alleged in a charge, or part of a charge, that does not relate to faith, ritual or ceremonial, is admitted within the requisite period for lodging an answer to the charge, the Registrar is to refer the charge, or part, to the Tribunal.
- (2) The Diocesan Tribunal is to make a recommendation to the Archbishop concerning the wrongdoing admitted, in accordance with section 60 (1) of the 1961 Constitution.
- (3) The Disciplinary Tribunal is to make a recommendation to the relevant church authority concerning the wrongdoing admitted in accordance with clause 66.
- (4) A recommendation for disciplinary action must not be made without giving the person against whom the recommendation is proposed to be made an opportunity to be heard in relation to the recommendation.

54. What procedure applies if a charge (not relating to faith, ritual or ceremonial) is denied?

If any wrongdoing alleged in a charge, or part of a charge, that does not relate to faith, ritual or ceremonial, is denied within the requisite period for lodging an answer to the charge, the charge or part must be referred by the Registrar to the Tribunal.

Division 3 Proceedings before the Tribunals

55. Right of appearance

The person charged is entitled to appear before the Tribunal personally or by a legal practitioner.

Note: *As to the payment of the costs of legal representatives, see clause 69.*

56. Prosecution of charges by person appointed by the Director

- (1) A charge is to be prosecuted by a person appointed by the Director.
- (2) The person appointed by the Director has a right of appearance before the Tribunal.

57. Directions hearing

- (1) If any allegation in a charge is denied, the Tribunal may hold a preliminary hearing in order to give directions concerning the conduct of the proceedings and the hearing of the charge.
- (2) At a preliminary hearing, the Tribunal may be constituted by the President or a Deputy President sitting alone.

58. What happens if the person against whom the charge is made does not appear before the Tribunal?

If the person against whom a charge is made does not appear before the Tribunal, the Tribunal may hear the charge in the person's absence.

59. Public hearing

- (1) A charge is to be heard in public.
- (2) However, the President or, in the absence of the President, the Deputy President –
 - (a) may, at any time, order that a charge, or a specified part of the proceedings before the Tribunal concerning a charge, is to be heard in private, and
 - (b) must order that a charge, or a specified part of the proceedings before the Tribunal concerning a charge, is to be heard in private if requested to do so by 2 other members of the Tribunal.

60. Suppression of names

- (1) The Tribunal may order that the name of, or other information that could lead to the identification of the person charged, or a person who appears, or is reasonably likely to appear, before the Tribunal is not to be published or broadcast, except in such circumstances as the Tribunal may authorise.
- (2) An order of the Tribunal does not apply to the publication of a report authorised or required under this Ordinance.

61. Dismissal of charge

The Tribunal may dismiss a charge if it is of the opinion that the delay in making the charge causes unfairness to the person against whom the charge is made.

62. Amendment of charge

- (1) The Tribunal may permit or direct an amendment to the charge, the particulars of the charge or the answer to the charge.
- (2) If an amendment is made to the charge, the particulars of the charge or the answer to the charge, the Registrar is to give notice of the amendment, as soon as practicable after it is made, to the person appointed under clause 56(1), the person charged and the person or persons making the charge.

63. Onus of proof

A charge is required to be proved on the balance of probabilities.

What are the powers of the Diocesan Tribunal concerning the production of evidence?

Note: Section 9 of the Anglican Church of Australia Constitution Act 1961 and section 62 of the 1961 Constitution provide that, for the purpose of securing the attendance of witnesses and the production of documents and for the examination of witnesses on oath or otherwise, the Diocesan Tribunal is taken to be an arbitrator as referred to in the Commercial Arbitration Act 1984 (NSW) and has power to administer an oath or to take an affirmation from any witness and for the same purpose any party to a proceeding before it or any person permitted by it to submit evidence to it is taken to be a party to a reference or submission to arbitration within the meaning of the Commercial Arbitration Act 1984.

64. What are the powers of the Disciplinary Tribunal concerning the production of evidence?

The Disciplinary Tribunal may receive evidence, examine witnesses and administer oaths and affirmations.

65. Other determinations in relation to complaints

- (1) In dealing with a complaint of child abuse, a Tribunal must, after making any other determination or recommendation that it is empowered to make, determine whether the complaint is vexatious or misconceived or the conduct alleged in the complaint did not occur.
- (2) In dealing with a complaint in respect of which information has been included on the National Register, a Tribunal must, after making any other declaration or recommendation that it is empowered to

make, determine whether the complaint is false, vexatious or misconceived, or whether it is more likely than not that the subject-matter of the complaint did not occur.

Notes:

(1) Section 39 of the Commission for Children and Young People Act 1998 imposes a duty on employers to notify the Commission for Children and Young People of certain disciplinary proceedings taken against employees for causing harm to a child. However, there is an exemption from the requirement to notify if there has been a finding in the disciplinary proceedings that the allegations in respect of which they were brought were vexatious or misconceived (see clause 8 of the Commission for Children and Young People Regulation 2000) or the alleged conduct did not occur.

(2) If a Tribunal determines that the complaint is false, vexatious or misconceived or that it is more likely than not that the subject-matter of the complaint did not occur, any information about the complaint which has been included on the National Register may be removed from the Register under section 10(1) of the National Register Canon 2007 on the basis that it relates to a notifiable complaint which has been exhausted.

What recommendations may the Diocesan Tribunal make?

Note: Section 60(1) of the 1961 Constitution provides that the Diocesan Tribunal shall make such recommendation as it thinks just in the circumstances, but shall not recommend any sentence other than one or more of the following –

- deposition from orders,
- prohibition from functioning
- removal from office
- rebuke.

The Diocesan Tribunal's recommendation is made to the Archbishop.

What action may be taken by the Archbishop concerning the Diocesan Tribunal's recommendation?

Note: Section 60(2) of the 1961 Constitution provides that the Archbishop is to give effect to the Diocesan Tribunal's recommendation. However, if disciplinary action is recommended, the Archbishop may consult with the Diocesan Tribunal and in the exercise of his prerogative of mercy –

- mitigate the disciplinary action, or
- suspend its operation, or
- mitigate the disciplinary action and suspend its operation.

In each case, the Archbishop is to pronounce the disciplinary action recommended even though he mitigates or suspends it.

If disciplinary action or mitigated disciplinary action has been suspended and remains suspended for 2 years, the disciplinary action has no operation after the 2-year period.

66. What recommendations may the Disciplinary Tribunal make?

If the Disciplinary Tribunal determines that a charge has been proved, the Disciplinary Tribunal may make any one or more of the following recommendations to the relevant church authority –

- (a) that no further action be taken in relation to the complaint,
- (b) that a prohibition order be made against the person in such terms as are specified in the recommendation,
- (c) such other recommendation as the Disciplinary Tribunal thinks fit.

67. What action may be taken by the relevant church authority concerning the Disciplinary Tribunal's recommendation?

(1) The relevant church authority is to give effect to the recommendations of a Disciplinary Tribunal, subject to this Part.

(2) The relevant church authority may, after consulting with the Disciplinary Tribunal, in giving effect to a recommendation –

- (a) mitigate its terms, or
- (b) suspend its implementation, or
- (c) mitigate its terms and suspend its implementation.

(3) A recommendation, and any decision made by the relevant church authority in respect of the recommendation, ceases to have effect if its implementation is deferred for a period of not less than 2 years.

68. Report of finding

(1) A determination of the Tribunal, and any recommendation made by the Tribunal, is to be contained in a report –

- (a) that sets out the Tribunal's findings on material questions of fact, and
- (b) that refers to any evidence or other material on which the Tribunal's findings were based, and
- (c) that gives the reasons for the Tribunal's determination.

(2) The Tribunal's report is to be given to the Archbishop, the relevant church authority (if any), the person or persons making the charge, the person charged and, subject to subclause (3), the Standing Committee.

(3) In making a report to the Standing Committee where the charge was not found to be proven, the Tribunal should not disclose the name of, or other information that could lead to the identification of, the person charged or a person who appeared before it.

69. Costs

(1) If the person against whom the complaint is made is represented by a legal practitioner, the Tribunal may order that the person's costs of the proceedings before the Tribunal are to be paid.

(2) If the Tribunal makes such an order, the person's costs are to be paid by the Synod in accordance with the scale of costs approved for the time being by the Standing Committee on the recommendation of the Director.

70. Recommendation as to payment of witnesses expenses

The Tribunal may make a recommendation to the Director for the payment of the expenses, in an amount determined by the Tribunal, of any person who appeared as a witness before the Tribunal.

71. Tribunal procedures

The Tribunal may, subject to this Ordinance, the rules of procedural fairness and any rules made under clause 72, determine the procedures applicable for the hearing of a charge.

72. Rules

The Archbishop-in-Council may make rules for the conduct of the business of the Tribunal.

Part 2 Review of the decision of a Tribunal

Division 1 The Diocesan Tribunal

Can there be an appeal from a determination of the Diocesan Tribunal?

Note: *Section 59(4) of the 1961 Constitution provides that –*

- *the person who brings a charge before the Diocesan Tribunal, if dissatisfied with its determination or recommendation, and*
- *the person against whom the charge is brought, if dissatisfied with the recommendation or the disciplinary action imposed on that recommendation,*

may appeal to the Appellate Tribunal within 28 days after the making of the determination or recommendation, or the imposing of the disciplinary action, or within such further time as the President of the Appellate Tribunal may in writing allow. In the case of disciplinary action comprising the deprivation of or suspension from office, the Archbishop may, on the lodging of the notice of appeal, if he sees fit, intermit the operation of the disciplinary action.

Section 60(4) of the 1961 Constitution provides that the provisions of the Constitution with respect to an appeal from a determination of the Diocesan Tribunal extend to and authorise an appeal from a recommendation or the imposition of disciplinary action but do not extend to a ruling of the Diocesan Tribunal of an interlocutory nature.

Section 57(2) of the 1961 Constitution provides that an appeal to the Appellate Tribunal is by way of re-hearing.

Division 2 The Disciplinary Tribunal

73. Application for review

(1) If the person against whom a charge is made is aggrieved by a decision of the Disciplinary Tribunal that if acted upon by the relevant church authority would, or may have the effect of –

- (a) terminating the person's employment, or
- (b) removing or suspending the capacity of the person to gain income as a church worker,

the person may apply to the Registrar for a review of the decision.

(2) If the person making the charge is aggrieved by a decision of the Disciplinary Tribunal the person may apply to the Registrar for a review of the decision.

(3) The application must be made within 21 days after the applicant receives a copy of the Disciplinary Tribunal's report under clause 68(2) or such longer period as the Registrar may by notice in writing to the aggrieved person determine.

(4) The application must be in writing and set out the grounds for the review.

74. Grounds for review

The grounds on which an application for a review of a decision of the Disciplinary Tribunal may be made are any one or more of the following –

- (a) that a breach of the rules of procedural fairness occurred in relation to the making of the decision which materially affected the decision,
- (b) that procedures required to be observed by this Ordinance in relation to the making of the decision were not observed and the non-observance materially affected the decision,
- (c) that the Disciplinary Tribunal did not have jurisdiction to make the decision,
- (d) that the decision was so devoid of any plausible justification that no reasonable Disciplinary Tribunal could have made it.

75. Stay of proceedings

An application for a review of a decision of the Disciplinary Tribunal acts as a stay of the decision pending the determination of the review.

76. Appointment of Reviewer

(1) As soon as practicable after receiving an application for review, the Registrar must notify the Chancellor.

(2) The Chancellor is to appoint an experienced lawyer to undertake the review and notify the Registrar of the appointment.

(3) Upon the appointment of an experienced lawyer, the Registrar is to obtain an estimate of the fee to be charged by the experienced lawyer in making a determination under this Part.

(4) On receipt of the estimate, the Registrar is to notify the applicant for the review of the amount of the estimate and is to request the applicant to pay half of the estimated fee to the Registrar or a person nominated by the Registrar.

(5) If the applicant does not pay half of the estimated fee within 21 days after receipt of the Registrar's request, the application for the review lapses.

77. Conduct of review

(1) A review by an experienced lawyer of the determination of the Disciplinary Tribunal is to be conducted in the manner determined by the experienced lawyer.

(2) A review is not to be a re-hearing of the merits, or a new hearing.

(3) The experienced lawyer may make such order as to costs of the review as he or she thinks fit.

78. Determination on review

The experienced lawyer who reviews a determination of the Disciplinary Tribunal may do any one or more of the following –

- (a) quash or set aside the determination,
- (b) refer the determination to the Disciplinary Tribunal for further consideration in accordance with such terms and conditions as the experienced lawyer directs,
- (c) declare the rights of the applicant for the review in relation to any matter to which the determination of the Disciplinary Tribunal relates,
- (d) direct the applicant or the Disciplinary Tribunal to do, or to refrain from doing, anything that the experienced lawyer considers necessary to do justice between the parties.

CHAPTER 5

BREACHES OF FAITH, RITUAL AND CEREMONIAL

Part 1 Charges

Against whom may a charge be made?

Notes:

(1) Section 54(2) of the 1961 Constitution provides that a charge in respect of a breach of faith, ritual or ceremonial may be made against –

- a person licensed by the Archbishop, or
- any other person in holy orders resident in the Diocese.

(2) Clause 3(3)(c) of the Church Ministry Ordinance 1993 makes the failure by a member of this Church (as provided in the 1902 Constitutions) to act in accordance with a provision of a Schedule to that Ordinance an offence. Clause 3(3)(b) of that Ordinance states that, for the purposes of section 54(2) of the 1961 Constitution, the provisions of each Schedule are each a matter of ritual, ceremonial or discipline (as the case may be).

Who may make a charge?

Note: Section 54(3) of the 1961 Constitution provides that a charge in respect of a breach of faith, ritual or ceremonial may be made by –

- a person appointed by the Archbishop, or
- 5 adult communicant members of this Church resident within the Diocese.

However, if the charge is made against the incumbent of a parish with respect to a breach alleged to have been committed in the parish, the 5 adult communicant members must be bona fide parishioners of the parish.

79. Making of charges generally

Except as provided by this Chapter, Divisions 2 and 3 of Part 1 of Chapter 4 apply to a charge in respect of a breach of faith, ritual or ceremonial in the same way as those Divisions apply to a charge for other wrongdoing.

80. Is there a time limit to the making of a charge?

A charge in respect of a breach of faith, ritual or ceremonial must be made within one year after the alleged commission of the breach.

Part 2 The Board of Enquiry

Reference of charges to the Board of Enquiry

Note: Section 54(3) of the 1961 Constitution provides that, before any charge relating to faith, ritual or ceremonial is heard by the Diocesan Tribunal, it must be referred to the Board of Enquiry appointed by this Ordinance. The charge may proceed to a hearing if the Board allows it as a charge that is proper to be heard.

81. The role of the Board of Enquiry

(1) The Board of Enquiry is to inquire into a charge or part referred to it in order to determine if the charge or part is one that is proper to be heard by the Diocesan Tribunal.

(2) Evidence and representations before the Board of Enquiry are to be given by means of written statements or statutory declarations.

(3) For the purpose of enabling the Board of Enquiry to exercise its functions under this clause it, may –

- (a) require the person or persons making the charge or invite the person charged to provide, by statutory declaration, information concerning the charge, and
- (b) permit or direct an amendment to the charge or the particulars of the charge or the answer to the charge.

(4) A person who provides a statutory declaration may consent to it being given to any other party. If consent is not given, the Board of Enquiry may disregard the contents of the statutory declaration.

(5) If an amendment is made to the charge, the particulars of the charge, or the answer to the charge, the Registrar is to give notice of the amendment, as soon as practicable after it is made, to the person charged and to the person or persons making the charge.

(6) The Board of Enquiry may dismiss a charge if it is of the opinion that the delay in making the charge causes unfairness to the person charged.

82. Report of the Board of Enquiry

After inquiring into a charge or part of a charge referred to it, the Board of Enquiry is to report in writing to the Registrar whether or not it is of the opinion that the charge or part is a charge that is proper to be heard by the Diocesan Tribunal.

83. Finding that the charge is a charge that is proper to be heard

(1) If a majority of the members for the time being of the Board of Enquiry report to the Registrar that they are of the opinion that the charge or part of the charge is a charge that is proper to be heard by the Diocesan Tribunal, the Registrar is –

- (a) to forward the documents relating to the charge and the reports of the members of the Board of Enquiry to the Diocesan Tribunal, and
- (b) to fix a date, time and place for the hearing of the charge or part, and
- (c) to serve notice of the date, time and place fixed for the hearing on the person or persons making the charge and the person charged –
 - (i) personally, or
 - (ii) by posting it in a letter addressed to the person or persons at the residential address of the person or persons last known to the Registrar.

(2) The date fixed for the hearing of a charge or part of a charge must not be less than 30 days after the date of the Registrar's notice.

84. Finding that the charge is not a charge that is proper to be heard

(1) If a majority of the members for the time being of the Board of Enquiry report to the Registrar that they are of the opinion that the charge or part of the charge is not a charge that is proper to be heard by the Diocesan Tribunal, the Registrar is to send a copy of the reports of the members of the Board of Enquiry to the person or persons who made the charge and the person charged.

(2) No further proceedings may be taken in relation to a charge or part of a charge to which this clause applies.

(3) However, this clause does not prevent another charge being made against the same person.

85. Report to Archbishop

The Registrar is to provide a copy of each report made to the Registrar under this Part to the Archbishop.

Can there be an appeal from a determination of the Diocesan Tribunal?

Note: Section 54(4) of the 1961 Constitution provides that in matters involving any question of faith, ritual, ceremonial or discipline an appeal lies from the determination of the Diocesan Tribunal to the Appellate Tribunal.

Section 59(4) of the 1961 Constitution provides that –

- the person who brings a charge before the Diocesan Tribunal, if dissatisfied with its determination or recommendation, and
- the person against whom the charge is brought, if dissatisfied with the recommendation or the disciplinary action imposed on that recommendation,

may appeal to the Appellate Tribunal within 28 days after the making of the determination or recommendation, or the imposing of the disciplinary action, or within such further time as the President of the Appellate Tribunal may in writing allow. In the case of disciplinary action comprising the deprivation of or suspension from office, the Archbishop may, on the lodging of the notice of appeal, if he sees fit, intermit the operation of the disciplinary action.

Section 60(4) of the 1961 Constitution provides that the provisions of the Constitution with respect to an appeal from a determination of the Diocesan Tribunal extend to and authorise an appeal from a recommendation or the imposition of disciplinary action but do not extend to a ruling of the Diocesan Tribunal of an interlocutory nature.

Section 57(2) of the 1961 Constitution provides that an appeal to the Appellate Tribunal is by way of re-hearing.

CHAPTER 6
EXEMPT CONDUCT

86. Declaration of exemption following disclosure of past conduct

(1) A person referred to in subclause (2) may make a full disclosure to the Archbishop in writing that the person has engaged in conduct that may be the subject of a complaint under this Ordinance.

(2) If the disclosure is made –

- (a) by a person prior to ordination by or on behalf of the Archbishop as a deacon, or
- (b) by a person who is not ordained prior to being issued with an authority under the *Deaconesses, Readers and Other Lay Persons Ordinance 1981* for the purpose of undertaking paid work, or
- (c) by a person who has been ordained, otherwise than by or on behalf of the Archbishop, of conduct committed before ordination as a deacon, prior to being first licensed by the Archbishop,

the Archbishop, with the concurrence of the PSC, may declare that the conduct cannot be the subject of a complaint or a charge under this Ordinance.

(3) A declaration has effect for the purposes of this Ordinance according to its terms.

(4) If the Archbishop makes a declaration, any information disclosed to the Archbishop for the purposes the declaration is to be treated as Exempt Information for the purposes of the National Register Canon 2007.

Note: *Under section 8 of the National Register Canon 2007, Exempt Information is not information that is to be notified to the General Secretary for inclusion on the National Register.*

87. Circumstances in which a declaration cannot be made—prohibited persons

The Archbishop must not make a declaration under this Chapter in respect of a person who is a prohibited person within the meaning of the *Child Protection (Prohibited Employment) Act 1998*.

Note: *Under the Child Protection (Prohibited Employment) Act 1998, a prohibited person is a person who, subject to certain qualifications, has been convicted or found guilty of a serious sex offence or a registrable offence. In general, these are sex offences or offences involving children which are punishable by imprisonment of 12 months or more.*

88. Requirements to be satisfied before a declaration can be made

(1) The Archbishop must not make a declaration under this Chapter in respect of the conduct of a person unless the Archbishop and the PSC consider that the person –

- (a) has made any appropriate reparation for the conduct, and
- (b) does not pose a risk to the safety of any person, and
- (c) is fit to be ordained, to be issued with an authority or to be licensed by the Archbishop, as the case may be.

(2) In deciding whether or not a person poses a risk to the safety of any person, the following matters are to be taken into consideration –

- (a) the circumstances in which the conduct occurred,
- (b) the seriousness of the conduct,
- (c) the age of the person at the time of the conduct,
- (d) the age of each victim at the time,
- (e) the difference in ages between the person and each victim,
- (f) the person's criminal record, if any,
- (g) such other matters as are considered relevant.

89. Effect of refusal to make a declaration

If the Archbishop refuses to make a declaration under this Chapter in respect of the conduct of a person –

- (a) except as provided by paragraph (b), the person is not entitled for 5 years to apply again for a declaration in respect of that conduct, or
- (b) in the case of a prohibited person within the meaning of the *Child Protection (Prohibited Employment) Act 1998*, the person is not entitled to apply for a declaration while the person remains a prohibited person but is entitled to apply for a declaration at any time after the person ceases to be a prohibited person.

CHAPTER 7 MISCELLANEOUS

90. Confidentiality of information

A church authority, the Director, a member of the PSC, a person employed or engaged in work related to the functions of the Director or the PSC, a member of the Diocesan Tribunal or the Disciplinary Tribunal and a member of the Board of Enquiry must not divulge information that comes to his or her knowledge by virtue of his or her office or position, except –

- (a) in the course of carrying out the duties of that office or position, or
- (b) as may be authorised by or under this Ordinance, or
- (c) in any proceedings before a diocesan tribunal, a disciplinary tribunal, a provincial tribunal, the Appellate Tribunal or the Special Tribunal, or
- (d) as may be required by law, or
- (e) to any insurer or insurance broker of a church body or church authority where the information may give rise to or be relevant to a claim for indemnity by the church body or church authority against the insurer or is relevant to obtaining or continuing insurance cover.

91. Disclosure by PSC to equivalent bodies in other dioceses

The PSC must disclose to an equivalent body in another diocese relevant details of information in its possession concerning the alleged conduct of a church worker –

- (a) which is information that is relevant to, or arises during the course of, an investigation being undertaken by the PSC where the PSC knows that the church worker is residing in the diocese of the equivalent body, or
- (b) which is information concerning conduct alleged to have occurred in the diocese of the equivalent body,

and is to co-operate with any such equivalent body.

92. Indemnity

The Synod of the Diocese indemnifies a member of the PSC, the Diocesan Tribunal, the Disciplinary Tribunal or the Board of Enquiry for an act or omission of the member, PSC, Tribunal or Board in good faith and in the exercise or purported exercise of a function under this Ordinance.

93. Service of documents

- (1) A document required to be served under this Ordinance on a person may be served –
 - (a) personally, or
 - (b) by posting a copy of the document by pre-paid post to the person at the person's proper address.
- (2) The proper address of a person is the address for service of the person but, if the person has no address for service, the person's last known residential address.
- (3) Service of a document that is posted by pre-paid post is taken to be effected 7 days after posting.
- (4) In this clause, service of a document includes the giving of a notice.

94. Exclusion of other bodies

Other than the Board of Enquiry, the Diocesan Tribunal and the Disciplinary Tribunal, no other body is competent to hear or determine a matter relating to a charge made under this Ordinance until –

- (a) a majority of the members for the time being of the Board of Enquiry report to the Registrar that they are of the opinion that the charge is not a charge proper to be heard, or
- (b) the Diocesan Tribunal has dealt with the charge to finality and, if appropriate, the Archbishop has given effect to the Diocesan Tribunal's recommendation relating to the charge, or
- (c) the Disciplinary Tribunal has dealt with the charge to finality and, if appropriate, the relevant church authority has given effect to the Disciplinary Tribunal's recommendation relating to the charge.

95. Rights of employers

Nothing in this Ordinance affects any right of an employer to terminate the employment of an employee.

96. Repeals

- (1) The *Tribunal Ordinance 1962* is repealed.
- (2) The *Church Discipline Ordinance 2002* is repealed.

97. Amendment of the Relinquishment of Holy Orders Ordinance 1994

The *Relinquishment of Holy Orders Ordinance 1994* is amended –

- (a) by omitting from clause 4(1) all the matter following the word ‘except’ and by inserting instead the words ‘the *Discipline Ordinance 2006*.’, and
- (b) by omitting from clause 5 all matter including and following the word ‘except’ and by inserting instead the words ‘and the person shall, in relation to the holding out, be taken to be a person in holy orders for the purposes of the *Discipline Ordinance 2006*.’.

98. Amendment of the Offences Ordinance 1962

The *Offences Ordinance 1962* is amended by omitting clause 3 and inserting instead the following –

“Specified offences

3. (1) The following are specified as offences for which a charge may be heard and determined by the Diocesan Tribunal (in addition to those specified by canon) –

- (a) Sexual abuse.
- (b) Child abuse.
- (c) Conviction in New South Wales of an offence which is punishable by penal servitude or imprisonment for 12 months or upwards or a conviction outside New South Wales of an offence which, if committed in New South Wales, would be an offence so punishable.

Notes:

(1) *Other offences for which a charge may be heard and determined by the Diocesan Tribunal are –*

- *an offence under Clause 5 of the Relinquishment of Holy Orders Ordinance 1994, and*
- *an offence under clause 12 of the General Synod – Holy Orders, Relinquishment and Deposition Canon 2004 Adopting Ordinance 2005, and*
- *an offence under clause 9 or 24 of the Discipline Ordinance 2006.*

(2) *Section 54(2) of the 1961 Constitution provides that a charge in respect of a breach of faith ritual or ceremonial may be made against a person licensed by the Archbishop or any other person in holy orders resident in the Diocese.*

(3) *Clause 3(3)(c) of the Church Ministry Ordinance 1993 makes the failure by a member of this Church (as provided in the 1902 Constitutions) to act in accordance with a provision of a Schedule to that Ordinance an offence. Clause 3(3)(b) of that Ordinance states that, for the purposes of section 54(2) of the 1961 Constitution, the provisions of each Schedule are each a matter of ritual, ceremonial or discipline (as the case may be).*

(2) The following are specified as offences for which a charge may be heard and determined by the Disciplinary Tribunal –

- (a) Unchastity.
- (b) Drunkenness.
- (c) Habitual and wilful neglect of the duties of the person’s position after written admonition in respect thereof by the appropriate church authority.
- (d) Wilful failure to pay just debts.
- (e) Conduct, whenever occurring –
 - (i) which would be disgraceful if committed by a person holding the position held by the person against whom the allegation is made or in which the person acts, and
 - (ii) which at the time the charge is preferred productive, or if known publicly would be productive, of scandal or evil report.
- (f) Sexual abuse.
- (g) Child abuse.
- (h) Conviction in New South Wales of an offence which is punishable by penal servitude or imprisonment for 12 months or upwards or a conviction outside New South Wales of an offence which, if committed in New South Wales, would be an offence so punishable.

Note: *Other offences for which a charge may be heard and determined by the Disciplinary Tribunal are offences under clauses 9 and 24 of the Discipline Ordinance 2006.*

(3) For the purposes of subclauses (1) and (2), 'church authority', 'Diocesan Tribunal', 'Disciplinary Tribunal', 'sexual abuse' and 'child abuse' have the same meanings as in the Discipline Ordinance 2006."

99. Savings and transitional provisions

(1) Nothing in this Ordinance affects any proceeding commenced, but not completed, before the date on which this Ordinance commences under the *Tribunal Ordinance 1962* or the *Church Discipline Ordinance 2002* and any such proceeding may be continued and completed as if this Ordinance had not been made.

(2) The repeal of the *Tribunal Ordinance 1962* does not affect or invalidate any act done or election or appointment made under that Ordinance.

(3) All persons elected or appointed under the *Tribunal Ordinance 1962* and holding office immediately before the repeal of that Ordinance are to remain in office as if they had been elected or appointed under this Ordinance, except as provided by this clause.

(4) If the persons remaining in office pursuant to subclause (3) who are elected to be members of the Diocesan Tribunal do not include a woman then, as soon as practicable after the commencement of this Ordinance, the Standing Committee may appoint a woman as an additional member of the Diocesan Tribunal and, subject to clause 117, such person holds office until the first session of the 48th Synod.

(5) The persons remaining in office pursuant to subclause (3) are taken to be members of the Disciplinary Tribunal while holding office as members of the Diocesan Tribunal.

(6) The supplemental list for the Diocesan Tribunal and the supplemental list for the Board of Enquiry are abolished.

(7) The lay persons elected or appointed as members of the Board of Enquiry under the *Tribunal Ordinance 1962* and holding office immediately before the repeal of that Ordinance cease to hold office on that repeal.

(8) As soon as practicable after the date on which this Ordinance commences, the Standing Committee is to elect, out of the lay persons who cease to hold office under subclause (7), 2 persons to be members of the Board of Enquiry. If, at the time of the election, there are 2 or less lay persons eligible for election, any such lay person who is eligible for election is taken to be elected under this subclause and any other lay person or lay persons necessary to be elected to constitute the Board of Enquiry may be elected by the Standing Committee.

(9) The person holding office as the Director under the *Church Discipline Ordinance 2002* immediately before the date on which this Ordinance commences is taken to have been appointed as the Director under this Ordinance and holds office on the same terms and conditions as those which applied immediately before the repeal of the *Church Discipline Ordinance 2002*.

(10) A declaration made under clause 18 of the *Church Discipline Ordinance 2002* is taken to have been made under Chapter 6 of this Ordinance.

(11) This Ordinance extends to conduct occurring before the date on which this Ordinance commences.

100. Commencement

Except for this clause, this Ordinance commences on a date declared by the Standing Committee by resolution.

CHAPTER 8

ADMINISTRATION

Part 1 The Director

101. The Director

- (1) The Archbishop, taking into account any recommendation of the Safe Ministry Board, may appoint a suitably qualified person to be the Director for the purposes of this Ordinance.
- (2) Any person who is the Director and is a member of the Safe Ministry Board at the time a recommendation is made to the Archbishop under subclause (1) must not vote or speak as a member of the Safe Ministry Board in relation to the making of the recommendation.
- (3) The Director is to be appointed on such terms and conditions as the Archbishop determines.
- (4) If, for any reason, the Director is unable or unwilling to exercise or perform any power, authority, duty or function of the Director under this Ordinance, the Archbishop may appoint another suitably qualified person to exercise or perform the power, authority, duty or function.

102. Relationship between the Director and the Archbishop

- (1) The Director is to inform the Archbishop of –
 - (a) any information known to the Director, or any reasonable belief held by the Director, that a church worker has engaged in conduct which may be the subject of a complaint, and
 - (b) any response made by a church worker to an allegation that is, or could be, the subject of a complaint.
- (2) The Director is to provide the Archbishop with such further information as the Archbishop may reasonably require.
- (3) The Archbishop is to provide the Director with such information as the Director may reasonably require.

103. The Director's entitlement to information held by certain persons

A person who, or body which, appointed a church worker to an office or position held by the church worker during any period relevant for the purposes of an allegation made against the church worker that is, or could be, the subject of a complaint is to provide the Director with such information as the Director may reasonably require.

104. The Director to report annually to the Standing Committee

Before 31 August each year, the Director is to make a report to the Standing Committee as to the action taken under this Ordinance during the period of 12 months ending on the preceding 30 June and provide a copy of the report to the Safe Ministry Board.

Part 2 The Professional Standards Committee

105. Establishment of the PSC

There is to be a Professional Standards Committee for the Diocese.

106. Appointment of members

- (1) The Archbishop-in-Council is to appoint at least 3 persons to be the members of the PSC.
- (2) The persons appointed as members of the PSC are to include –
 - (a) an experienced lawyer, and
 - (b) a person who has been a member of the clergy for not less than 10 years, and
 - (c) a person who is certified by the Safe Ministry Board as having other qualifications or experience appropriate to the discharge of the office of a member of the PSC, such as child protection, social work or psychiatry.
- (3) The PSC is to include at least one person who is not a member of this Church and, so far as it is reasonably practicable, is to have an equal number of men and women.

107. Term of office

Subject to clause 108, a member of the PSC holds office until the first meeting of the Standing Committee which next follows the first day of the first ordinary session of the next Synod provided that the member continues to hold office until his or her successor is appointed.

108. Casual vacancies

- (1) The office of a member of the PSC is vacated if –
 - (a) the member –

- (i) dies, or
- (ii) resigns by notice in writing to the Diocesan Secretary, or
- (iii) becomes mentally incapacitated, or
- (iv) becomes an insolvent under administration, or
- (v) ceases to reside permanently in the Diocese, or
- (b) the Archbishop-in-Council revokes the appointment.

(2) The Archbishop-in-Council may fill a casual vacancy in the office of a member of the PSC.

109. Chairperson

(1) The Archbishop-in-Council is to appoint one of the members of the PSC to be the chairperson of the PSC.

(2) The chairperson is to preside at all meetings of the PSC at which he or she is present.

(3) In the absence of the chairperson, the members present at a meeting are to elect a member to be the chairperson.

(4) At meetings of the PSC, the chairperson has a deliberative vote only.

110. Meetings

(1) The PSC may meet from time to time as determined by the chairperson or a majority of the members.

(2) The PSC may conduct its business in such manner as it thinks fit.

(3) Without limiting subclause (2), the PSC may conduct its business by telephone or electronic communication.

(4) The Director is entitled to attend and speak at meetings of the PSC.

111. Quorum

A majority of the members for the time being of the PSC constitutes a quorum at a meeting of the PSC.

112. Decisions

(1) A decision of the majority of the members of the PSC at a meeting at which a quorum is present is a decision of the PSC.

(2) A decision taken other than at a meeting of the PSC, if supported by a majority of the members of the PSC, is a decision of the PSC.

Part 3 The Diocesan Tribunal

Constitution of the Diocesan Tribunal

Note: Section 53 of the 1961 Constitution provides that there is to be a Diocesan Tribunal for the Diocese.

Who are the members of the Diocesan Tribunal?

Note: Section 54(1) of the 1961 Constitution provides that the Diocesan Tribunal is to consist of –

- a president (who is to be the Archbishop) or a deputy president appointed by the Archbishop, and
- not less than 2 other members as may be prescribed by ordinance of the Synod of the Diocese.

113. Archbishop's appointment of the Deputy President

(1) A person is qualified for appointment as the Deputy President if the person is an experienced lawyer.

(2) The appointment by the Archbishop of the Deputy President is to be in writing signed by the Archbishop.

(3) The appointment continues until it is revoked in writing by the Archbishop unless the appointment is expressed to be for the purpose of hearing a particular charge or charges or for a specified period of time.

114. Constitution of the Diocesan Tribunal for the purpose of hearing and determining a charge

(1) Subject to subclauses (2) and (3), for the purpose of hearing and determining a charge the Diocesan Tribunal is to be constituted by –

- (a) the President or the Deputy President, and
- (b) one member of the Diocesan Tribunal who is a member of the clergy appointed by the Registrar, and

- (c) one member of the Diocesan Tribunal who is a lay person appointed by the Registrar.
- (2) For the purpose of hearing and determining a charge alleging an offence of child abuse or sexual abuse or an offence under clause 9, the Diocesan Tribunal is to include at least one man and one woman.
- (3) For the purpose of hearing and determining a charge alleging a breach of faith, ritual or ceremonial, the Diocesan Tribunal may be constituted by all its members.
- (4) Nothing in this clause affects clause 57.

115. Election of members

- (1) During the first session of each Synod, the members of Synod voting collectively are to elect 3 members of the clergy, each of whom has been a member of the clergy for not less than 10 years, and 3 lay persons to be members of the Diocesan Tribunal.
- (2) The members of the Diocesan Tribunal elected by the Synod must include at least one experienced lawyer and at least one man and one woman.

116. Term of office

- (1) An elected member of the Diocesan Tribunal holds office until the member's successor is elected or until the office is vacated.
- (2) However, if a member's successor is elected after the Diocesan Tribunal has commenced hearing a charge and before the Diocesan Tribunal's recommendation concerning the charge is made, the member continues to hold office until the recommendation is made.

117. Casual vacancies

The office of an elected member of the Diocesan Tribunal is vacated if –

- (a) the member –
 - (i) dies, or
 - (ii) resigns by notice in writing given to the Diocesan Secretary, or
 - (iii) becomes mentally incapacitated, or
 - (iv) becomes an insolvent under administration, or
 - (v) ceases to reside permanently in the Diocese, or
- (b) the Standing Committee declares, by resolution with a majority of not less than two-thirds of the members of the Standing Committee present and entitled to vote, the member's office to be vacated because of the member's refusal, neglect or inability to perform functions as a member or because of any other reason so declared.

118. How are casual vacancies filled?

- (1) The Standing Committee is to appoint a member of the clergy or a lay person (as the case requires) to fill a casual vacancy in the office of an elected member of the Diocesan Tribunal.
- (2) A person appointed under this clause holds office for the balance of his or her predecessor's term of office, subject to clauses 116(2) and 117.

119. Ineligibility of members of the Board of Enquiry

A person who is a member of the Board of Enquiry is not eligible to be a member of the Diocesan Tribunal.

120. Disqualification of certain members from hearing charges

- (1) An elected member is disqualified from hearing a charge that concerns the member or where the member is the person or a person who has made a charge.
- (2) If an elected member is disqualified under this clause, a person is to be appointed for the purpose only of hearing the particular charge in the same way as if the disqualified member had vacated office.

121. Decision of the Diocesan Tribunal

A decision supported by a majority of the votes of the members who constitute the Diocesan Tribunal is a decision of the Diocesan Tribunal.

122. Voting on certain questions of evidence or procedure

The President or, in the absence of the President, the Deputy President has a casting vote as well as a deliberative vote if voting on a question of evidence or procedure is equal.

Part 4 Disciplinary Tribunal

123. Members of Disciplinary Tribunal

The members of the Disciplinary Tribunal are the members for the time being of the Diocesan Tribunal and include a person appointed by the Archbishop as Deputy President of the Diocesan Tribunal.

124. Establishing a Disciplinary Tribunal

- (1) The Registrar may establish a Disciplinary Tribunal to hear and determine a charge.
- (2) Subject to subclauses (3) and (4), a Disciplinary Tribunal comprises 3 members appointed by the Registrar.
- (3) The members of a Disciplinary Tribunal must include –
 - (a) an experienced lawyer who is to be the chairperson of the Disciplinary Tribunal, and
 - (b) a member of the clergy.
- (4) For the purposes of hearing and determining a charge alleging an offence of child abuse or sexual abuse or an offence under clause 9, the Disciplinary Tribunal is to include at least one man and one woman.

125. Notice of establishment of Disciplinary Tribunal

- (1) The Registrar is to give written notice of the establishment of a Disciplinary Tribunal to the complainant or complainants and the person against whom the complaint, or each complaint, is made as soon as practicable after the Disciplinary Tribunal is established.
- (2) The Registrar is to provide the Disciplinary Tribunal and the person against whom the complaint, or each complaint, is made with particulars of the complaint or complaints.

Part 5 Board of Enquiry**126. Election of members**

During the first session of each Synod, the members of Synod voting collectively are to elect 1 member of the clergy and 2 lay persons to be members of the Board of Enquiry.

127. Appointment of members

- (1) The Archbishop is to appoint 1 member of the clergy and 1 layperson to be members of the Board of Enquiry.
- (2) Each appointment is to continue until revoked in writing by the Archbishop unless the appointment is expressed to be for the purpose of hearing a particular charge or charges or for a specified period of time.

128. Term of office

- (1) A member of the Board of Enquiry holds office until the member's successor is appointed or elected or until the office is vacated.
- (2) However, if a member's successor is appointed or elected after the Board of Enquiry has commenced an inquiry into a charge or part of a charge and before the Board of Enquiry's report of its inquiry is made, the member continues to hold office until the report is made.

129. Casual vacancies

The office of a member of the Board of Enquiry is vacated if –

- (a) the member –
 - (i) dies, or
 - (ii) resigns by notice in writing to the Diocesan Secretary, or
 - (iii) becomes mentally incapacitated, or
 - (iv) becomes an insolvent under administration, or
 - (v) ceases to reside permanently in the Diocese, or
- (b) in the case of a member elected by Synod, the Standing Committee declares, by resolution with a majority of not less than two-thirds of the members of the Standing Committee present and entitled to vote, the member's office to be vacated because of the member's refusal, neglect or inability to perform functions as a member or because of any other reason so declared, or
- (c) in the case of a member appointed by the Archbishop, the Archbishop revokes the appointment.

130. How are casual vacancies filled?

- (1) In the case of a person elected by Synod, the Standing Committee is to appoint a member of the clergy or a lay person (as the case requires) to fill a casual vacancy in the office of a member of the Board of Enquiry.
- (2) A person appointed under this clause holds office for the balance of his or her predecessor's term of office, subject to clauses 128(2) and 129.

131. Disqualification of certain members from inquiring into charges

- (1) A member is disqualified from inquiring into a charge or part of a charge that concerns the member or where the member is the person or a person who has made the charge.
- (2) If a member is disqualified under this clause, a person is to be appointed for the purpose only of inquiring into the particular charge or part of the charge in the same way as if the disqualified member had vacated office.

132. Quorum

The quorum for a meeting of the Board of Enquiry is 3 members, one of whom is a member of the clergy and two of whom are lay persons.

SCHEDULE 1

Diocesan/Disciplinary Tribunal

Charge

(Made by a person appointed by the Archbishop)

I, _____ of _____, having been appointed by the Archbishop of Sydney under clause 45 of the *Discipline Ordinance 2006*, claim that of _____, being

- * a person licensed by the Archbishop of Sydney
- * a person in holy orders resident in the Diocese of Sydney,
- * a member of the clergy, the act of whom which gave rise to this charge occurred in the Diocese of Sydney
- * a member of the clergy who was licensed by the Archbishop of Sydney or was resident in the Diocese of Sydney within 2 years before this charge was laid
- * a member of the clergy who is in prison as a convicted person at the time this charge is laid, but within 2 years before such imprisonment was licensed by the Archbishop of Sydney or was ordinarily resident in the Diocese of Sydney
- * a church worker who is not subject to the jurisdiction of the Diocesan Tribunal

has committed

- * the following offence, namely
- * a breach of faith/ritual/ceremonial/discipline

particulars of which are:

Signed:

Date:

The address at which documents may be served on the person making this charge is:

- * delete whichever is not applicable.

**SCHEDULE 2
Diocesan Tribunal
Charge**

(Made by 5 adult communicant members of the Church resident within the Diocese except where the charge is against an incumbent of a parish and relates to a breach of faith, ritual or ceremonial alleged to have been committed in the parish)

We,

- | | | |
|----|--|----|
| 1. | | of |
| 2. | | of |
| 3. | | of |
| 4. | | of |
| 5. | | of |

being adult communicant members of the Anglican Church of Australia (within the meaning of the Anglican Church of Australia Constitution Act 1961) resident within the Diocese of Sydney claim that

of _____, being

* a person licensed by the Archbishop

* a person in holy orders resident in the Diocese of Sydney

has committed a breach of faith/ritual/ceremonial/discipline particulars of which are:

Signed:

Date:

The address at which documents may be served on the persons making this charge is:

* delete whichever is not applicable.

SCHEDULE 3
Diocesan Tribunal

Charge

(Made by 5 adult communicant members of the Church resident within the Diocese where the charge is against an incumbent of a parish and relates to a breach of faith, ritual or ceremonial alleged to have been committed in the parish and where such members are bona fide parishioners of that parish)

We,

1. _____ of _____
2. _____ of _____
3. _____ of _____
4. _____ of _____
5. _____ of _____

being adult communicant members of the Anglican Church of Australia (within the meaning of the Anglican Church of Australia Constitution Act 1961) resident within the Diocese of Sydney and being bona fide parishioners (within the meaning of that Act) of the pastoral division consisting of the Parish/Provisional Parish/Recognised Church of _____

claim that _____ of _____, being _____

- * _____ a person licensed by the Archbishop
- * _____ a person in holy orders resident in the Diocese of Sydney

has committed in _____ and while the incumbent of the pastoral division a breach of faith/ritual/ceremonial particulars of which are:

Signed:

Date:

The address at which documents may be served on the persons making this charge is:

- * delete whichever is not applicable.

Notes

At its meeting on 26 March 2007, the Standing Committee resolved that the Ordinance, pursuant to clause 100 of the Ordinance, is to commence forthwith on 26 March 2007.

At its meeting on 15 October 2007, the Standing Committee approved a scale of costs for the purposes of clause 69(2).

Table of Amendments

Clause 2	Amended by Ordinance No 2, 2008.
Clause 34	Amended by Ordinance No 2, 2008.
Clause 35	Amended by Ordinance No 2, 2008.
Clause 65	Amended by Ordinance No 2, 2008.
Clause 86	Amended by Ordinance No 2, 2008.
Clause 99	Amended by Ordinance No 1, 2007.



General Synod – See Finance and Information Canon 1966 Adopting Ordinance 1967

(Reprinted under the Interpretation Ordinance 1985.)

AN ORDINANCE for adopting a certain canon of the Church of England in Australia entitled the "See Finance and Information Canon 1966".

WHEREAS a certain canon being Canon No 14 was made by the General Synod of the Church of England in Australia on the 28th day of September 1966 entitled the "See Finance and Information Canon 1966" a copy of which is contained in the schedule annexed to this Ordinance AND WHEREAS the said canon was declared to affect the order and good government of the Church within a diocese AND WHEREAS it is expedient that the said canon should be adopted by the Church in this diocese NOW the Synod of the Diocese of Sydney ordains and rules as follows –

1. The said canon is hereby adopted and shall so far as the same is applicable be applied to the management and government of the Church in this Diocese.
2. This Ordinance may be cited as the "General Synod – See Finance and Information Canon 1966 Adopting Ordinance 1967".

SCHEDULE

GENERAL SYNOD SESSION 1966 CANON No 14

A Canon to regulate the provision of Information regarding the Remuneration and Emoluments of the Bishop of a See.

The General Synod prescribes as follows –

1. Whenever a see shall become or be declared to be vacant the Administrator shall within two months from such vacancy cause an investigation to be made of the assets which comprise the endowment of the see fund, and a report to be prepared concerning the same.
2. Such report shall include –
 - (a) a balance sheet which sets out in detail the assets and liabilities of the fund together with income and expenditure accounts of the fund for each of the three years immediately preceding such vacancy, and such balance sheet and accounts shall be certified as correct by the auditor of the diocese,
 - (b) a description of the condition of any property to be provided for the residence of the bishop and the outgoings in respect thereto,
 - (c) any other matters which the investigator thinks should be included.
3. If the remuneration and emoluments of a bishop are not derived from or provided by an endowment fund and the see shall become or be declared to be vacant, the administrator shall cause a detailed statement to be prepared which shall set out:
 - (a) the proposed remuneration and emoluments of the new bishop,
 - (b) the source of the same,
 - (c) the condition of any property to be provided for the residence of the bishop and the outgoings in respect to the same.
4. If the remuneration and emoluments of a bishop are derived partly from an endowment fund and partly from other sources and the see shall become or be declared to be vacant, the Administrator shall cause both an investigation and report and a statement to be prepared as set out in clauses 1 to 3 hereof.
5. The Administrator shall send a copy of any such report and statement so prepared as aforesaid to the person elected or appointed as bishop of such see and if such see is part of a province to the Metropolitan of such province, and if such see is not part of a province to the Primate.
6. The bishop or bishops or the administrator or administrators of any diocese or dioceses out of which a new diocese is about to be formed shall prior to the circulation of a bill for a canon to ratify the formation of such a new diocese cause a statement to be prepared setting out the matters detailed in clauses 3(a), (b) and (c) hereof.
7. A copy of such statement shall be sent by the person or persons responsible for its preparation to each of the following namely –
 - (a) to the Synod council committee or persons authorised under section 48 of the Constitution to elect or appoint the first bishop of a new diocese,
 - (b) to any person elected or appointed as the said first bishop,
 - (c) to the Metropolitan of the Province wherein such new diocese is to be a part, and

- (d) to the Primate where such new diocese is not to be part of a province.
8. The cost of the preparation of such last mentioned statement shall be part of the costs for the formation of the said new diocese.
9. When a bishop intends to resign he shall notify such intention and the date on which it is to take effect in writing to the Metropolitan, or, where there is no Metropolitan, to the Primate, and also to the Administrator. On and after such date the see shall be deemed vacant.
10. For the purpose of this Canon the words –
"declared vacant" shall mean that the see has been declared vacant under the provisions of Determination VI, Session 1891.
"Administrator" shall mean and include the person appointed by or under the Constitution of the Diocese to administer the affairs of the Diocese during a vacancy in the see.
11. The provisions of this Canon affect the order and good government of the church within a diocese.
12. Determination III, Session 1896, as amended and Determination VI, Session 1905, of the General Synod of the Dioceses of the Church of England in Australia and Tasmania shall cease to have any operation in any diocese on the passing of an Ordinance by the Synod of such diocese adopting this Canon.
13. This Canon may be cited as the "See Finance and Information Canon 1966".



General Synod – Alternative Tables of Lessons Canon 1985 Adopting Ordinance 1986

(Reprinted under the Interpretation Ordinance 1985.)

Table of Provisions

Clause		
1	.....	Adoption of Canon
2	.....	Citation
Schedule		

+ + + + + + +

An Ordinance to adopt General Synod Canon No 7, 1985.

WHEREAS –

- A. A certain Canon entitled "Alternative Tables of Lessons Canon 1985" was made by the General Synod of the Anglican Church of Australia in 1985.
- B. A copy of the Canon is contained in the Schedule hereto.
- C. It is expedient that the Canon be adopted by the Synod of this Diocese.

NOW the Synod of the Diocese of Sydney HEREBY ORDAINS DECLARES DIRECTS AND RULES AS FOLLOWS –

Adoption of Canon

- 1. The Canon is hereby adopted and shall so far as the same is applicable be applied to the order and good government of the Church in this Diocese.

Citation

- 2. This Ordinance may be cited as the "General Synod – Alternative Tables of Lessons Canon 1985 Adopting Ordinance 1986".

SCHEDULE

A Canon to authorise the use of certain Alternative Tables of Lessons.

The General Synod prescribes as follows –

- 1. This canon may be cited as "Alternative Tables of Lessons Canon 1985".
- 2. The use by this Church of the table of lessons set out in the Schedule hereto is hereby authorised until 31 December 1994.
- 3. Nothing in Section 2 affects the use of Tables in the Book of Common Prayer or in An Australian Prayer Book 1978 or of any other Tables duly authorised at the time when this canon comes into effect.
- 4. The Synod of a diocese may by ordinance regulate the use in the diocese of the table set out in the Schedule.
- 5. (1) Subject to this section, the bishop of a diocese may, upon request being submitted to him, authorise deviations from the table of lessons set out in the Schedule.
 (2) The procedures set out in the second and third provisos to Section 4 of the Constitution apply to and in relation to the submission of requests to the bishop of a diocese under subsection (1) in like manner as they apply to and in relation to the submission of requests for deviations from the Book of Common Prayer.
 (3) Nothing in this section permits a deviation contravening a principle of doctrine or worship referred to in Section 4 of the Constitution.
- 6. This canon affects the order and good government of the Church within a diocese and shall not come into force in any diocese unless and until the diocese by ordinance adopts the canon.

SCHEDULE

Readings for the Holy Communion (Three-Year Series)

NOTE: *The schedule is lengthy and has not been printed here.*



General Synod – Archdeacons Canon 1995 Adopting Ordinance 1996

(Reprinted under the Interpretation Ordinance 1985.)

Table of Provisions

Clause		Name
1	.....	Name
2	.....	Adoption of Canon No 12, 1995
Schedule		

+ + + + +

An ordinance to adopt Canon No 12, 1995 of the General Synod of the Anglican Church of Australia.

The Synod of the Diocese of Sydney Ordains –

Name

1. This Ordinance is the General Synod – Archdeacons Canon 1995 Adopting Ordinance 1996.

Adoption of Canon No 12, 1995

2. Canon No 12 of 1995 of the General Synod of the Anglican Church of Australia, the text of which is set out in the Schedule, is adopted.

Schedule

A Canon concerning Archdeacons.

The General Synod prescribes as follows –

1. This Canon may be cited as the “Archdeacons Canon 1995”.

Authority

2. A Bishop may, subject to compliance with any diocesan legislation, collate a qualified person as an Archdeacon either for a set period or until the next vacancy in the See or otherwise as permitted by diocesan legislation or custom.

Qualified person

3. A person is qualified to be collated as Archdeacon if that person is in Holy Orders.

Coming into force by adoption

4. The provisions of this Canon affect the order and good government of this Church within a diocese and shall not come into force in a diocese unless and until the diocese, by ordinance, adopts it.



General Synod – Chancellors Canon 2001 Adopting Ordinance 2002

(Reprinted under the Interpretation Ordinance 1985.)

Table of Provisions

Clause		
1	.....	Name of Ordinance
2	.....	Adoption of Canon No 4, 2001
Schedule		

+ + + + +

An Ordinance to adopt Canon No 4, 2001 of the General Synod of the Anglican Church of Australia.

The Synod of the Diocese of Sydney Ordains –

1. Name of Ordinance

This Ordinance is the General Synod – Chancellors Canon 2001 Adopting Ordinance 2002.

2. Adoption of Canon No 4, 2001

Canon No 4, 2001 of the General Synod of the Anglican Church of Australia, the text of which is set out in the Schedule, is adopted.

Schedule

A canon to provide for the appointment of chancellors and for other purposes.

The General Synod prescribes as follows –

Title

- This Canon may be cited as the “Chancellors Canon 2001”.

Office of Chancellor

- The chancellor of a diocese is the principal confidential adviser to the bishop of the diocese in legal and related matters.
 - Subject to the chancellor’s overriding duty to the bishop, the chancellor may provide advice to the synod and other agencies of the diocese.
 - The chancellor may preside in the diocesan tribunal as deputy president, if appointed so to do by the bishop pursuant to section 54(1) of the Constitution of the Anglican Church of Australia.
 - The chancellor has such other powers duties and responsibilities and holds such other positions as may be prescribed by the Constitution of the Anglican Church of Australia, the constitution of a diocese, canons or ordinances.

Qualifications

- A person to be appointed as a chancellor –
 - shall be a communicant member of the Anglican Church of Australia, and
 - shall be or shall have been –
 - a Justice of the High Court of Australia, a Justice of the Federal Court of Australia or the Family Court of Australia, a Justice of the Supreme Court of a State or Territory of Australia, a Judge of the Family Court of Western Australia, a Judge of a District or County Court of a State or Territory of Australia, or a Justice of a Court prescribed by canon of the General Synod; or
 - a barrister or solicitor of at least seven years standing of the Supreme Court of a State or Territory; or
 - a graduate in law and a teacher of law of at least seven years standing as such holding the position of Senior Lecturer or above in law at a University in Australia.
 - When making an appointment, the bishop of a diocese should, wherever possible, be satisfied that the person to be appointed has a sound working knowledge of the law and polity of the Anglican Church of Australia.

Appointment and Tenure

- Whenever a vacancy occurs, a chancellor may be appointed by the bishop of the diocese and the appointment shall be under seal in the form contained in the Schedule or in some other appropriate form.

(2) A chancellor ceases to hold office at the end of the period for which he or she was appointed or at the end of six months after the installation of the successor to the appointing bishop, whichever occurs first, unless appointed to the position of chancellor by that successor within that period.

- (3) Notwithstanding the provisions of subsection (2), a chancellor –
- (a) may resign the office by notice in writing to the bishop; and
 - (b) may be removed from office by the bishop.

Deputy chancellor

5. The Bishop may appoint a deputy chancellor, by whatever title, either as a continuing office or to act in the absence of the chancellor or during a vacancy in the office of chancellor. Sections 3 and 4(2) and (3) shall apply to a deputy chancellor.

Oaths and declarations

6. A chancellor and a person appointed to act as deputy chancellor, before that person enters upon the execution of the office, is required to take and subscribe before the bishop of the diocese or a person nominated by the bishop entitled to administer an oath –

- (a) the following oath or affirmation –

“I, AB, do swear that I will, to the utmost of my understanding, in all things deal uprightly and justly in my office: So help me God.”; or

“I, AB, do solemnly and sincerely affirm that I will, to the utmost of my understanding, in all things deal uprightly and justly in my office.”

and

- (b) such other oaths and declarations as are usual in the diocese in the case of senior appointments.

Saving provision

7. (1) Subject to subsection (2), this canon shall not apply so as to call into question in any respect whatsoever the qualification, mode of appointment, tenure of office, decisions or actions of any person appointed a chancellor in a diocese prior to the date of adoption of this Canon by such diocese.

(2) A Chancellor or Deputy Chancellor appointed before this Canon comes into force in a diocese shall cease to hold office in accordance with the provisions of section 4 of this Canon.

Repeal of Canons

8. If in any diocese Canons 127 and 128 of the Canons of 1603 continue to have or may have any force or operation, the adoption of this Canon by ordinance of the synod of the diocese shall effect the repeal of those Canons in that diocese.

Inconsistency

9. If this Canon is inconsistent with the constitution of a diocese in which this Canon comes into force then such constitution shall prevail to the extent of the inconsistency.

Canon affects order and good government

10. The provisions of this Canon affect the order and good government of this Church within a diocese and shall not come into force in a diocese unless and until the diocese adopts this Canon by ordinance of the synod of the diocese.

The Schedule

LET IT BE KNOWN that I A.B., by Divine Providence, Bishop/Archbishop of X, do appoint C.D. [state qualifications] to be my Chancellor in the Diocese of X, to hold and exercise that Office for the term of _____ and subject to the Chancellors Canon 2001 of the General Synod of the Anglican Church of Australia, **AND**, subject to the provisions of the law of the Anglican Church of Australia having force in this Diocese and to the Constitution and Ordinances of the Diocese from time to time in force, do grant and confirm in C.D. the authority jurisdiction rights and powers of the office of Chancellor and to do and perform all things pertaining to such office as may be prescribed or permitted by law or custom in this Diocese.

IN WITNESS WHEREOF I have caused my seal to be affixed and have signed this document as a deed this _____ day of _____ 20__ .



General Synod – National Register Canon 2007 Adopting Ordinance 2008

(Reprinted under the Interpretation Ordinance 1985.)

Long Title

An ordinance to adopt Canon No 15, 2007 of the General Synod of the Anglican Church of Australia and to regulate the extent of access to and disclosure of information in the register established under that Canon.

The Synod of the Diocese of Sydney Ordains as follows.

1. Name of Ordinance

This Ordinance is the General Synod – National Register Canon 2007 Adopting Ordinance 2008.

2. Interpretation

In this Ordinance –

“Access Protocol” means the protocol for access to and disclosure of information in the National Register made by the General Synod on 25 October 2007 under section 11 of the National Register Canon 2007.

“Archbishop” means the Archbishop of the Diocese or in his absence his Commissary or if the See is vacant the Administrator of the Diocese.

“Church authority” means the Archbishop or a person or body of the Diocese having authority to ordain, licence, elect, appoint, dismiss or suspend a member of the clergy or a lay person.

“Diocesan Representative” means the Archbishop or delegate or the Director of Professional Standards.

“Director of Professional Standards” means the person appointed for the time being under clause 101 of the Discipline Ordinance 2006.

“National Register” means the national register established under the National Register Canon 2007.

3. Extent of access to and disclosure of information to Church authorities

(1) For the purposes of part 3 of the Access Protocol, the Diocesan Representative –

- (a) is authorised to have access to any information in the National Register relating to a member of the clergy or a lay person on the written request of a Church authority referred to in a cell in column 1 of Schedule 1, and
- (b) may disclose whether there is any such, and if so what, information to that Church authority in the circumstances referred to in the corresponding cell or cells in column 2 of Schedule 1.

(2) Except as provided under subclause (1), any procedures of a Church authority which require access to information in the National Register have no force or effect.

4. No access for election of persons by Church authorities

For the avoidance of doubt and for the purposes of paragraph 14 of the Access Protocol, the procedures of the Diocese do not require or otherwise authorise the Director of Professional Standards to access any information in the National Register where a Church authority holds an election for which members of the clergy or lay persons are candidates.

5. Adoption of Canon No 15, 2007

Canon No 15, 2007 of the General Synod of the Anglican Church of Australia, the text of which is set out in the Schedule 2, affects the order and good government of the Anglican Church of Australia in this Diocese and the Synod reserves the right to exclude the Canon. Notwithstanding this declaration, but subject to this declaration and reservation, the Canon is adopted.

6. Amendment of National Register (Access and Disclosure) Ordinance 2008

The National Register (Access and Disclosure) Ordinance 2008 is amended by deleting clauses 3, 4 and 6.

7. Commencement

This Ordinance commences on the last day of the 1st ordinary session of the 48th Synod or the date the Archbishop assents to the Ordinance, whichever is the later.

Schedule 1

Column 1	Column 2
Archbishop	Where the Archbishop proposes to ordain, or issue a licence to, or to appoint to a position within the Diocese, a member of the clergy or a lay person.
	Where a member of the clergy or a lay person applies for ordination, or the issue of a licence, or appointment to a position within the Diocese by the Archbishop.
	Where the Archbishop invites a member of the clergy or a lay person to apply for ordination, or the issue of a licence, or appointment to a position within the Diocese and the member of clergy or lay person expresses interest in making an application.

Schedule 2

The General Synod prescribes as follows:

Short title

1. This Canon may be cited as the "National Register Canon 2007".

Definitions

2. The dictionary in the Third Schedule defines particular words and expressions used in this Canon.

Object

3. The object of this Canon is to assist in providing for the physical, emotional and spiritual welfare and safety, and the protection from the risk of abuse, of all people having dealings with clergy and church workers by establishing a National Professional Standards Register to which authorised persons may have access and make disclosures of the Information therein.

Establishment of the National Register

4. There shall be a National Professional Standards Register of clergy and lay persons established and maintained in accordance with the provisions of this Canon.

Information about clergy

5. (1) The National Register shall be a register of all clergy –
 - (a) against whom a notifiable complaint has been made unless it is exhausted; or
 - (b) in respect of whom there has been a relinquishment of, or consent to deposition from, Holy Orders arising out of sexual misconduct or child abuse;
 - (c) in respect of whom there has been an adverse working with children check or an adverse criminal history check or an adverse *Safe Ministry Check*; or
 - (d) who have not been ordained as a priest or as a bishop, or issued with a licence or appointed by a Church authority, because of an adverse risk assessment.
- (2) The register of clergy shall contain the following matters –
 - (a) Information relating to clergy; and
 - (b) in relation to each member of the clergy included in the register, a notation of the date on which the register was last altered.

Information about lay persons

6. (1) The National Register shall be a register of all lay persons –
 - (a) against whom a notifiable complaint has been made unless it is exhausted; or
 - (b) in respect of whom there has been an adverse working with children check or an adverse criminal history check or an adverse *Safe Ministry Check*; or
 - (c) who have not been ordained as a deacon, or issued with a licence or appointed by a Church authority, because of an adverse risk assessment.
- (2) The register of lay persons shall contain the following matters –
 - (a) Information relating to lay persons; and

- (b) in relation to each lay person included in the register, a notation of the date on which the register was last altered.

Maintenance of the National Register

7. (1) Subject to this Canon, the National Register shall be maintained by the General Secretary in such form as the Standing Committee shall approve so as to ensure the security of the Information therein.

(2) The General Secretary shall issue forms necessary for the operation of the National Register and publish these forms on the website of the General Synod.

Provision of Information for inclusion in the National Register

8. A Director of Professional Standards shall notify the General Secretary of Historical Information and Current Information relating to any member of the clergy or lay person to which he or she has access in carrying out his or her responsibilities, in accordance with a protocol approved by the General Synod, or the Standing Committee by a two-thirds majority –

- (a) as to Historical Information, by 1 March 2008 or such further time as the General Secretary allows; and
- (b) as to Current Information, as soon as practicable, and no later than one month, after he or she has access to the Information.

Notification of Information in the National Register

9. The General Secretary shall, as soon as practicable, and no later than one month, after the entry of Information in the National Register relating to a member of the clergy or a lay person (other than a changed entry relating to item 4 of each of the First and Second Schedules), notify the member of the clergy or lay person concerned of the entry of that Information by letter sent to his or her last known postal or electronic address.

Removal of Information in the National Register

10. (1) Where notification is received from the applicable Director of Professional Standards that a notifiable complaint against a member of the clergy or a lay person has been exhausted, the General Secretary shall, as soon as practicable and no later than one month after receipt of the notification, remove Information in the National Register relating to that notifiable complaint and notify –

- (a) the member of the clergy or lay person concerned of the removal of that Information by written notification sent to his or her last known postal or electronic address; and
- (b) each authorised person who has had access to that Information, other than the person or persons in subsections 11(d) and (e), of the removal of that Information, by written notification.

(2) Each authorised person referred to in subsection (1)(b), shall, as soon as practicable and no later than one month after the receipt of the notification referred to in that subsection, forward a copy of that notification to each Church authority to whom the authorised person has disclosed the Information.

(3) Where notification is received from the applicable Director of Professional Standards that a member of the clergy or a lay person relating to whom there is Information in the National Register has died, the General Secretary shall, as soon as practicable and no later than one month after receipt of the notification, remove Information in the National Register relating to that member of the clergy or lay person.

Register

11. Access to and disclosure of Information in the National Register shall, subject to sections 12 and 13, be limited to the following authorised persons –

- (a) a diocesan bishop or delegate;
- (b) the Bishop to the Defence Force or delegate;
- (c) a Director of Professional Standards;
- (d) the General Secretary;
- (e) any person within the General Synod Office whose duties include assisting the General Secretary in maintaining the National Register; and
- (f) such other persons as may be determined by the Standing Committee by a two-thirds majority;

who agree to abide by the protocols under this Canon approved by the General Synod, or the Standing Committee by a two-thirds majority.

Entitlement to ascertain the existence and obtain a copy of any Information in the National Register

12. The General Secretary, on application by a person to ascertain whether there is any Information, and if so to obtain a copy of the Information, in the National Register relating to that person, shall notify the

person whether there is any such Information, and if so provide a copy of that Information to that person, in accordance with a protocol approved by the General Synod, or the Standing Committee by a two-thirds majority.

Entitlement to ascertain details of access to Information in the National Register

13. The General Secretary, on application by a person to ascertain whether there has been access to any Information in the National Register relating to that person by an authorised person, shall notify the person whether there has been any such access, and if so provide details of that access to that person, in accordance with a protocol approved by the General Synod, or the Standing Committee by a two-thirds majority.

Amendment of Information in the National Register

14. (1) The General Secretary, on application by a person to amend the Information in the National Register relating to that person, shall –

- (a) amend the Information in the National Register relating to that person, or
- (b) include a statement of the person in the National Register,

subject to any limitation on the length of any amendment or statement determined by the Standing Committee, in accordance with a protocol approved by the General Synod, or the Standing Committee by a two-thirds majority.

(2) The General Secretary shall, as soon as practicable and no later than one month after making the amendment or including the statement referred to in subsection (1), notify by written notification each authorised person who has had access to that Information, other than the person or persons in subsections 11(d) and (e), of the making of that amendment or the inclusion of that statement.

(3) Each authorised person referred to in subsection (2) shall, as soon as practicable and no later than one month after the receipt of the notification referred to in subsection (2), forward a copy of that notification to each Church authority to whom the authorised person has disclosed the Information.

Annual report and audit

15. (1) The General Secretary shall, as soon as practicable after the end of each calendar year, provide a report as to the operation of the National Register to the Standing Committee for that year containing such information as the Standing Committee may determine.

- (2) The Standing Committee shall –
 - (a) determine the scope of an audit of the operation of the National Register to verify compliance with this Canon and the protocols under this Canon; and
 - (b) appoint a person to undertake an audit of the operation of the National Register for each calendar year and provide a report to the Standing Committee as soon as practicable after the end of that year.

Protocols

16. The Standing Committee by a two-thirds majority may revise any protocol or make any additional protocol under this Canon where it is necessary or convenient to carry out or give effect to this Canon.

Report to the General Synod

17. The Standing Committee shall prepare a report on the operation of this Canon for each ordinary session of the General Synod which shall include –

- (a) any protocol under this Canon which the Standing Committee has approved or revised, and
- (b) any other decision under this Canon which the Standing Committee has made,

since the last ordinary session of the General Synod.

Coming into force of particular provisions

18. (1) Paragraphs (a), (b), (c) and (f) of section 11 of this Canon shall not come into force until 1 March 2008.

(2) The provisions of this Canon relating to the Episcopal Standards Board shall not come into force in a diocese unless and until the diocese adopts the Episcopal Standards Canon 2007 by ordinance of the synod of the diocese.

Repeal of the National Register Canon 2004

19. The National Register Canon 2004 is hereby repealed.

The First Schedule - Information About Clergy

- 1 Full name.
- 2 Date of birth.

- 3 Gender.
- 4 Last known postal and electronic address, and telephone numbers.
- 5 Date of ordination as a deacon and name of the diocese in which ordained.
- 6 Date of ordination as a priest and name of the diocese in which ordained.
- 7 Date of consecration as a bishop and name of the diocese in which consecrated.
- 8 Particulars of any current licence, and any past licence if available, including the diocese for which the licence is or was held.
- 9 Particulars of any current appointment, and any past appointment if available, including the Church authority by which the appointment was made, and the diocese in which the appointment is or was held.
- 10 Date of a notifiable complaint, and date or period and category of the alleged sexual misconduct or child abuse.
- 11 Date and reason the Investigator refrained from investigating a notifiable complaint.
- 12 Date of recommendation by the Investigator to the Church authority of a suspension from duties, office or an appointment by a Church body, or of a prohibition order, arising out of a notifiable complaint.
- 13 Date of reference of a notifiable complaint to a Determiner.
- 14 Date and particulars of a determination or recommendation of a Determiner relating to a notifiable complaint.
- 15 Date and particulars of any disciplinary action taken arising out of a notifiable complaint.
- 16 Date and particulars of any relinquishment of Holy Orders arising out of sexual misconduct or child abuse.
- 17 Date and particulars of any consent deposition from Holy Orders arising out of sexual misconduct or child abuse.
- 18 Date, applicable jurisdiction and particulars of any adverse working with children check.
- 19 Date, applicable jurisdiction and particulars of any adverse criminal history check.
- 20 Date, applicable diocese and particulars of any adverse *Safe Ministry Check*.
- 21 Name of the bishop or bishops and date of any decision by the bishop not to ordain the person as a priest or to issue a licence to the person or any refusal by the bishops to consecrate the person as a bishop because of an adverse risk assessment.
- 22 Name of the Church authority and date of any refusal by the Church authority to appoint the person because of an adverse risk assessment.

The Second Schedule - Information About Lay Persons

- 1 Full name.
- 2 Date of birth.
- 3 Gender.
- 4 Last known postal and electronic address, and telephone numbers.
- 5 Particulars of any current licence, and any past licence if available, including the diocese for which the licence is or was held.
- 6 Particulars of any current appointment, and any past appointment if available, including the Church authority by which the appointment was made, and the diocese in which the appointment is or was held.
- 7 Date of a notifiable complaint, and date or period and category of the alleged sexual misconduct or child abuse.
- 8 Date and reason the Investigator refrained from investigating a notifiable complaint.
- 9 Date of recommendation by the Investigator to the Church authority of a suspension from duties, office or an appointment by a Church body, or of a prohibition order, arising out of a notifiable complaint.
- 10 Date of reference of a notifiable complaint to a Determiner.

- 11 Date and particulars of a determination or recommendation of a Determiner arising out of a notifiable complaint.
- 12 Date and particulars of any disciplinary action taken arising out of a notifiable complaint.
- 13 Date, applicable jurisdiction and details particulars of any adverse working with children check.
- 14 Date, applicable jurisdiction and particulars of any adverse criminal history check.
- 15 Date, applicable diocese and particulars of any adverse *Safe Ministry Check*.
- 16 Name of the bishop and the date of any decision by the bishop not to ordain the person as a deacon or to issue a licence to the person because of an adverse risk assessment.
- 17 Name of the Church authority and date of any refusal by the Church authority to appoint the person because of an adverse risk assessment.

The Third Schedule – Dictionary

In this Canon, and protocols approved under this Canon, unless the context otherwise requires –

“adverse criminal history check” means a criminal history check of a person provided under legislation of the Commonwealth, a State or Territory, or another country disclosing the commission of a criminal offence by that person which a Director of Professional Standards certifies arises out of sexual misconduct or child abuse by that person;

“adverse risk assessment” means an assessment that a person is unsuitable for ordination or the issue of a licence or an appointment –

- (a) made by or on behalf of a Church authority on the grounds of; or
- (b) certified by a Director of Professional Standards to arise out of;

the risk of sexual misconduct or child abuse by that person;

“adverse Safe Ministry Check” means a *Safe Ministry Check* of a person disclosing sexual misconduct or child abuse or the risk of sexual misconduct or child abuse by that person;

“adverse working with children check” means a working with children check –

- (a) which prevents a person from applying for or engaging in specified paid or voluntary work involving children; or
- (b) which discloses adverse information relevant to the application of a person for specified paid or voluntary work involving children;

“Appellate Tribunal” means the Appellate Tribunal established in accordance with the provisions of Chapter IX of the Constitution;

“appointment” includes employment;

“authorised person” means a person referred to in section 11;

“child” means anyone under the age of 18;

“child abuse” means the following conduct in relation to a child –

- (a) emotional abuse; or
- (b) neglect; or
- (c) physical abuse; or
- (d) sexual abuse; or
- (e) spiritual abuse;

“Church authority” means a diocesan bishop or a person or body having authority to ordain, license, elect, appoint, dismiss or suspend a member of the clergy or a lay person;

“Church body” means –

- (a) a parish; or
- (b) any body corporate, organisation or association that exercises ministry within, or on behalf of, or in the name of, the Church formed by or by the authority of the synod of a diocese or the General Synod, unless the General Synod, or the Standing Committee by a two-thirds majority, excludes the body corporate, organisation or association from the operation of this Canon;

“church worker” means a lay person –

- (a) who is or was licensed or authorised by the bishop of a diocese; or
- (b) who is or was employed by a Church body, unless the General Synod or the Standing Committee excludes the category of employees of which the lay person is a member from the operation of this Canon; or

- (c) who, for payment or not, holds or has held a position or performs a function with the actual or apparent authority of a Church authority or Church body, including an office, position or function –
- (i) of leadership in a parish, diocese or General Synod body; and
 - (ii) as a member of the General Synod or a diocesan synod; and
 - (iii) as a member of a body incorporated by the General Synod, a diocese or a diocesan synod; and
 - (iv) as a churchwarden, member of any parish council or member of any committee constituted by or by the authority of the General Synod, a diocesan synod or a parish council;

unless the General Synod, or the Standing Committee by a two-thirds majority, excludes the office or position which the lay person holds or the function which the lay person performs from the operation of this Canon;

“clergy” means a person who is or has been a bishop, priest or deacon in this Church, but does not include a deceased person;

“Current Information” means Information, other than Exempt Information, which occurs after the commencement of this Canon;

“Defence Force Representative” means the Bishop to the Defence Force or delegate or the Director of Professional Standards of the Defence Force or their successors in office;

“Determiner” means –

- (a) the person or body in a diocese having power to make findings or recommendations relating to the conduct of clergy or church workers; or
- (b) the Special Tribunal; or
- (c) the Episcopal Standards Board; or
- (d) the Appellate Tribunal; or
- (e) any other person or body determining an appeal from a person or body having power to make findings or recommendations relating to the conduct of clergy or church workers;

“diocesan bishop” means the bishop of a diocese, or in the absence of the bishop the commissary appointed by the bishop, or in the time of a vacancy in the see the administrator of the diocese or their successors in office;

“Diocesan Representative” means the diocesan bishop or delegate or the Director of Professional Standards of the diocese;

“Director of the Episcopal Standards Commission” means –

- (a) the Director of the Episcopal Standards Commission appointed under the Special Tribunal Canon 2007; or
- (b) a person acting in that office;

“Director of Professional Standards” means –

- (a) the Director of Professional Standards of a diocese or the Defence Force or his or her successor in office; or
- (b) the person who carries out the functions of a Director of Professional Standards in a diocese or the Defence Force or his or her successor in office; or
- (c) the person who works in conjunction with the Investigator; or
- (d) the Director of the Episcopal Standards Commission or his or her successor in office; or
- (e) a person acting in such an office;

“emotional abuse” means acts or omissions in relation to a child where the child has suffered, or is likely to suffer, significant harm to his or her wellbeing or development;

“Episcopal Standards Board” means the Episcopal Standards Board constituted under the Episcopal Standards Canon 2007;

“Episcopal Standards Commission” means the Episcopal Standards Commission constituted under the Special Tribunal Canon 2007;

“Exempt Information” means Information relating to a notifiable complaint, where the notifiable complaint has been exhausted;

“exhausted” means a notifiable complaint which –

- (a) has been withdrawn; or
- (b) has been determined to be false, vexatious or misconceived; or
- (c) is one where a Determiner finds that it is more likely than not that the subject matter of the complaint did not occur;

“General Secretary” means –

- (a) the General Secretary of the General Synod or his or her successor in office; or
- (b) a person acting in that office;

“Historical Information” means Information, other than Exempt Information, which occurred prior to the commencement of this Canon;

“Information” means the matters, whether occurring before or after this Canon came into force –

- (a) relating to clergy specified in section 5(1) –
 - (i) which are referred to in the First Schedule; and
 - (ii) which, as to any additional matters, are determined by the Standing Committee; or
- (b) relating to lay persons specified in section 6(1) –
 - (i) which are referred to in the Second Schedule; and
 - (ii) which, as to any additional matters, are determined by the Standing Committee;

“Investigator” means the person or body in a diocese having power to investigate or cause to be investigated the conduct of clergy or lay persons or the Episcopal Standards Commission;

“lay person” means a person who has not been ordained, but does not include a deceased person;

“licence” includes an authority or permission to officiate;

“National Register” means the National Professional Standards Register referred to in section 4;

“neglect” means the neglect of a child where the child has suffered, or is likely to suffer, significant harm to his or her wellbeing or development;

“notifiable complaint” means a complaint in accordance with the relevant canon, ordinance, rule or protocol received by a Director of Professional Standards of sexual misconduct or child abuse by a member of the clergy or a lay person, whenever and wherever occurring –

- (a) which has been communicated to the member of the clergy or lay person; or
- (b) which the Director of Professional Standards has certified has been sent to the last known postal or electronic address of the member of the clergy or lay person;

“physical abuse” means the physical assault of a child other than lawful discipline by a parent or guardian;

“professional standards role” means a role undertaken as part of the professional standards policies and procedures and includes the role of a contact person, support person, Investigator and Determiner;

“prohibition order” means an order prohibiting a member of the clergy or a church worker from holding a specified position or office in or being appointed by a Church body or Church authority or from carrying out any specified functions in relation to any office or position in the diocese or in relation to any appointment by a Church body;

“Safe Ministry Check” means the questionnaire for the selection of ordination candidates, for the screening of clergy, and for the screening of church workers who have contact with children in his or her ministry, in use in a diocese or the Defence Force;

“sexual abuse” means sexual misconduct in relation to a child;

“sexual misconduct” means sexual assault, sexual harassment or sexually inappropriate behaviour in relation to an adult;

“Special Tribunal” means the Special Tribunal established in accordance with the provisions of Chapter IX of the Constitution;

“spiritual abuse” means the mistreatment of a child by actions or threats when justified by appeal to God, faith or religion where the child has suffered, or is likely to suffer, significant harm to his or her wellbeing or development;

“Standing Committee” means the Standing Committee of General Synod;

“withdrawn” in relation to a notifiable complaint includes the circumstance in which a Director of Professional Standards certifies that the person making the complaint has failed without reasonable excuse to comply with the relevant canon, ordinance, rule or protocol under which the complaint has been made;

“working with children check” means checking or screening relating to the suitability of a person to apply for or engage in specified paid or voluntary work involving children under the legislation of a State or Territory.



Moore Theological College Ordinance 1984

(Reprinted under the Interpretation Ordinance 1985.)

The Moore Theological College Ordinance 1984 as amended by the Diocesan Officers (Retirement) Ordinance 1987, the Accounts, Audits and Annual Reports Ordinance 1995, the Diocesan Officers (Retirement) Repeal Ordinance 2001, the Moore Theological College Amendment Ordinance 2006 and the Moore Theological College Amendment Ordinance 2009.

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Long Title

An Ordinance to establish a council to manage, govern and control Moore Theological College.

Preamble

Whereas

A. Moore Theological College has been managed and controlled by the trustees of the estate of the late Thomas Moore and by a committee established by the Moore Theological College Ordinance of 1919 as amended by the The Moore College Ordinance Amendment Ordinance 1967.

B. It is expedient that these arrangements be changed.

Now the Synod of the Diocese of Sydney Hereby Ordains as follows –

Part 1 - Preliminary

Citation

1. This Ordinance may be cited as the “Moore Theological College Ordinance 1984”.

Interpretation

2. (1) In this Ordinance unless the context otherwise requires –
- (a) “Archbishop” means the Archbishop of the diocese or, in his absence, his commissary or, if the See is vacant the administrator of the Diocese;
 - (b) “Archbishop in Council” means the Archbishop acting on the advice of the Standing Committee;
 - (c) “Australian Qualifications Framework” has the meaning given in the Higher Education Support Act 2003;
 - (d) “Board of Studies” means the Board referred to in clause 28B hereof;
 - (e) “clause” means a clause of this Ordinance;
 - (f) “College” means the institution known as Moore Theological College;
 - (g) “Council” means the body corporate constituted under the name “Moore Theological College” by Order published in the Government Gazette on 4 April 1985 pursuant to section 4(3) of the Bodies Corporate Act;
 - (h) “Diocese” means the Diocese of Sydney;
 - (i) “Governing Board” means the Board referred to in Part 5A hereof;
 - (j) “Higher Education” means university level education as defined in the Australian Qualifications Framework;
 - (k) “Principal” at any time means the person who is then the principal of the College or in his absence or if there is no principal, the person who is then the vice-principal of the College but, if the Governing Board appoints some other person to perform the functions of the principal whilst there is no principal, then that person;
 - (l) “Standing Committee” means the Standing Committee of the Synod;

- (m) "Synod" means the Synod of the Diocese;
- (n) "trustees" means the trustees for the time being of the will of the late Thomas Moore; and
- (o) the singular includes the plural and vice versa and the masculine includes the feminine and vice versa.

(2) For the purposes of this Ordinance, a person is a member of the Faculty of the College if that person –

- (a) is employed by the Council to teach; and
- (b) is declared by the Governing Board to be a member of the Faculty.

Part 2 - Object

3.

Object of the Council

4. The object of the Council shall be to manage, govern and control the College as a College or establishment of higher education for -

- (a) the education of persons in the principles of Christian knowledge and such of the branches of moral, useful and general knowledge as the Council shall from time to time direct and appoint and as shall be consistent with the principles of the Anglican Church of Australia, and
- (b) the education and training of candidates for holy orders in connection with the Anglican Church of Australia and, in particular, but without limiting the generality of the foregoing, the training for such period as may be determined in each case, of candidates for holy orders to serve after ordination in this Diocese and of other persons to serve after completion of such training in this Diocese.

Part 3 - Membership of the Council

Membership of the Council

5. Subject to this Ordinance, the members of the Council are –

- (a) the Archbishop, who shall be the president of the Council,
- (b)
- (c) such of the trustees as are not members of the Council by virtue of paragraphs (a) of this clause,
- (d) six (6) lay persons elected by the Synod, and
- (e) five (5) persons, being clergymen, who comply with the requirements of clause 9, elected by the Synod.

Where a trustee Ceases to be a Member of the Council

6. If a member, being one of the trustees ceases to hold office as a member of the Council, but remains a trustee, the Archbishop may appoint another person as a member of the Council in place of such trustee to hold office, subject to clause 7 until –

- (a) the first day of the first ordinary session of each Synod, or
- (b) the trustee ceases to hold office as a trustee,

whichever happens first, but subject to subclause (b), such person may at the discretion of the Archbishop be reappointed.

Declaration to be Signed Prior to Person Becoming a Member of the Council

7. Every person who is nominated or elected as a member of the Council shall, upon being nominated or elected and before becoming a member of the Council, sign the declaration set out in the First Schedule. If a person fails to sign the said declaration and to deliver the same to the Secretary of the Council within four (4) weeks of the date of his election, he shall be deemed to have vacated his office.

Retirement of Lay Members of the Council Elected by Synod

8. Subject to clause 12(2), one-third of the persons referred to in paragraph (d) of clause 5 shall retire on the first day of the ordinary session of the Synod in each year. Those who retire shall be those who have held office the longest since last being elected but, in the case of competition, the question as to who shall retire, in the absence of any agreement between the members concerned, shall be determined by lot.

Appointment and Retirement of Clergy Members of the Council Elected by the Synod

9. (1) If, on any election of a person or persons referred to in paragraph (e) of clause 5, at that time there are less than three persons referred to in that paragraph who are members of the Council and who are either licensed to a separate cure of souls within the diocese or ministers in charge of a provisional parish, new housing district or other ecclesiastical district, then –

- (a) in the first instance, the votes cast in favour of each candidate who is not so licensed or is not such a minister shall be disregarded until there are three such persons who are members of the Council, and
- (b) thereafter, paragraph (a) shall not apply in relation to any remaining vacancy or vacancies and a person or persons shall be elected accordingly.

(2) Subject to clause 12 (2), one of the persons referred to in paragraph (e) of clause 5 shall retire on the first day of the ordinary session of the Synod in the year which follows the year in which this Ordinance comes into force and in each third year thereafter and on the first day of each other ordinary session of the Synod two such persons shall retire. Those to retire shall be those who have held office the longest since last being elected but, in the case of competition, the question as to who shall retire, in the absence of any agreement between the members concerned, shall be determined by lot.

10.

11.

General Provisions for Retirement of Members

12. (1) Subject to clause 7 each retiring member of the Council shall be eligible for re-election.

(2) Notwithstanding anything contained in this Ordinance, but subject to clause 13(2), each of the persons referred to in paragraphs (d) and (e) of clause 5 shall remain a member of the Council (and continue to hold any office to which he may have been elected or appointed by the members of the Council) until the vacancy caused by his retirement has been duly filled. Each other member of the Council shall cease to hold office, subject to clause 13, on the day on which he retires.

Casual Vacancies

13. The office of any member of the Council shall become vacant if –

- (a) he dies,
- (b) in the case of a member who is not the Archbishop, he resigns by writing under his hand addressed to the Secretary of the Council or of the Standing Committee, or, in the case of the member who is the Archbishop if he ceases to hold that office, or, in the case of a member (not being the Archbishop) who is one of the trustees, if he ceases to be a trustee,
- (c) he becomes bankrupt,
- (d) he is convicted of any offence punishable by imprisonment for three months or longer,
- (e)
- (f) he becomes a patient or an incapable person or a mentally ill person within the provisions of the Mental Health Act 1958, or
- (g) he becomes one of the trustees.

Filling of Casual Vacancies

14. (1) The Casual Vacancies Ordinance 1935 shall not apply.

(2) If a vacancy shall occur amongst the persons referred to in paragraphs (d) or (e) of clause 5, the vacancy may be filled by election by the Standing Committee. The person elected shall hold office, subject to clauses 7 and 13, for the balance of the term of office of the person whose place on the Council he has filled.

Part 4 - Powers of the Council

Actions of the Council

15. (1) The trustees may veto any action of the Council which in the opinion of the trustees or a majority of them is inimical to the interests of the College. Such veto shall be in writing, and shall set out the reasons therefor. If the relevant body disputes the opinion of the trustees, the relevant body may notify the trustees in writing that it proposes to request the Archbishop in Council to affirm the action which has been the subject of the veto. The trustees, or a majority of them, at any time during the period of four (4) weeks next following the date on which such notification is given, may request the relevant body to reconsider the action which has been the subject of the veto in which event the relevant body shall not make any such request until after the action has been reconsidered by the relevant body. If no such request is made or if, after any such reconsideration, the trustees or a majority of them have not revoked their veto, the relevant body may then (but not before) request the Archbishop in Council to affirm its action and, if the Archbishop in Council affirms the action, the veto thereof shall cease to apply. The trustees, or a majority of them, may revoke any veto made pursuant to this sub-clause at any time. Any such revocation shall be in writing. The trustees shall not have power to veto a decision by the relevant body to refer an issue to the Archbishop in Council.

(2) For the purposes of this clause, “relevant body” means –

- (a) in relation to an action taken by the Governing Board, the Governing Board, and

- (b) in relation to an action taken by the members of the Council, the members of the Council.

16.

General Powers of the Council

17. The Council has power –

- (a) to control the management and use of the property held for the purposes of or in connection with the College and of all other property of the Council;
- (b) to make financial and other arrangements and decisions for the present and future carrying on of the College and maintenance, improvement and extension of and addition to the land and other property of any kind owned by the Council or occupied or used directly or indirectly by it in connection with the College; and
- (c) to determine consistently with this Ordinance the course of education and instruction to be provided in the College and all matters of order and discipline relating to the students, teaching staff and other employees of the Council and persons carrying out services for or functions in the College.

Specific Powers

18. Without limiting the generality of clause 17, the Council has power –

- (a) To borrow or raise money and secure the repayment thereof and interest in such manner as the Council may think fit and to secure the same or the repayment or performance of any debt contract guarantee or other liability incurred or entered into by the Council in any way and in particular by charging all or any of the land and other property of any kind both present and future owned by the Council or occupied or used directly or indirectly by it in connection with the College;
- (b) Subject to clause 20(1), to invest and deal with moneys of the Council;
- (c) To purchase take on lease or on hire or in exchange or otherwise by any means whatsoever acquire any real or personal property and any rights or privileges which the Council may think fit;
- (d) To sell improve manage develop exchange lease dispose of turn to account or otherwise deal with all or any part of the land and other property of any kind owned by the Council or occupied or used directly or indirectly by it in connection with the College;
- (e) Subject to clause 19(4) to enter into contracts of any kind (including contracts of guarantee and indemnity) and to draw make accept endorse discount execute and issue cheques and other negotiable or transferable instruments;
- (f) To lend and advance money or give credit to any person or company whether on security or not and take such security (if any) as the Council may think fit for money lent or advanced or credit given by it;
- (g) To employ or appoint or cause to be employed or appointed such persons on such terms and conditions and for such periods as the Council may think fit and to dismiss or cause to be dismissed or terminate or cause to be terminated the appointment of any person so employed or appointed;
- (h) To control or cause to be controlled the admission withdrawal suspension and expulsion of students;
- (i) To appoint such executive or other committees with such powers and duties and to delegate thereto or to a member of the Governing Board or employee such matters as the Council may think fit;
- (j) To solicit and accept real or personal property of any kind by way of gift, subsidy or subvention as the Council may think fit;
- (k) To make such rules regulations or by-laws not inconsistent with this Ordinance as the Council may think fit; and
- (l) To endow and award scholarships or other forms of assistance for students;
- (m) To offer higher education courses in accordance with all relevant Federal and State laws and regulations and to seek approval from relevant higher education authorities to conduct higher education courses; and
- (n) To confer academic awards of the College as the Council may approve from time to time.

Liabilities of the Council

19. (1) The Council shall remain and continue to be solely responsible for all liabilities incurred by it or on its behalf.

(2) The members of the Council and the Governing Board and each of them shall not represent to any person, persons or corporation that the Archbishop or the Synod or the Standing Committee or any person or persons or any other corporate body or corporation holding church trust property for the Anglican Church of Australia in the Diocese or any other corporate body constituted by or pursuant to the Anglican Church of Australia (Bodies Corporate) Act 1938, shall or may meet or discharge all or any part of any liability or liabilities which have been or may or will be incurred wholly or partly by or on behalf of the Council.

(3) The Council shall not exercise any power to borrow moneys if the amount which it proposes to borrow when added to the amount of all moneys borrowed by it prior thereto and not repaid prior thereto exceeds one million dollars (\$1,000,000.00) or such other amount as may have been last approved by resolution of the Standing Committee.

(4) After the Council becomes a body corporate under the Anglican Church of Australia (Bodies Corporate) Act 1938, the Council shall not execute or deliver and shall not have power to execute or deliver any mortgage charge debenture guarantee indemnity or promissory note or bill of exchange or other negotiable instrument other than a cheque drawn on the Council's bank unless the following clause included therein: "Notwithstanding anything contained herein to the contrary each of the parties hereto acknowledge and agree that Moore Theological College Council shall not be liable to any other party hereto for any amount whatsoever (whether by virtue of any express or implied obligation) beyond such amount (if any) as Moore Theological College Council may be able to pay to that party in the event of Moore Theological College Council being wound up" and such clause is not made subject to any qualification.

(5) After the Council becomes a body corporate under the Anglican Church of Australia (Bodies Corporate) Act 1938, every order for goods and services or business letter involving securing of credit for the supply of goods or services to the College by or on behalf of the Council shall contain the name of the Council and the words "incorporated under Act of Parliament and constituted by the Moore Theological College Ordinance 1984" and the same information shall be shown adjacent to every application of the common seal of the Council.

Investment of Property etc held by the Council

20. (1) With respect to all property and moneys held by it, the Council may invest or use the whole or any part thereof in any one or more of the following investments or purposes, that is to say –

- (a) Investments for the time being allowed by law for the investment of trust funds;
- (b) Purchase within Australia of real or leasehold estate or land held pursuant to rights created by any statute of Australia or any of the States thereof;
- (c) First mortgage of land situated within Australia;
- (d) Funds stocks securities bonds debentures or treasury bills of or guaranteed by the Government of Australia or of any State thereof;
- (e) Deposits in any savings bank or trading bank or in any insurance company carrying on business in Australia;
- (f) Charge or charges upon any church lands within Australia or future rents profits or other income thereof;
- (g) Construction repair and alteration of buildings and any other improvements on land;
- (h)
 - (i) Debentures debenture stock and notes of or issued by any corporation;
 - (ii) Shares in any corporation;
 - (iii) Interest in any unit trust being interests which are being or have been offered to the public in New South Wales for purchase and such unit trust has not been disapproved by resolution of the Synod or the Standing Committee for investment purposes;
 - (iv) Cash deposits with authorised dealers on the short-term money market;Provided that the word "corporation" where used in this paragraph (h) shall mean a corporation whose shares or a class of whose shares are listed on a recognised Australian Stock Exchange and which does not carry on as its main or one of its main or principal businesses a business of a kind which is disapproved for investment purposes by the Synod or by the Standing Committee by resolution thereof;
- (i) Placement on short call deposits with any corporation or organisation constituted by ordinance of Synod or of the Standing Committee;
- (j) Investment in any security authorised by an ordinance of the Synod or of the Standing Committee as an investment for church trust property;

- (k) Such business commercial trading or other project venture activity or investment of which the Standing Committee may by resolution approve for the purpose of investment.
- (2) The Council may from time to time realise or vary any of the investments made pursuant hereto.
- (3) The Council may retain any real or personal property the subject of any gift devise or bequest to the Council in the same form and condition and invest it in the same manner as existed at the time such gift, devise or bequest was made or received and may subject to the limitations contained in paragraph (h) of sub-clause (l) hereof reinvest it in the same manner.
- (4) Without prejudice to the generality of the foregoing powers the Council may –
- (a) appoint any corporation to hold, on behalf of the Council, any property or moneys referred to in subclause (1) of this clause or investments made pursuant to the powers conferred on the Council by that clause and of which the Council is the trustee, and
- (b) appoint the same or any other corporation to manage and advise on the investment realisation and reinvestment of all or any of such property or moneys, and
- (c) delegate to that corporation all or any one or more of the powers conferred upon the Council by subclause (1) of this clause.
- Any such appointment or appointments may be made on such terms and conditions and at such remuneration as the Council may consider appropriate.

Part 5 - Meetings of Members of the Council

Archbishop to Preside

20A. The Archbishop when present shall preside at meetings of members of the Council.

Chairman

20B. In the absence of the Archbishop at a meeting of members of the Council, the meeting may appoint one of the other members then present to act as chairman of the meeting.

Annual meetings

20C. A meeting of members of the Council shall be convened annually –

- (a) to receive reports on the work of the Governing Board including the reports and accounts referred to in clause 30; and
- (b) to appoint an auditor for the purposes of Part 3 of the Accounts, Audits and Annual Reports Ordinance 1995.

Quorum

20D. At a meeting of members of the Council seven (7) members shall constitute a quorum.

Appointment of Other Officers

20E. The members of the Council may at an annual meeting appoint from its members an Honorary Secretary an Honorary Treasurer and such other officers as they may determine.

Part 5A - Constitution and Membership of the Governing Board

Constitution of the Governing Board

20F. There shall be a Governing Board of the College.

Membership of the Governing Board

- 20G. (1) Subject to this Ordinance, the members of the Governing Board are –
- (a) the members of the Council,
- (b) the Principal,
- (c) one (1) person elected by the members of the Faculty of the College,
- (d) the chairman of the Board of Studies, and
- (e) four (4) lay persons, not being ineligible persons referred to in subclause (3), elected by the members referred to in paragraphs (a), (b), (c) and (d), and
- (f) one (1) person appointed by the Board of the Anglican Deaconess Institution Sydney Limited.
- (2) The members of the Governing Board must include at least one person with senior higher education expertise, one person with commercial expertise and one person with financial expertise.
- (3) For the purpose of paragraph (e) of subclause (1), ineligible persons are members of the Faculty of the College, employees of the Council and students enrolled in a course of higher education at the College.

Regulations for Election of Members of the Governing Board elected by the Faculty

20H. (1) The Governing Board may make regulations in respect of the conduct of the election of the person referred to in paragraph (c) of clause 20G(1).

(2) Subject to clause 20K(2), the person referred to in paragraph (c) of clause 20G(1) shall hold office for one calendar year.

Term of Members Elected by Other Members

20I. (1) Subject to clause 20K(2), the four (4) persons to be elected pursuant to paragraph (e) of clause 20G(1) shall hold office until the first day of the first ordinary session of each Synod.

(2) The four (4) persons to be elected in accordance with paragraph (e) of clause 20G(1) shall be elected as follows –

- (a) The Secretary shall in writing invite the members of the Governing Board to nominate a person or persons to fill the vacancy or vacancies. Such invitation shall specify the date on which nominations shall close which date shall be not less than twenty-eight (28) days after the date on which the invitation is made.
- (b) Each member, by writing addressed to the Secretary, may nominate a person or persons for election.
- (c) The election shall be effected by ballot at a meeting of the Governing Board. At least twenty-eight (28) days written notice shall be given to members of the Governing Board of
 - (i) the date of the meeting; and
 - (ii) the names of the persons nominated for election.

On the ballot, each person present shall vote for one nominee or nominees equal in number to the number of persons to be elected, as the case may be.

- (d) Where two or more nominees receive an equal number of votes and in consequence an election cannot be completed, the name of the nominee who has received the fewest number of votes shall be deleted (together with the name of any nominee who has been elected) and a further ballot shall be taken in respect of the remaining nominees.

Term of Member nominated by the Anglican Deaconess Institution Sydney Limited

20IA. Subject to clause 20K(2), the person referred to in paragraph (f) of clause 20G(1) shall hold office for 3 calendar years.

Declaration to be Signed Prior to Person Becoming a Member of the Governing Board

20J. Every person who is nominated or elected or appointed as a member of the Governing Board shall, upon being nominated or elected or appointed and before becoming a member of the Governing Board, sign the declaration set out in the First Schedule. If a person fails to sign the said declaration and to deliver the same to the Secretary of the Governing Board within four (4) weeks of the date of his election or appointment, he shall be deemed to have vacated his office.

General Provisions for Retirement of Members

20K. (1) Subject to clause 20J, each retiring member of the Governing Board shall be eligible for re-election.

(2) Notwithstanding anything contained in this Ordinance, but subject to clause 20L, each of the persons referred to in paragraph (e) of clause 20G(1) shall remain a member of the Governing Board (and continue to hold any office to which he may have been elected or appointed by the Governing Board) until the vacancy caused by his retirement has been duly filled. Each other member of the Governing Board shall cease to hold office, subject to clause 20L, on the day on which he retires.

Casual Vacancies

20L. The office of any member of the Governing Board shall become vacant if –

- (a) in the case of a member who is a member of the Council, he ceases to be a member of the Council, and
- (b) in the case of a member who is not a member of the Council –
 - (i) he dies,
 - (ii) in the case of a member who is not the Principal or the chairman of the Board of Studies, he resigns by writing under his hand addressed to the Secretary of the Governing Board, or in the case of a member who is the Principal or chairman of Board of Studies, he ceases to be the Principal or the chairman of the Board of Studies,
 - (iii) in the case of a member elected under paragraph (e) of clause 20G(1), he becomes an ineligible person within the meaning of clause 20G(3),
 - (iiia) in the case of a member appointed under paragraph (f) of clause 20G(1), the Board

- of the Anglican Deaconess Institution Sydney Limited resolves to remove the member from office,
- (iv) he becomes bankrupt,
 - (v) he is convicted of any offence punishable by imprisonment for three months or longer,
 - (vi) he is absent from three consecutive ordinary meetings of the Governing Board without leave of absence,
 - (vii) he becomes a patient or an incapable person or a mentally ill person within the provisions of the Mental Health Act 1958, or
 - (viii) he becomes a member of the Council, the Principal or the chairman of the Board of Studies.

Part 5B - Duties and Powers of the Governing Board

General duty

20M. The Governing Board shall manage govern and control the Council in accordance with the provisions of every Act of Parliament and ordinance (including this Ordinance) applicable to the College.

Duty to acquire College property

20N. The Governing Board shall take all steps and do all things necessary for the Council to acquire such of the property of the College as is not already vested in the Council from the respective trustees thereof.

Powers of the Governing Board

20O. The Governing Board exercises all the powers and authorities of the Council except those which are specified by this Ordinance to be exercised by the members of the Council at an annual meeting convened under clause 20C.

Part 5C - Meetings of the Governing Board

Archbishop to Preside

21. The Archbishop when present shall preside at meetings of the Governing Board.

Chairman

22. The Governing Board shall elect from time to time from amongst its members a Chairman who, in the absence of the Archbishop, shall preside at meetings of the Governing Board provided that, in the absence of both the Chairman and the Archbishop, the meeting may appoint one of the other members then present to act as chairman of that meeting.

Frequency of meetings

23. Subject to this Ordinance, the Governing Board may shall meet at least six (6) times every year for the dispatch of business and may adjourn and otherwise regulate its meetings as it sees fit and may act notwithstanding any vacancy in its membership.

Quorum

24. At a meeting of the Governing Board there is a quorum if at least 11 members are present of whom not more than –

- (a) 5 are members of the Faculty of the College, employees of the Council or students enrolled in a course of higher education of the College, and
- (b) 6 are members of the clergy.

Voting at Meetings

25. The President, the Chairman or the acting chairman shall while presiding at a meeting have both a deliberative vote and a casting vote.

Appointment of Other Officers

26. The Governing Board may appoint from its members an Honorary Secretary an Honorary Treasurer or such officers as it may from time to time determine.

Non-member may be Invited to Governing Board Meeting

27. The Governing Board may invite any person not a member to be present for the whole or any part of a particular meeting.

Part 6 - The Principal, members of the Faculty and the Board of Studies

The Principal

28. (1) The person who is the Principal shall be responsible to the Council for and shall report to the Governing Board on the good order and management of the College.

(2) On the death, resignation, retirement or dismissal of the Principal of the College, the trustees shall appoint the person who is to be the Principal of the College but any appointment by the trustees shall be made in consultation with the other members of the Governing Board and no such appointment shall be made without the concurrence of a majority of the other members of the Governing Board.

Appointing members of the Faculty

28A. In declaring a person who has been employed by the Council to teach to be a member of the Faculty, the Governing Board shall have due regard (in addition to the other requirements of the position) to the importance of appointing a person of Christian faith and character who is committed to furthering and is capable of furthering the gospel of Jesus Christ in the College as a foundation of the Christian Church.

Board of Studies

28B. (1) There is to be a Board of Studies of the College which is responsible to the Governing Board for –

- (a) policy formulation and decision making in all academic matters, and
- (b) maintaining the academic values, quality and standards of the College.

The Board of Studies shall, in relation to academic matters concerning the College, be the pre-eminent source of advice to the Governing Board.

(2) The Governing Board shall appoint and may remove persons as members of the Board of Studies. A person appointed as a member of the Board of Studies shall have qualifications and experience appropriate to the discharge of the office of a member of the Board of Studies.

(3) The Principal shall appoint a person who is a member of the Board of Studies to be its chairman and may remove such person as the chairman.

Part 7 - Accounts and Reports

Accounts, Audits and Annual Reports Ordinance

29. The Council shall comply with the provisions of the Accounts, Audits and Annual Reports Ordinance 1995 as amended from time to time.

Reports

30. The Council shall furnish to the Synod or the Standing Committee any information as to the Council's affairs which it may be requested to furnish by a resolution of the Synod or the Standing Committee and shall at least once in each year present a report to the Synod together with an income and expenditure account and a balance sheet duly audited and such other information as may be required from time to time by resolution of the Synod.

Part 8 - Indemnity

Indemnity

31. Each member of the Council and the Governing Board shall be indemnified out of the assets of the Council against all loss or liability which he may have incurred for or on behalf of the Council or to which he may be subject by reason of being or have been a member of the Council or the Governing Board other than any such loss or liability occasioned by his own wilful act or default.

32.

33.

First Schedule

1. I believe and hold the faith of the Christian Church and, in particular, as set forth in the creeds known as the Nicene Creed and the Apostles' Creed and the doctrine contained in the Thirty-nine Articles of Religion interpreted according to their plain and literal sense.

2. In particular I believe –

- (a) That the canonical Scriptures of the Old and New Testaments are the ultimate rule and standard of faith given by inspiration of God and containing all things necessary to salvation; and
- (b) that men are justified before God by faith only.

3. I shall endeavour to fulfil my duties as a member of the Council or the Governing Board of Moore Theological College in accordance with this declaration and the Ordinance by which the Council is constituted.

4. I undertake to resign as a member of the Council or the Governing Board forthwith if at any time I become unable conscientiously to subscribe to this declaration.

Notes

The Moore Theological College Ordinance 1984 took effect on 19 October 1984.

By Order published in the Government Gazette on 4 April 1985 under the Anglican Church of Australia (Bodies Corporate) Act 1938, the Council was incorporated under the name "Moore Theological College Council".

Table of Amendments

Clause 2	Amended by Ordinance No 25, 2006.
Clause 3	Deleted by Ordinance No 25, 2006.
Clause 4	Amended by Ordinance No 25, 2006.
Clause 5	Amended by Ordinance No 25, 2006.
Clause 7	Amended by Ordinance No 25, 2006.
Clause 10	Deleted by Ordinance No 25, 2006.
Clause 11	Deleted by Ordinance No 25, 2006.
Clause 12	Amended by Ordinance No 25, 2006.
Clause 13	Amended by Ordinances Nos 28, 1987; 59, 2001 and 25, 2006.
Clause 15	Amended by Ordinance No 25, 2006.
Clause 16	Deleted by Ordinance No 25, 2006.
Clause 17	Amended by Ordinance No 25, 2006.
Clause 18	Amended by Ordinance No 25, 2006.
Clause 19	Amended by Ordinance No 25, 2006.
Clause 20A	Inserted by Ordinance No 25, 2006.
Clause 20B	Inserted by Ordinance No 25, 2006.
Clause 20C	Inserted by Ordinance No 25, 2006.
Clause 20D	Inserted by Ordinance No 25, 2006.
Clause 20E	Inserted by Ordinance No 25, 2006.
Clause 20F	Inserted by Ordinance No 25, 2006.
Clause 20G	Inserted by Ordinance No 25, 2006 and amended by Ordinance No 4, 2009.
Clause 20H	Inserted by Ordinance No 25, 2006.
Clause 20I	Inserted by Ordinance No 25, 2006.
Clause 20IA	Inserted by Ordinance No 4, 2009.
Clause 20J	Inserted by Ordinance No 25, 2006 and amended by Ordinance No 4, 2009.
Clause 20K	Inserted by Ordinance No 25, 2006.
Clause 20L	Inserted by Ordinance No 25, 2006 and amended by Ordinance No 4, 2009.
Clause 20M	Inserted by Ordinance No 25, 2006.
Clause 20N	Inserted by Ordinance No 25, 2006.
Clause 20O	Inserted by Ordinance No 25, 2006.
Clause 21	Amended by Ordinance No 25, 2006.
Clause 22	Amended by Ordinance No 25, 2006.
Clause 23	Amended by Ordinance No 25, 2006.
Clause 24	Amended by Ordinance No 25, 2006.
Clause 26	Amended by Ordinance No 25, 2006.
Clause 27	Amended by Ordinance No 25, 2006.
Clause 28	Amended by Ordinance No 25, 2006.
Clause 28A	Inserted by Ordinance No 25, 2006.
Clause 28B	Inserted by Ordinance No 25, 2006.
Clause 29	Amended by Ordinance No 34, 1995.
Clause 31	Amended by Ordinance No 25, 2006.
Clause 32	Deleted by Ordinance No 25, 2006.
Clause 33	Deleted by Ordinance No 25, 2006.
First Schedule	Amended by Ordinance No 25, 2006.



Parish Development Review Ordinance 2001

(Reprinted under the Interpretation Ordinance 1985.)

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The Synod of the Diocese of Sydney Ordains -

Name

1. This Ordinance is the Parish Development Review Ordinance 2001.

Definitions

2. In this Ordinance –

“development review” means an appraisal of ministry in a parish including the programs, plant, finance, the demographics of the area and any matters of particular concern to the minister or members of a parish, to ensure that the parish’s resources, both people and property, are being used to their best effect in the spread of the gospel;

“minister” means a member of the clergy having a separate cure of souls and the words “parish”, “parish council”, “institution” and “incumbency” shall be read with necessary changes in the case where the cure of souls is otherwise than in a parish;

“Panel”, “accredited facilitator” and “accredited member” have the meanings ascribed to them in the Parish Review (Monitoring Panel) Ordinance 2001.

Parish Development Review

3. The Synod encourages each parish to have a development review at least every 5 years.

Request for Development Review

4. Upon receipt of a request from a parish in accordance with this Ordinance, subject to clause 8 the Panel must appoint a group to conduct a development review of the parish concerned.

5. A parish may request the Panel to conduct a development review by the –

- (a) joint written request of the minister and the majority of the members of the parish council; or
- (b) written request of either the minister or the majority of the members of the parish council at any time after the expiration of 3 years from the institution of the minister; or
- (c) written request of the majority of the members of the parish council at any time after the minister has publicly announced his intention to resign or retire and before his successor has been licensed by the Archbishop.

6. A regional council may at any time request that a parish within its region have a development review and advise the minister and parish council of that Parish, in writing, of such request.

7. The minister and parish council must consider such request as soon as practicable and, if the majority of the members of the parish council and the minister consider that a development review should be undertaken, they shall, in writing, request the Panel to conduct a development review. They shall also advise the regional council of their decision.

8. A regional council may determine that for reasons of unavailability of funds or otherwise only a certain number of development reviews can be conducted in its region in any one year. If such determination is made, the regional council may also determine the criteria as to which parishes who request reviews shall have their requests granted, shall inform the Panel of the same and determine the strategy for dealing with the remaining requests made that year.

Development Review by Review Group

9. Subject to clause 10, a development review shall be conducted by an accredited facilitator (who shall chair the development review) and 2 accredited members, hereafter called a “review group”.

Development Review by Accredited Facilitator

10. The person or persons making a request to the panel for a development review may make a reasoned submission that circumstances are such that the development review should be carried out by an accredited facilitator alone. The Panel may accept that submission or may of its own motion direct that the review be by such accredited facilitator alone.

Report on Development Review

11. At the conclusion of a development review, the accredited facilitator must submit a draft report to the minister and parish council for comment.

12. Not earlier than 21 days after submission of the draft report, and after considering any comments made on the draft report, the accredited facilitator must prepare a final report and send the original of the final report to the parish council and minister.

13. A report of a review group or accredited facilitator must consider the ministry potential of the parish, the demographics of the area and such other matters as it considers impact on the ministry of the parish. The report may make recommendations as to the minister or as to staff or as to others obtaining further skills or as to property matters together with suggestions as to how improvements in parish effectiveness might be made.

14. Any person who makes, or indicates that he or she is prepared to make, a statutory declaration that he or she is prepared to make the declaration contained in clause 7 of the Church Administration Ordinance 1990 with respect to a church in the relevant parish, is entitled to request a copy of the report provided that the person requesting the report pays the cost of copying the same. The report is the property of the parish or the regional council, if initiated by that body, and may only be circulated further with the permission of the respective owner.

Cost of Development Review

15. The costs of a development review shall be funded by mutual agreement between the parish and the regional council.

16. Any person who either as facilitator or member of a review group conducts more than 3 development reviews in any year shall be entitled to be paid at such rate as the regional council(s) determine(s).

Confidentiality

17. The facilitator and the members of a review group must keep confidential the matters of confidential nature learned of or advised of during the course of the review except the matters referred to in their report.



Parish Relationships Ordinance 2001

(Reprinted under the Interpretation Ordinance 1985.)

The Parish Relationships Ordinance 2001 as amended by the Presbyter (Amendment of Terminology) Ordinance 2006.

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Preamble

- A. It sometimes occurs, with or without fault, that there is a loss of confidence in the minister as an effective pastor and the life of the parish is threatened by continuous disputes indicating a breakdown of relationships.
- B. It is necessary to encourage parishes to solve pastoral disputes within a parish by non-legal and non-adversarial means if possible.
- C. It is necessary to adopt a more modern approach to the question as to when a minister's health problems require him to leave a parish.
- D. To assist in fulfilling this aim, the Synod needs to provide the appropriate structure for parishes to have licensing reviews carried out by godly and competent people.

The Synod of the Diocese of Sydney Ordains –

Name

1. This Ordinance is the Parish Relationships Ordinance 2001.

Definitions

2. In this Ordinance –
- “licensing review” means an enquiry into whether there has been a serious breakdown of pastoral relationships between the minister and a substantial number of the parishioners of a parish and to recommend appropriate action.
- “minister” means a member of clergy having a separate cure of souls and the words “parish”, “institution” and “incumbency” shall be read with necessary changes in the case where the cure of souls is otherwise than in a parish.
- “Panel” means the panel established under the Parish Review (Monitoring Panel) Ordinance 1999.
- “parishioner” means a person who claims to be a member of the Anglican Church of Australia, who is baptised and is at least 18 years of age and who has usually during 3 months within the past 12 months attended divine service at a church in the relevant parish and who does not claim to be a parishioner of any other church of the Anglican Church of Australia.

Direction for Licensing Review by Regional Council

3. If a regional council considers that a serious breakdown may have occurred in the pastoral relationship between the minister and a substantial number of the parishioners of a parish in its region which is impeding or is likely to impede the promotion in the parish of the whole mission of the church, the regional council may direct the parish to participate in a licensing review.
4. A regional council may not direct a licensing review unless –
 - (a) the minister has served in the parish for at least 4 years from his institution, and
 - (b) it has received a certificate in accordance with clause 13, and
 - (c) it is satisfied that where appropriate a preliminary dispute resolution procedure (such as that outlined in the Parish Disputes Ordinance 1999) has been undertaken.
5. Notwithstanding anything in this Ordinance, a regional council may direct that a licensing review be held if it considers that the minister's physical or mental health raise grounds for concern as to his capacity to discharge his duties.

Request for Licensing Review by a Parish

6. If the majority of the churchwardens of any church in a parish consider that there is a substantial majority of parishioners of the view that there is a serious breakdown of pastoral of relationships between the minister and the parishioners, they may, provided that the condition specified in clause 4(a) has been met, request in writing that the minister and the churchwardens of the principal church in the parish convene a vestry meeting to consider passing a resolution that such state of affairs exists.
7. If the minister and churchwardens of the principal church in the parish fail to convene the requested meeting within 14 days after the request is made, the churchwardens who have requested the vestry meeting may convene it.
8. Notwithstanding anything in any other ordinance, the person who chairs the vestry meeting referred to in clauses 6 or 7 or the meeting referred to in clause 28 or 29, is to be a person nominated by the area archdeacon. The person appointed shall not be a bishop or archdeacon and shall not be a person who has at any time been a regular communicant in the parish concerned.
9. At the vestry meeting, the chairman shall, after due time for debate, put the motion "That this vestry meeting considers that a state of affairs exists in this parish leading to the breakdown of relationships between the minister and the parishioners". The motion is not capable of amendment.
10. The chairman shall neither take part in the debate nor vote.
11. Voting must be by secret ballot. The chairman shall make due provision for the proper counting of the ballot papers.
12. If the chairman declares that the motion has been carried by at least 65% of the parishioners attending and voting, he or she must certify to the Panel that a substantial number of parishioners is of the view referred to in clause 6. The chairman's declaration and certification is final.
13. The chairman must send a copy of the certificate to the secretary of the regional council together with a request that a licensing review be held in accordance with the decision of the vestry meeting.

Licensing Review Group

14. The Synod shall elect a licensing review group of 10 persons, of whom at least 4 shall be presbyters and at least 4 shall be lay persons from whom members of licensing review boards may be chosen.

Licensing Review Board

15. A licensing review is to be conducted by a licensing review board consisting of 5 persons, namely –
 - (a) a chairman appointed by the Panel,
 - (b) 1 person nominated by the minister,
 - (c) 1 person selected by the parish council,
 - (d) 2 persons appointed by the Panel, provided
 - (i) no person who currently worships or within the previous 3 years habitually worshipped in a church in that parish shall serve on a licensing review board for a parish, and
 - (ii) at least 2 members of the board shall be in priest's orders, and
 - (iii) the regional council may select a member should the Panel, minister or parish council fail to appoint, nominate or select within 14 days of a request by the regional council to do so.

The person referred to in clause (b) need not be a member of the licensing review group, but all other members shall be members of the licensing review group at the time of their appointment to the licensing review board.

16. For the purpose of electing the person referred to in clause 15(c), the churchwardens of the principal church shall convene a special meeting of the parish council. The minister shall not attend the meeting. The meeting shall choose its own chairman.

17. No person who is a bishop or is or has been an archdeacon shall be a member of a board constituted under clause 15. This prohibition does not apply to a person who has not served as a territorial archdeacon or regional bishop in the region in which the relevant parish is situated.

18. The members of the licensing review board shall meet as soon as practicable after their election. The chairman appointed by the Panel shall preside at their meetings and shall be the person to whom communications to the group may be addressed.

19. A licensing review board may inform itself of the relevant facts in whatever way it considers appropriate. It shall not be bound by any legal formalities. No person is entitled to representation by counsel or solicitor or any other person, unless the board decides that it would be unfair to that person not to grant such representation. No person has the right to cross examine any other person.

20. A licensing review board shall take all reasonable action to enable it to ascertain whether there has been a serious breakdown of pastoral relationships between the minister and a substantial number of the parishioners of a parish which necessitates action.

21. In the course of the licensing review, the licensing review board shall ensure that the views and comments of as many parishioners as possible as well as of the minister and members of the parish council are considered. The licensing review board may become apprised of such views and comments in writing or by oral report from one or more members of the licensing review board speaking with people either individually or in groups.

Report of Licensing Review Board

22. The licensing review board must, as soon as practicable after conclusion of gathering relevant material, prepare a report including a set of recommendations.

23. A licensing review board may simply report that no action be taken to disturb the then present organisation of the parish, with or without comments or suggestions.

24. A licensing review board's report may recommend any 1 or more of the following –

- (a) that specific courses of action be taken in the parish (whether or not such action is of a type specified in the succeeding paragraphs of this clause),
- (b) the minister resign his licence under this Ordinance,
- (c) that a fixed term be placed on the minister's licence,
- (d) that certain named lay members of the parish be required from a specified date to stand aside from being a churchwarden or a member of parish council of the parish in question or from holding such other office or offices in the parish as may be specified in the report for a designated period for up to three years thereafter,
- (e) that no action be taken at present but that a further parish development review or licensing review be held at a time at least two years hence.

25. Without derogating from the generality of clause 24(a), the specific courses of action may include a recommendation that particular clergy do not officiate at particular services, that particular people are not put or left in charge of particular organisations in the parish, that certain organisations be disbanded, that the parish consider amalgamation or that expert advice be taken on particular issues.

26. The report shall present the view of the majority of the members of the licensing review board. In the case of an equality of opinions, the view of the chairman shall prevail, provided always that no recommendation that the minister resign his licence shall be made unless at least 4 members of the licensing review board concur.

27. The report must be sent to the minister and each of the churchwardens of the principal church of the parish.

Adoption of the Report by the Parish

28. Within 21 days of receipt of the report, the minister and churchwardens of the principal church shall convene a vestry meeting of the parish to consider and if thought fit adopt the set of recommendations in the report. The minister shall be deemed to have joined in the convening of the meeting if he is requested by the churchwardens in writing to join in convening the meeting and fails to do so within 3 days of such request.

29. Should the minister and churchwardens fail to convene such vestry meeting, the same shall be convened by the area archdeacon.

30. At the said vestry meeting, the chairman shall, after due time for debate put the motion: "That this vestry meeting adopts the set of recommendations in the report of the Licensing Review Board". The motion is not capable of amendment. Apart from appropriate formal matters, no other business shall be transacted at such meeting.

31. The chairman shall neither take part in the debate nor vote.

32. Voting must be by secret ballot. The chairman shall make due provision for the proper counting of the ballot papers.

33. Should the chairman declare that the motion has been carried by at least 65% of the parishioners attending and voting, he or she shall certify that fact to the Archbishop. The chairman's declaration and certification shall be final.

34. Should a licensing review board make a recommendation in terms of clause 24(b) which is adopted by the vestry meeting referred to above, the Archbishop shall revoke the minister's licence to take effect from the date 1 month and 1 day after the date of the vestry meeting. The minister having been provided with an opportunity to show cause against the revocation of his licence under this ordinance to the Licensing Review Board, and then, if applicable, to the Appeal Committee, shall have no further right to show cause against its revocation.

35. Should a licensing review board make a recommendation in terms of clause 24(c), which is adopted by the vestry meeting referred to above, the minister shall be deemed to have surrendered his licence on the date 1 month and 1 day after the date of the final report and to have been issued with a licence on such date containing the recommended conditions.

36. Should a licensing review board make a recommendation in terms of clause 24(d), the persons named shall be deemed to have resigned their office at the date specified in the final report unless they have previously resigned. Such person shall be ineligible to hold the specified office or offices in the parish for the period specified in the recommendation calculated from the specified date or date of earlier resignation.

Appeal Group

37. The Synod shall at its first session elect 5 members of clergy who are or have been incumbents and 5 lay persons who are or have been churchwardens for a period of at least 2 years to constitute an appeal group for the purposes of this Ordinance.

Appeal Committee

38. An appeal from a recommendation of a licensing review board may be considered by an appeal committee consisting of –

- (a) the Chancellor or his or her nominee (being a judge, former judge, or a barrister or solicitor of 10 years' standing), and
- (b) a person who is a bishop or archdeacon (not being the regional bishop or archdeacon of the region in which the parish is situated) appointed by the Archbishop in council, and
- (c) 3 persons to be selected by the Panel of whom 1 at least must be a member of the clergy from the appeal group elected by the Synod.

39. No person shall serve on an appeal committee if he or she is a member of the parish concerned or if he or she considers that a reasonable observer would conclude that he or she is so closely associated with one or more of the persons involved as to be unable to give completely impartial consideration to the appeal.

40. Should there be more than one appeal from the recommendations of a licensing review board, such appeals shall be considered by the same appeal committee either together or one after the other as the appeal committee in its discretion considers appropriate.

Right of Appeal

41. A person who considers that he or she has been detrimentally affected by a recommendation of a licensing review board adopted by a vestry meeting convened under clause 28 or 29 of this Ordinance may appeal to the appeal committee.

Notice of Intention to Appeal

42. No appeal may be entertained by the appeal committee unless the appellants give written notice of intention to appeal to the regional bishop or the Diocesan Secretary no later than 1 month after the date of the said vestry meeting.

Lodgment of Appeal

43. The lodgment of an appeal will operate as a stay of any effect of a recommendation up until 21 days after the appeal committee is constituted. The appeal committee may, for good and proper reasons extend such stay until the determination of the appeal.

Evidence on Appeal

44. The report of the licensing review board shall be accepted as prima facie evidence of the truth of the matters contained therein. The appeal committee shall determine any matters of fact that it considers it needs to determine in such manner as it considers appropriate without being bound by the rules of evidence.

Effect of Appeal Committee's findings

45. The appeal committee may affirm, vary or set aside, any recommendation of a licensing review board that has been appealed against and, if appropriate, substitute other recommendations and add additional recommendations.

46. The decision of the appeal committee shall be final.

47. The decision of the appeal committee shall be in writing attested by the chairman or some other member, dated and delivered to the Archbishop, each of the appellants and the secretary of the parish council of the relevant parish.

48. Where an appeal is lodged under this Ordinance, clause 34 shall operate as if the words "date of the appeal committee's decision" were substituted for the words "date of the vestry meeting".

49. To the extent that the appeal committee varies, sets aside, substitutes or adds recommendations, clauses 34, 35 and 36 shall operate on the recommendations determined by the Appeal Committee as if they had been part of the licensing review board's recommendations adopted by the vestry meeting.

Declaration

50. It is hereby declared that a person who ceases to hold office under this Ordinance is not removed for fault nor is his or her ability or character impugned in any way: the removal is made solely in the interests of the church.

Request to Archbishop

51. Synod requests the Archbishop to use his best endeavours to place any member of clergy who loses office under this ordinance in an office of similar status or, if that cannot be done, ensure that the parish make or contribute toward appropriate compensation.

Incapacity of Clergy

52. A member of the clergy who has been found by any court or tribunal of competent jurisdiction to be incapable of managing his or her own affairs shall be deemed to have surrendered any licence held by him or her on the day of such finding.

53. Should the finding referred to in clause 52 be set aside by the court or tribunal or by an appeal court any licence surrendered under that section shall be restored and shall be deemed to have been restored as at the date of surrender.

54. No person shall be appointed permanently to a position vacated by the surrender of a licence under clause 52 until after the expiry of the period allowed for appeal, and, if an appeal is lodged, the determination of that appeal.

55. Should the churchwardens of any church have reasonable grounds to suspect that the physical or mental health of the minister is such that they consider that he is unable to fulfil his duties, they shall report same to the regional bishop with a view to action being taken under clause 5.

56. The Incapacity and Inefficiency Ordinance 1906 is repealed.

Table of Amendments

Clause 14 Amended by Ordinance No 16, 2006.



Parish Review (Monitoring Panel) Ordinance 2001

(Reprinted under the Interpretation Ordinance 1985.)

Table of Provisions

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2	Definition
3	Parish Review Monitoring Panel
4-6	Function of the Panel
7	Accredited facilitators
8	.....	Guidelines
9	.....	Report to Synod
10	.....	Budget
11	Election of Panel
12	Licensing review group and appeal group
13	Casual Vacancies

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An Ordinance to provide a structure to carry out parish reviews.

The Synod of the Diocese of Sydney Ordains -

Name

1. This Ordinance is the Parish Review (Monitoring Panel) Ordinance 2001.

Definition

2. In this Ordinance, "parish review" means any examination of the affairs, property or function of a parish required or permitted under any ordinance of the Synod and includes any similar examination sought by a parish of its own motion.

Parish Review Monitoring Panel

3. There shall be a Parish Review Monitoring Panel ("the Panel") consisting of 4 persons elected by the Synod and 2 persons nominated by the Archbishop.

Function of the Panel

4. The Panel shall make provision for accrediting suitably trained, experienced and gifted persons who may be, but need not be members of the Panel to act as facilitators or members of the group conducting a parish review (herein called a "review group"). Such facilitators are called "accredited facilitators".

5. The Panel shall arrange for the convening of review groups and the conduct of parish reviews and shall monitor their progress and keep records of their recommendations.

6. The Panel shall seek to accredit persons as members of groups to conduct parish reviews having regard to the need to appoint persons who are committed to Christ and active members of their church whether ordained or lay. Such persons are called "accredited members".

Accredited facilitators

7. A person may be accredited as facilitator, if, in addition to the qualities referred to in clauses 4 and 6, the Panel considers that he or she has the necessary skills, to chair and direct the activities of a review group.

Guidelines

8. The Panel shall develop and publish guidelines as to the process and best practice for the conduct of parish reviews.

Report to Synod

9. The Panel shall report to the Synod each year as to the operation of its activities.

Budget

10. The Panel shall before the end of April in each year submit to the Diocesan Secretary a budget for the next calendar year as to the cost of operating this ordinance.

Election of Panel

11. The first session of each Synod shall elect 4 persons to the Panel. The first appointments of these people shall be by the Standing Committee, the persons so appointed to hold office until the declaration of the election at the first session of the next Synod.

Licensing review group and appeal group

12. (1) There shall be a licensing review group consisting of 10 persons elected at the first session of each Synod of whom at least 4 must be members of the clergy and at least 4 shall be lay persons.

(2) There shall be an appeal group consisting of 10 persons elected at the first session of each Synod of whom 5 shall be clergy who are or have been incumbents and 5 shall be lay persons who are or have been churchwardens for a period of at least 2 years.

(3) The first appointments of persons to the licensing review group and the appeal group are to be made by the Standing Committee. Subject to clause 13, the persons so appointed will hold office until the declaration of the election at the first session of the next Synod.

Casual Vacancies

13. A casual vacancy in the office of member of the Panel, member of the licensing review panel or member of the appeal group arises in the circumstances prescribed by part 7 of the Synod Elections Ordinance 2000 and is to be filled in the manner prescribed by that part.



Regions (Transitional Provisions and Miscellaneous Amendments) Ordinance 1995

(Reprinted under the Interpretation Ordinance 1985.)

The Regions (Transitional Provisions and Miscellaneous Amendments) Ordinance 1995 as amended by the Regions (Transitional Provisions and Miscellaneous Amendments) Amending Ordinance 1998 and the Regions (Transitional Provisions and Miscellaneous Amendments) Amending Ordinance 2004.

Table of Provisions

Clause		
1	.....	Citation
2.	.....	Definitions
3.	.....	Commencement Dates
4.	.....	Confirmation of Existing Regions
5.	.....	Names of Regional Councils
6.	.....	Declaration of Vacancies
8.	.....	Repeal of Ordinances
10.	.....	Amendment of the Accounts Ordinance 1975
12.	.....	Amendment of the Assessment Authorisation Ordinance 1975
13.	.....	Amendment of the Church Administration Ordinance 1990
16.	.....	Amendment of the Church Grounds and Buildings Ordinance 1990
17.	.....	Amendment of the Church Grounds and Buildings Ordinance 1990
18.	.....	Amendment of the Parishes Ordinance 1979
19.	.....	Amendment of the Presentation and Exchange Ordinance 1988
20.	.....	Amendment of the Standing Committee Ordinance 1897
20A.	.....	Amendment of the Elections Ordinance 1970
21.	.....	Declaration of Inexpediency
22.	.....	PARC Property
23.	.....	WARC Property
24.	Inner City Committee Property
25.	Marrickville Area Deanery Property

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Long Title

An Ordinance to amend certain ordinances following the passing of the Regions Ordinance 1995 and for other matters.

Preamble

Whereas

A. It is expedient to amend and repeal certain ordinances following the passing of the Regions Ordinance 1995.

B. Certain property, being church trust property, is held on trust for the purposes of the Parramatta Anglican Regional Council, the Wollongong Anglican Regional Council, the Inner City Committee and the Marrickville Area Deanery Committee.

C. By reason of circumstances which have arisen after the creation of the trusts on which the property referred to in recital B is held it is inexpedient to carry out and observe those trusts and it is expedient that the trusts be varied in the manner specified in this Ordinance.

Now the Synod of the Diocese of Sydney Ordains as follows –

Part 1 - Introduction

Citation

1. This Ordinance may be cited as the “Regions (Transitional Provisions and Miscellaneous Amendments) Ordinance 1995”.

Definitions

2. In this Ordinance –

“Inner City Committee” means the Inner City Committee constituted under the Inner City Ordinance 1972.

“PARC” means the Parramatta Anglican Regional Council constituted under the Parramatta Anglican Regional Council Ordinance 1971.

“Principal Ordinance” means the Regions Ordinance 1995. “property” means property both real and personal.

“Region” has the same meaning as in the Principal Ordinance.

“Regional Council” means the Council of a Region constituted by the Principal Ordinance.

“WARC” means the Wollongong Anglican Regional Council constituted under the Wollongong Anglican Regional Council Ordinance 1972.

Commencement Dates

3. The Principal Ordinance and Parts 2 to 5 inclusive of this Ordinance (other than Clause 20A) commence on the first day of the first session of the 44th Synod of the Diocese of Sydney.

Confirmation of Existing Regions

4. Subject to the Principal Ordinance, the existence of the following Regions is confirmed, with the same boundaries as the Episcopal Areas of the same names at the date this clause commences –

Georges River	South Sydney
North Sydney	Wollongong
Parramatta	

Names of Regional Councils

5. Subject to the Principal Ordinance, the Regional Councils of the Regions referred to in clause 4 are to have the following names –

Georges River Regional Council
North Sydney Regional Council
Parramatta Regional Council
South Sydney Regional Council
Wollongong Regional Council.

Part 2 - Declaration of Vacancies

Declaration of Vacancies

6. The membership of each of the following organisations is declared vacant –

Inner City Committee
Marrickville Area Deanery Committee
Parramatta Anglican Regional Council
Wollongong Anglican Regional Council.

7. A Canon of a Provisional Cathedral retains his title until he would have retired from that office.

Part 3 - Repeal of Ordinances

Repeal of Ordinances

8. The following ordinances are repealed –

Inner City Committee Ordinance 1969
Marrickville Area Deanery Ordinance 1984
Parramatta Anglican Regional Council Ordinance 1975
Wollongong Anglican Regional Council Ordinance 1972.

9. The following ordinances are repealed with effect from 1 January 2010 –

St John's Provisional Cathedral Parramatta Ordinance 1969
St Michael's Provisional Cathedral Wollongong Ordinance 1969

Part 4 - Amendments to other Ordinances

Amendment of the Accounts Ordinance 1975

10. The First Schedule of the Accounts Ordinance 1975 is amended –

(a) by deleting the names of the following organisations –

Inner City Committee
Marrickville Area Deanery Committee
Parramatta Anglican Regional Council
Wollongong Anglican Regional Council; and

(b) by inserting the following names in alphabetical order –

Georges River Regional Council
North Sydney Regional Council

Parramatta Regional Council
South Sydney Regional Council.
Wollongong Regional Council.

11. Each body specified in a paragraph in section A of the following Table must prepare, and have audited, accounts for the body specified in the corresponding paragraph in section B for the period commencing on 1 January 1996 and ending on the date on which this Part commences.

Table

Section A

- (a) Parramatta Regional Council
- (b) Wollongong Regional Council
- (c) South Sydney Regional Council
- (d) Georges River Regional Council

Section B

- (a) PARC
- (b) WARC
- (c) Inner City Committee
- (d) Marrickville Area Deanery Committee

Amendment of the Assessment Authorisation Ordinance 1975

12. Clause 3(vii) of the Assessment Authorisation Ordinance 1975 is amended by deleting the matter "Parramatta Anglican Regional Council, the Wollongong Anglican Regional Council" and by inserting the following instead –

"the Regional Council of the Region in which the parochial unit is situated".

Amendment of the Church Administration Ordinance 1990

13. The Church Administration Ordinance 1990 is amended in the following manner –

- (a) subclause 48(2) is deleted and the following is inserted instead -
"In Part 9, the functions conferred on the Archbishop are to be exercised in a Region by the Regional Bishop.";
- (b) paragraphs (a) and (b) of subclause 49(1) are deleted and the following is inserted instead -
"in a Region by the Regional Bishop on the advice of the Regional Council".
- (c) in clause 50 the words "the Bishop of Parramatta on the advice of the Parramatta Anglican Regional Council and of the Bishop of Wollongong on the advice of the Wollongong Regional Council" are deleted and the following is inserted instead -
"the Regional Bishop on the advice of the Regional Council".

14. Clause 50 of the Church Administration Ordinance 1990 continues to apply to any act of the Bishop of Parramatta or the Bishop of Wollongong done before the commencement of this Part as if that clause had not been amended by clause 13.

15. Any permission given by the Bishop of Parramatta in Council or the Bishop of Wollongong in Council under clause 16 or clause 30(4) of the Church Administration Ordinance 1990 before the commencement of this Part continues to have effect until varied or discontinued by a Regional Council.

Amendment of the Church Grounds and Buildings Ordinance 1990

16. The Church Grounds and Buildings Ordinance 1990 is amended in the following manner –

- (a) in subclause 4(1) the words "episcopal area" are deleted and the word "Region" is inserted instead;
- (b) in subclause 5(4) the words "Assistant Bishop or Archdeacon of the area" are deleted and the words "Regional Bishop or the Archdeacon of the Region" are inserted instead; and
- (c) a new subclause 8(3) is inserted in the following terms -
"(3) The Regional Bishop may have occasional use of any church in his Region for any of the purposes listed in subclause (1).".

Amendment of the Interpretation Ordinance 1985

17. The Interpretation Ordinance 1985 is amended in the following manner –

- (a) in the Schedule the definitions of "PARC" and "WARC" are deleted; and
- (b) in the Schedule the following definitions are inserted in alphabetic order –
"Assistant Bishop - A person who holds the office of an assistant bishop in the Diocese.

- Region - A part of the Diocese designated as a Region under the Regions Ordinance 1995.
- Regional Bishop - An Assistant Bishop who has the episcopal oversight of a Region or where the Archbishop has the episcopal oversight of a region, the Archbishop.
- Regional Council - The council of a Region constituted under the Regions Ordinance 1995."

Amendment of the Parishes Ordinance 1979

18. The Parishes Ordinance 1979 is amended in the following manner –
- (a) subclause 1(2) is deleted and the following is inserted instead –
 - “(2) Subject to subclauses (3) and (4), in all matters affecting an ecclesiastical district within a Region, ‘Archbishop-in-Council’ means the Regional Bishop of that Region acting on the advice of the Regional Council and ‘Standing Committee’ means the Regional Council of that Region.”
 - (b) subclause 1(3) is deleted and the following is inserted instead –
 - “(3) Where, but for this subclause, this ordinance in relation to a matter, confers any jurisdiction or imposes any obligation on -
 - (a) the Archbishop and any one or more of the Regional Bishops; or
 - (b) any 2 or more of the Regional Bishops,then the jurisdiction must be exercised or those obligations performed by the Archbishop or by whichever of those Regional Bishops the Archbishop may nominate.”;
 - (c) subclause 1(4) is deleted and the following is inserted instead –
 - “(4) Where, but for this subclause, this ordinance, in relation to any matter confers any jurisdiction or imposes any obligation on any 2 or more of -
 - (a) the Standing Committee and any one or more of the Regional Councils; or
 - (b) any 2 or more of the Regional Councils,then that jurisdiction may be exercised or those obligations performed by the Standing Committee or by whichever of those Regional Councils the Standing Committee may nominate.”;
 - (d) in paragraph 4(6)(c) the words “Assistant Bishop” are deleted and are replaced with the words “Regional Bishop”.

Amendment of the Presentation and Exchange Ordinance 1988

19. The Presentation and Exchange Ordinance 1988 is amended in the following manner –
- (a) in paragraph 4(1)(a) and subclauses 21(4), 22(1) and 22(4) the words “the assistant bishop exercising episcopal duties over the area of the Diocese” are deleted wherever occurring and the following words are inserted instead –
 - “the Regional Bishop of the Region”;
 - (b) in subclause 11(3), the words “Archbishop-in-Council may direct in writing under the hand of the Diocesan Secretary” are deleted and the following words are inserted instead –
 - “Regional Bishop of the Region in which the parish is situated, acting on the advice of his Regional Council, may direct,”; and
 - (c) in paragraph 11(3)(a) the words “Archbishop-in-Council” are deleted and the following words are inserted instead -
 - “Regional Bishop-in-Council”.

Amendment of the Standing Committee Ordinance 1897

20. Subclause 4(5) of the Standing Committee Ordinance 1897 is amended by deleting the matter “PARC, WARC” and by inserting instead the words “a Regional Council”.

Amendment of the Elections Ordinance 1970

- 20A. The Elections Ordinance 1970 is amended as follows –
- (a) in clause 2 omit “28” and insert “56”; and
 - (b) at the end of clause 6 insert the following words –
 - “or which is to take place by postal ballot before that session.”
 - (c) after clause 37 the following new clause 37A is inserted –

“37A (1) For the purposes of conducting the elections for the persons referred to in paragraphs 1A(1)(b) and (c) of the Standing Committee Ordinance 1897 the provisions of this Ordinance apply subject to the following amendments –

- (a) a nomination may be accompanied by a precis of the nominee in accordance with clause 14A(1);
 - (b) if the nominations of persons for any election do not exceed the number of persons required to be elected, the Secretaries must inform the Returning Officer and the Archbishop who must, by written notice to each member of the Synod, declare the persons nominated to be duly elected;
 - (c) if the nominations of persons for any election exceed the number of persons required to be elected then the election must be conducted by postal ballot in accordance with the rules in subclause (2).
- (2) The rules for the conduct of the postal ballot are -
- (a) the ballot will take place on that day (the “Ballot Day”) which is 28 days before the first day of the session but if that day is a Saturday, Sunday or public holiday, the ballot will take place on the next day which is not a Saturday, Sunday or public holiday;
 - (b) the place and time of the ballot shall be determined by the Standing Committee;
 - (c) not less than 35 days prior to the first day of the session, the Secretaries must cause to be posted to each member of the Synod –
 - (i) notice of the date, time and place of the ballot;
 - (ii) a list of the names of the persons nominated, their designations and addresses and names of the proposers and seconders and the positions for which they are nominated;
 - (iii) the precis of nominees;
 - (iv) an envelope endorsed “ballot paper”;
 - (v) a certificate to be signed by the elector in the form which may be prescribed from time to time by regulation authorising the Returning Officer to place the sealed envelope containing the elector’s ballot paper in the ballot box on the elector’s behalf;
 - (vi) a ballot paper in or to the effect of the form prescribed by regulation; and
 - (vii) an envelope addressed to the Returning Officer,
 - (d) a member of the Synod desiring to record his or her vote must complete the ballot paper in accordance with clause 18, seal the ballot paper in the envelope endorsed “ballot paper”, enclose the envelope together with the signed certificate in the envelope provided and forward the envelope to the Returning Officer or hand it to him at the place and during the hours of the ballot;
 - (e) all envelopes duly received by the Returning Officer prior to the closing of the ballot must be opened by him. The Returning Officer shall retain the signed certificates until the conclusion of the election and must place the envelopes endorsed “ballot paper” in a ballot box.
- (3) As soon as convenient after receiving the report from the Returning Officer for the ballot under clause 23, the President must declare the persons elected to be so elected and post to each member of the Synod a copy of the Returning Officer’s Report referred to in paragraph 23(b).
- (4) An application for a recount under clause 26 must be made within 4 business days after the date upon which the notices referred to in subclause (3) are posted. Upon receipt of an application for a recount the Secretaries or one of them must forthwith notify the President in writing.
- (5) If a person is elected to the Standing Committee as a member under paragraph 1A(1)(b) or (c) of the Standing Committee Ordinance 1897 and is also nominated for election as a member under paragraph 1A(1)(d) or (e) of

that ordinance, then for the purposes of the last mentioned election the person is to be taken not to have been nominated.

(6) This clause ceases to have effect on the last day of the first session of the 44th Synod but without invalidating any election held in accordance with its provisions prior to that date.”

Part 5 - Variation of Trusts of Property

Declarations of Inexpediency

21. By reason of circumstances which arose after the creation of the trusts on which the property referred to in clauses 22, 23, 24 and 25 are respectively held, it is inexpedient to carry out and observe the same and it is inexpedient to deal with or apply that property for the same or like purposes as the trusts on which such property is held.

PARC Property

22. (1) Subject to subclause (3), the property held solely on trust for the general or specific purposes of PARC on the date on which this Part commences shall be thereafter held on trust for such purposes of the Parramatta Region as may be determined by the Regional Council thereof.

(2) All liabilities and obligations of PARC under any arrangement, contract, agreement or trust, shall be assumed by the Parramatta Regional Council which shall comply with, observe and perform the same to the full extent of the obligations of PARC thereunder.

(3) The members of PARC shall be indemnified from the property referred to in subclause (1) for any liability, cost or expense properly incurred while acting as members of PARC.

WARC Property

23. (1) Subject to subclause (3), the property held solely on trust for the general or specific purposes of WARC on the date on which this Part commences shall be thereafter held on trust for such purposes of the Wollongong Region as may be determined by the Regional Council thereof.

(2) All liabilities and obligations of WARC under any arrangement, contract, agreement or trust, shall be assumed by the Wollongong Regional Council which shall comply with, observe and perform the same to the full extent of the obligations of WARC thereunder.

(3) The members of WARC shall be indemnified from the property referred to in subclause (1) for any liability, cost or expense properly incurred while acting as members of WARC.

Inner City Committee Property

24. (1) Subject to subclause (3), the property held solely on trust for the general or specific purposes of the Inner City Committee on the date on which this Part commences shall be thereafter held on trust for such purposes of the South Sydney Region as may be determined by the Regional Council thereof.

(2) All liabilities and obligations of Inner City Committee under any arrangement, contract, agreement or trust, shall be assumed by the South Sydney Regional Council which shall comply with, observe and perform the same to the full extent of the obligations of Inner City Committee thereunder.

(3) The members of the Inner City Committee shall be indemnified from the assets referred to in subclause (1) for any liability, cost or expense properly incurred while acting as members of that Committee.

Marrickville Area Deanery Property

25. (1) Subject to subclause (3), the property held solely on trust for the general or specific purposes of the Marrickville Area Deanery or the Marrickville Area Deanery Committee on the date on which this Part commences shall be thereafter held on trust for such purposes of the Georges River Region as may be determined by the Regional Council thereof.

(2) All liabilities and obligations of the Marrickville Area Deanery Committee under any arrangement, contract agreement or trust shall be assumed by the Georges River Regional Council which shall comply with, observe and perform the same to the full extent of the obligations of the Marrickville Area Deanery Committee thereunder.

(3) The members of the Marrickville Area Deanery Committee shall be indemnified from the assets referred to in subclause (1) for any liability, cost or expense properly incurred while acting as members of that Committee.



Retirements Ordinance 1993

(Reprinted under the Interpretation Ordinance 1985.)

The Retirements Ordinance 1993 as amended by the Miscellaneous Amendments Ordinance 1995, the Archbishop of Sydney Amendment Ordinance 1997 and the Retirements Ordinance 1993 Amendment Ordinance 1999.

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Long Title

An ordinance to provide for the retirement of certain persons, to establish a Diocesan Retirements Board and for purposes incidental thereto.

Preamble

Now the Synod of the Diocese of Sydney ordains as follows –

Part 1 - Citation, Definitions and Application

Citation

1. This ordinance may be cited as the “Retirements Ordinance 1993”.

Definitions

2. In this ordinance unless the context otherwise requires –
 - “Appeal” means a requirement under clause 16(3).
 - “Application” means an application under clause 15(1).
 - “Board” means the Diocesan Retirements Board constituted by this ordinance.

“Chairman” means the chairman of the Board or the alternate chairman of the Board.

“Former Board” means the Diocesan Retirements Board constituted under the Former Ordinance.

“Former Ordinance” means the Sydney Diocesan Retirements Ordinance 1969-1985.

“Minister” means –

- (a) a Senior Minister;
- (b) a Parochial Minister;
- (c) a clerical canon of St Andrew's Cathedral or any provisional cathedral in the Diocese; and
- (d) a person licensed to officiate in the Diocese by a licence which, under its terms, is not revocable by the Archbishop at any time.

“Parochial Minister” means a person in holy orders licensed as incumbent to a Parochial Unit or licensed as curate-in-charge, curate or assistant minister of or in a Parochial Unit.

“Parochial Unit” means a parish or provisional parish in the Diocese.

“Request” means a request under clause 15(2).

“Senior Minister” means –

- (a) the Archbishop;
- (b) an Assistant Bishop;
- (c) the Dean; and
- (d) an Archdeacon.

Application

3. (1) Except as provided in clause 3(2), this ordinance does not apply to a Minister who is an employee.

(2) If a Minister –

- (a) is an employee; and
- (b) holds a licence to officiate in the Diocese which, under its terms, is not revocable by the Archbishop at any time,

clause 7 applies to that licence.

(3) This ordinance is subject to any other ordinance which requires a Minister to retire at a time or at an age before the age specified in this ordinance.

Part 2 - Retirement Ages

Retirement Ages

4. It is a term of the appointment or licensing of a Minister appointed or licensed after 16 October 1969 that, subject to clauses 5 and 6, such person retires at age 65 years.

Extension of Retirement Age of a Senior Minister

5. (1) The retirement age of a Senior Minister to whom clause 4 applies may be extended to an age not beyond 70 years –

- (a) in the case of the Archbishop, by the Synod or the Standing Committee;
- (b) in the case of an Assistant Bishop or an Archdeacon, by the Archbishop and the Standing Committee; and
- (c) in the case of the Dean, by the Archbishop and St Andrew's Cathedral Chapter.

(2) If the Archbishop is appointed Primate of the Anglican Church of Australia the retirement age of that Archbishop is extended until age 70 years.

Extension of Retirement Ages by the Archbishop

6. The Archbishop may, following receipt of a recommendation of the Board, extend the retirement age of a Minister (not being a Senior Minister) to whom clause 4 applies to an age not beyond 70 years.

Revocation of licence

7. The licence of a Minister may be revoked by the Archbishop (after giving to that Minister opportunity to show cause) where –

- (a) in the case of a Minister to whom clause 4 applies - the Minister has attained the age of 65 years and all extensions granted under this ordinance have expired; and
- (b) in the case of a Minister to whom clause 4 does not apply –
 - (i) the Minister has attained 70 years; and
 - (ii) the Board is satisfied that the superannuation benefits and other payments and accommodation available to the Minister on the Minister's retirement, and for the Minister's pension, are adequate for the Minister's needs.

After Retirement

8. (1) A clerical canon, upon retiring, is to be given the title of "canon emeritus".
- (2) A Minister who is aged 65 years or older may be licensed to such position in the Diocese as the Archbishop may determine provided that the terms of the licence are such that it may be revoked at any time.

Part 3 - Diocesan Retirements Board

Diocesan Retirements Board

9. The Diocesan Retirements Board is established.

Constitution of the Board

10. The Board consists of –
- (a) a chairman and an alternate chairman each of whom must be an Assistant Bishop nominated by the Archbishop;
 - (b) five Ministers; and
 - (c) five lay members, each of whom must be a communicant member of the Anglican Church of Australia.

Appointments to the Board

11. (1) Subject to clause 20, the Archbishop-in-Council must make appointments to the Board as soon as reasonably possible after the first ordinary session of each Synod.
- (2) Subject to clause 12, members of the Board hold office until the next succeeding appointment (under clause 11(1)).
- (3) A person of or above the age of 65 years is not eligible to be appointed a member of the Board.
- (4) A person who is proposed or nominated to be appointed as a lay member of the Board must prior to the person's appointment make the following declaration-

"I declare that I am a communicant member of the Anglican Church of Australia."

Vacancies on the Board

12. A member of the Board vacates office –
- (a) upon attaining the age of 65 years;
 - (b) if such person dies, resigns, or is absent from the State for a period of three months without leave of absence;
 - (c) if the Archbishop certifies that in his opinion the member is incapable of performing that member's duties as a member of the Board;
 - (d) in the case of a clerical member, if the member ceases to hold the Archbishop's licence; or
 - (e) in the case of a lay member, if the member ceases to be a communicant member of the Anglican Church of Australia.

Filling of Casual Vacancies on the Board

13. A casual vacancy on the Board is to be filled by a person appointed by the Archbishop-in-Council.

Function of the Board

14. The Board may make recommendations to the Archbishop regarding extensions of service for a Minister (other than a Senior Minister) beyond the retirement age applicable to the Minister.

Application to the Board

15. (1) A Minister (other than a Senior Minister) may apply to the Board for one or more extensions of the retirement age applicable to the Minister.
- (2) The Archbishop, an Assistant Bishop or the Registrar may request that the Board consider whether the retirement age of a Minister who has not made an Application should be extended.
- (3) An Application and a Request must –
- (a) be made in writing to the Chairman by the applicant or the person making the Request; and
 - (b) be received by the Chairman no later than one calendar month before the applicant or the person the subject of the Request is due to retire provided that the Board, in its discretion may accept as adequate a period of less than one month.
- (4) A person who has made an Application or is the subject of a Request has an extension in office for a period of three months after the date on which such person is required to retire.

Application or request for extension for a period not more than 12 months

16. (1) This clause applies to an Application or a Request, in each case for an extension of the retirement age by not more than 12 months, made by or in respect of a Minister, not being a Senior Minister, whose retirement age has not been extended under this ordinance (apart from clause 15(4)).

(2) If an Application or a Request to which this clause applies is considered by the Chairman, the Chairman must notify the person who has made the Application or who is the subject of the Request of the proposed recommendation concerning the Application or Request.

(3) A Minister who has made an Application or is the subject of a Request to which this clause applies who is dissatisfied with a proposed recommendation of the Chairman prepared in relation to the Application or Request may, within 14 days after receiving notification of the proposed recommendation, require that the Application or Request be dealt with by the Board.

(4) If, following notification under clause 16(3), the person who made the Application or who is the subject of the Request does not request that the Application or the Request be dealt with by the Board, the proposed recommendation of the Chairman is the recommendation of the Board.

Meetings of the Board

17. (1) Within 3 months after receipt of –

- (a) an Application for an extension of a Minister's retirement age of more than 12 months;
- (b) a Request for an extension of a Ministers's retirement age of more than 12 months;
- (c) an Application or Request to which clause 16 applies which is not considered by the Chairman under clause 16(2); or
- (d) an Appeal,

the Chairman must convene a meeting of the Board for the purpose of considering the Application, Request or Appeal.

(2) For the purpose of receiving evidence, the Chairman must invite in writing the person who made the Application, the person the subject of the Request or the person who made the Appeal (which person is entitled to be heard), and such other persons as the Board may consider necessary, to attend the meeting of the Board.

(3) A quorum for a meeting of the Board is the Chairman, two clerical members and two lay members.

(4) The Chairman convening the meeting of the Board or, in the absence of that person, the other Chairman, is to preside at a meeting of the Board.

(5) The Chairman presiding at a meeting of the Board has a deliberative vote and, in the event of an equality of votes, has a second or casting vote.

(6) No person whose case is under consideration may act as a member of the Board.

Recommendations of the Board

18. The Chairman must deliver the recommendations of the Board to the Archbishop. The Board is not required to give reasons for any recommendation.

Procedures

19. Subject to the terms of this ordinance, the Board may determine its own procedures. The Board may by resolution make and revoke and from time to time make further regulations as it considers fit for the purpose of determining or regulating its procedures.

Part 4 - Transitional

Membership of the Board

20. The first members of the Board are those persons who were, immediately prior to the date of assent to this ordinance, members of the Former Board and eligible for appointment under clauses 10 and 11(3). A vacancy on the Board which occurs because a member of the Former Board is not eligible for appointment to the Board is taken to be a casual vacancy.

Extension of Retirement Age under Sydney Diocesan Retirements Ordinance 1969-1985

21. The extension of the retirement age of a Minister under the Former Ordinance is taken to be an extension of the retirement age under this ordinance.

Applications etc made under the Sydney Diocesan Retirements Ordinance 1969-1985

22. (1) A request for the extension of the retirement age made by a Minister under the Former Ordinance which has not been considered by the Former Board prior to the date of assent to this ordinance is taken to be an Application made under this ordinance.

(2) A request by the Archbishop or an Assistant Bishop made under clause 13(1)(b) of the Former Ordinance which has not been considered by the Former Board prior to the date of assent to this ordinance is taken to be a Request made under this ordinance.

(3) A request by a Minister made under clause 13(5) of the Former Ordinance which has not been considered by the Former Board prior to the date of assent to this ordinance is taken to be an Appeal made under this ordinance.

(4) A recommendation by the Former Board to the Archbishop delivered under clause 16 of the Former Ordinance is taken to be a recommendation made by the Board.

No application to present Archbishop

23. Nothing in this ordinance applies to the retirement age of the Archbishop in office at the date of assent to this ordinance whose retirement age (and any extensions thereto) are, notwithstanding clause 24, to be determined under the relevant provisions of the Former Ordinance.

Part 5 - General

Repeal of Sydney Diocesan Retirements Ordinance 1969-1985 etc

24. The Former Board is dissolved and the Former Ordinance repealed.

Amendment of Other Ordinances

25. A reference to the Former Ordinance in any ordinance is taken to be a reference to this ordinance.



Synod Membership Ordinance 1995

(Reprinted under the Interpretation Ordinance 1985.)

The Synod Membership Ordinance 1995 as amended by the Miscellaneous Amendments Ordinance 1997, the Assisted Provisional Parishes (Reclassification) Ordinance 1997, the Synod Membership Ordinance 1995 Amendment Ordinance 2003, the Synod and Standing Committee (Membership) Amendment Ordinance 2003, the Synod Membership (Election of Parochial Representatives) Amendment Ordinance 2004 and the Synod Membership (Indigenous Representation) Amendment Ordinance 2006.

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Long Title

An Ordinance to provide for the election, appointment and summoning of Synod members and for matters incidental thereto.

Now the Synod of the Diocese of Sydney Ordains as follows –

Part 1 - Preliminary

1. Citation

This Ordinance may be cited as the “Synod Membership Ordinance 1995”.

2. Definitions

A word or expression used in this Ordinance and which is defined in the Dictionary at the end of this Ordinance has the meaning set out in the Dictionary.

Part 2 - Frequency and Proceedings of Synod

3. Frequency

A new Synod must be elected and convened at least once in every 3 years.

4. Rules for Conduct of Business of Synod

The rules for the conduct of all business coming before the Synod shall be those set out in the Schedule to the Standing Orders Ordinance 1968.

Part 3 - Membership of Synod

5. Membership

Subject to this Ordinance, the members of a Synod comprise –

- (a) Parochial Ministers (see Part 4);
- (b) Parochial Representatives for that Synod (see Part 5);
- (c) Chief Executive Officers of Nominated Organisations for that Synod (see Part 6);
- (d) Nominated Ministers for that Synod (see Part 7);
- (e) Nominated Laypersons for that Synod (see Part 8); and
- (f) Nominated Indigenous Representatives for that Synod (see Part 8A); and
- (g) Other members (see Part 9).

6. Declaration

Each Parochial Representative, alternate for a Parochial Representative, Nominated Layperson and Nominated Indigenous Layperson must, before taking part in or voting at any session of the Synod, sign and deliver to the President the following declaration –

“I, the undersigned A.B., do declare that I am a communicant member of the Anglican Church of Australia and not a member of any other Church.”

Part 4 - Parochial Ministers

Division 1 – Parochial Ministers

7. Each Parochial Minister must be summoned to Synod

Each Parochial Minister is a member of the Synod and must be summoned to each session of the Synod convened after that person becomes a Parochial Minister.

8. What if a person ceases to be a Parochial Minister after a summons has issued?

If a person is summoned to a session of Synod as a Parochial Minister and before the first day of that session the person ceases to be a Parochial Minister, the person ceases to be a member of the Synod and the summons is void.

Division 2 - Alternate for a Parochial Minister

8A. Parochial Minister may appoint an alternate

(1) A Parochial Minister may appoint an Associate Minister licensed to the same Parochial Unit to be the alternate for the Parochial Minister for a session of the Synod if the Parochial Minister expects that during all or part of that session –

- (a) the Parochial Minister will be outside the Diocese; or
- (b) the Parochial Minister will be on annual leave or long service leave; or
- (c) the Parochial Minister will be unable to perform normal ministry duties due to sickness or accident for which the Parochial Unit will be in receipt of benefits from the Sydney Diocesan Sickness and Accident Fund; or
- (d) the Parochial Minister, with the consent of the Archbishop, will for any other reason be unable to attend all or part of that session.

(2) The appointment of an alternate can only be made by the Parochial Minister giving to the Registrar, at least 14 days prior to the first day of the session, a written notice –

- (a) certifying that the Parochial Minister expects that during all or part of that session the Parochial Minister will be outside the Diocese or will be on annual leave or long service leave or will be unable to perform normal ministry duties in terms of subclause (1)(c) or, with the consent of the Archbishop, will for another reason be unable to attend all or part of that session; and
- (b) specifying the name and address of the Associate Minister appointed as the alternate and the session of the Synod for which the alternate has been appointed.

(3) An appointment made under this clause may only be revoked –

- (a) by the Parochial Minister; and
- (b) if written notice of the revocation is given to the Registrar at least 14 days prior to the first day of the session.

8B. Alternate to attend in place of the Parochial Minister

(1) At the session of the Synod for which an Associate Minister is appointed as the alternate for a Parochial Minister, the alternate –

- (a) may exercise all the rights which a Parochial Minister may exercise as a member of the Synod; and
- (b) shall be taken to be a Parochial Minister in determining any quorum at the session,

but is not entitled to be elected to any office or committee of the Synod for which membership of the Synod is a qualification.

- (2) If –
- (a) a Parochial Minister has appointed an alternate under clause 8A; and
 - (b) the appointment has not ended under clause 8C,

the Parochial Minister is not to attend the session of the Synod for which the alternate has been appointed.

8C. When does an appointment of an alternate end?

The appointment of an Associate Minister as the alternate for a Parochial Minister under clause 8A ends on the first to occur of –

- (a) the person making the appointment ceasing to be the Parochial Minister of the Parochial Unit to which the person was licensed at the time the appointment was made; or
- (b) the person appointed as alternate ceasing to be an Associate Minister licensed to the Parochial Unit to which the person was licensed at the time the appointment was made; or
- (c) the Parochial Minister revoking the appointment under clause 8A(3); or
- (d) the end of the last day of the session of the Synod for which that person was appointed as an alternate.

Part 5 - Parochial Representatives

Division 1 - Parochial Representatives

9. Who is a Parochial Representative?

A person is a Parochial Representative for a Synod if –

- (a) that person has been elected to be a Parochial Representative for that Synod; and
- (b) notice of the election has been given to the Registrar under clause 17; and
- (c) that person has not retired as a Parochial Representative under clause 18.

Division 2 - Election of Parochial Representatives

10. How many Parochial Representatives can a Parish elect?

A Parish may elect 1 or 2 Qualified Persons to be Parochial Representatives.

11. How many Parochial Representatives can a Provisional Parish elect?

A Provisional Parish may elect 1 Qualified Person to be a Parochial Representative.

12. What if a Parish is reclassified as a Provisional Parish?

(1) If a Parish is reclassified as a Provisional Parish, the persons elected (if any) to be Parochial Representatives for that Parish retire as Parochial Representatives on the date the reclassification takes effect.

(2) A Parochial Representative for the Provisional Parish may be elected at a Vestry Meeting held at any time after the date of reclassification.

(3) For the purposes of this clause –

- (a) “reclassified” does not include provisionally reclassified; and
- (b) where the date of reclassification occurs within 2 months before the first day of a session of Synod or occurs during a session of Synod, the date of reclassification is taken to be the day after the last day of that session of Synod.

13. What if a Provisional Parish is reclassified as a Parish?

(1) If a Provisional Parish is reclassified as a Parish an additional Parochial Representative for that Parochial Unit may be elected at a Vestry Meeting held at any time after the date of reclassification.

(2) If a Provisional Parish is reclassified as a Parish within 2 months before the first day of a session of Synod or during a session of Synod, the date of reclassification is taken to be, for the purpose of this clause, the day after the last day of that session of Synod.

14. What if 2 or more Parochial Units Amalgamate?

(1) Where 2 or more Parochial Units are amalgamated, the persons elected (if any) to be Parochial Representatives for each of those Parochial Units retire as Parish Representatives on the date of amalgamation.

(2) A Parish Representative or Representatives for the new Parochial Unit may be elected at a Vestry Meeting held at any time after the date of amalgamation.

(3) If 2 or more Parochial Units are amalgamated within 2 months before the first day of a session of Synod or during a session of Synod the date of amalgamation is taken to be, for the purposes of this clause, the day after the last day of that session of Synod.

15. When may persons be elected to be Parochial Representatives?

A person may be elected to be a Parochial Representative of a Parochial Unit for a Synod at a Vestry Meeting held at any time during the calendar year in which the first ordinary session of that Synod is to be convened or at any time thereafter.

16. How are elections to be conducted?

The provisions of clause 14 of the Church Administration Ordinance 1990 apply in relation to the nomination of a person as a Parochial Representative and to the conduct of contested elections as if those provisions were set out in full in this ordinance.

17. Notice to be given to the Registrar when a person is elected to be a Parochial Representative

Upon the election of a person to be a Parochial Representative, the chairman of the Vestry Meeting at which the election took place must give, or cause to be given, to the Registrar a written notice specifying –

- (a) the name, address and date of election of the person elected to be a Parochial Representative; and
- (b) the Synod for which the person has been elected to be a Parochial Representative.

Division 3 - Retirement of Parochial Representatives

18. When does a person retire as a Parochial Representative?

A person retires as a Parochial Representative if –

- (a) a Disqualifying Event occurs in respect of that person;
- (aa) the person ceases to be a Qualified Person;
- (b) the person resigns by written notice given to the Parochial Minister or, if there is no Parochial Minister, to the churchwardens of the church of the Parochial Unit or if there is more than one church in the Parochial Unit, to the churchwardens of the principal church; or
- (c) the person retires as a Parochial Representative by reason of clause 12 or 14.

19. Notice to be given to the Registrar when a person retires as a Parochial Representative

If a person retires as a Parochial Representative otherwise than by reason of clause 12 or 14, the Parochial Minister or, if there is no Parochial Minister, the churchwardens of the church of the Parochial Unit or if there is more than one church in the Parochial Unit, the churchwardens of the principal church must give, or cause to be given, to the Registrar a written notice specifying –

- (a) the name of the person and the date on which the person retired as a Parochial Representative; and
- (b) the Synod for which the person had been a Parochial Representative.

20. A vacancy in the office of a Parochial Representative may be filled

A person may be elected to fill a vacancy in the office of a Parochial Representative at a Vestry Meeting of the Parochial Unit.

Division 4 - Summoning of Parochial Representatives to Synod

21. Parochial Representatives must be summoned to Synod

Each person who is a Parochial Representative for a Synod is a member of that Synod and must be summoned to each session of that Synod convened after that person becomes a Parochial Representative.

22. What if a person retires as a Parochial Representative after a summons has issued?

If a person is summoned to a session of Synod as a Parochial Representative and before the first day of that session that person retires as a Parochial Representative, the summons is void.

Division 5 - Alternate for a Parochial Representative

22A. Parochial Representative may appoint an alternate

(1) With the consent of the parish council, a Parochial Representative may appoint a Qualified Person to be the alternate for the Parochial Representative for a session of the Synod if the Parochial Representative expects that during all or part of the session –

- (a) the Parochial Representative will be outside the Diocese; or
- (b) the Parochial Representative will be on annual leave or long service leave or sick leave;

- or
- (c) the Parochial Representative will be for any other reason unable to attend all or part of that session.
- (2) The appointment of an alternate can only be made by the Parochial Representative giving to the Registrar, at least 14 days prior to the first day of the session, a written notice –
- (a) certifying that the Parochial Representative expects that during all or part of that session the Parochial Representative will be outside the Diocese or will be on annual leave or long service leave or sick leave or for another specified reason will be unable to attend all or part of that session; and
- (b) specifying the name and address of the Qualified Person appointed as the alternate and the session of the Synod for which the alternate has been appointed; and
- (c) certifying that the appointment of the alternate has been approved by the parish council.
- (3) An appointment made under this clause may be revoked if written notice of the revocation is given to the Registrar at least 14 days prior to the first day of the session –
- (a) by the parish council; or
- (b) by the Parochial Representative if he or she has become available to attend the session of Synod.

22B. Alternate to attend in place of the Parochial Representative

- (1) At the session of the Synod for which a Qualified Person is appointed as the alternate for a Parochial Representative, the alternate –
- (a) may exercise all the rights which a Parochial Representative may exercise as a member of the Synod; and
- (b) shall be taken to be a Parish Representative in determining any quorum at the session, but is not entitled to be elected to any office or committee of the Synod for which membership of the Synod is a qualification.
- (2) If –
- (a) a Parochial Representative has appointed an alternate under clause 22A; and
- (b) the appointment has not ended under clause 22C,

the Parochial Representative is not to attend the session of the Synod for which the alternate has been appointed.

22C. When does an appointment of an alternate end?

The appointment of a Qualified Person as the alternate for a Parochial Representative under clause 22A ends on the first to occur of –

- (a) the retirement of the Parochial Representative under clause 18; or
- (b) the person appointed as the alternate ceasing to be a Qualified Person; or
- (c) the revocation of the appointment under clause 22A(3); or
- (d) the end of the last day of the session of the Synod for which that person was appointed as an alternate.

Part 6 - Chief Executive Officers of Nominated Organisations

Division 1 - Nominated Organisations

23. What is a Nominated Organisation?

Subject to clause 25, a diocesan board, department or organisation is a Nominated Organisation for a Synod if –

- (a) the board, department or organisation has been declared by the Standing Committee under clause 24 to be a Nominated Organisation for that Synod; and
- (b) notice of the declaration has been given to the Registrar under clause 26.

Division 2 - Declaration of boards etc to be Nominated Organisations

24. How does a board etc become a Nominated Organisation?

The Standing Committee may, by resolution, declare a diocesan board, department or organisation to be a Nominated Organisation for a Synod.

25. How many Nominated Organisations may exist at one time?

- (1) The Standing Committee must not make a declaration under clause 24 if, at the time the declaration is made, similar declarations are in force for 7 other diocesan boards, departments or

organisations for the same Synod in respect of which the Standing Committee proposes making the declaration.

(2) A declaration made in breach of subclause 25(1) is void.

26. Notice must be given to the Registrar when a board etc is declared to be a Nominated Organisation

Upon the making of a declaration under clause 24, the Standing Committee must give, or cause to be given, to the Registrar and to the governing body of the relevant board, department or organisation a written notice specifying –

- (a) the name of the board, department or organisation and the date on which the declaration was made; and
- (b) the Synod for which the board, department or organisation has been declared to be a Nominated Organisation.

Division 3 - Chief Executive Officers of Nominated Organisations

27. Nominated Organisation to give notice re Chief Executive Officer

At any time after receiving notice under clause 26, the governing body of a Nominated Organisation may give to the Registrar written notice of the name and address of its Chief Executive Officer.

28. Notice must be given to the Registrar when a person ceases to be Chief Executive Officer

(1) If –

- (a) the governing body of a Nominated Organisation has given notice of the name and address of its Chief Executive Officer under clause 27; and
- (b) the person referred to in that notice ceases to be the Chief Executive Officer,

the governing body of the Nominated Organisation must give to the Registrar written notice specifying the name of that person and the date on which that person ceased to be the Chief Executive Officer.

(2) The governing body of the Nominated Organisation may then give a notice under clause 27 in respect of its new Chief Executive Officer.

Division 4 - Summoning of Chief Executive Officers to Synod

29. Chief Executive Officers of Nominated Organisations must be summoned to Synod

If –

- (a) a diocesan board, department or organisation is a Nominated Organisation; and
- (b) notice of the name and address of the person who is the Chief Executive Officer that board, department or organisation has been given under clause 27; and
- (c) the person referred to in paragraph (b) has not ceased to be Chief Executive Officer; and
- (d) that person is not entitled to be summoned to the Synod under Part 4, 5 or 9 of this ordinance,

that person is a member of the Synod and must be summoned to each session of the Synod held after the date on which the person became the Chief Executive Officer.

30. What if a person ceases to be Chief Executive Officer of a Nominated Organisation after a summons has issued?

If a person is summoned to a session of Synod as the Chief Executive Officer of a Nominated Organisation, and before the first day of that session that person ceases to be the Chief Executive Officer of a Nominated Organisation, the summons is void.

Part 7 Nominated Ministers

Division 1 - Nominated Ministers

31. Who is a Nominated Minister?

A person is a Nominated Minister for a Synod if –

- (a) that person has been appointed by the Archbishop to be a Nominated Minister for that Synod;
- (b) notice of the appointment has been given to the Registrar and to the Standing Committee under clause 34; and
- (c) that person has not retired as a Nominated Minister under clause 35.

32. Number of Nominated Ministers

(1) As soon as is practicable in the calendar year in which the first ordinary session of a Synod is to be convened, and in any event not less than 2 months before the first day of that session, the Archbishop shall advise the Standing Committee of the number of persons the Archbishop intends to appoint as Nominated Ministers for that Synod.

(2) The number of Nominated Ministers for a Synod must not, at any time, exceed that number which is equal to 10% of the total number of Parochial Ministers determined on 1 January in the calendar year in which the first session of that Synod is to be or was held.

(3) The Archbishop may, at any time, by advice to the Standing Committee increase the number of persons to be appointed as Nominated Ministers for a Synod provided that the total number of Nominated Ministers for that Synod must not exceed the number calculated in accordance with subclause (2).

(4) If the Archbishop increases the number of Nominated Ministers under subclause (3) within 2 months before the first day of a session of Synod, such increase does not take effect until the day after the last day of that session.

Division 2 - Appointment of Persons to be Nominated Ministers

33. Who may be appointed to be a Nominated Minister?

The Archbishop may only appoint a person to be a Nominated Minister if –

- (a) that person is a Qualified Minister; and
- (b) that person is not entitled to be summoned to a session of Synod under Part 4, 6 or 9 of this ordinance.

34. Notice must be given on the appointment of a person to be a Nominated Minister

(1) The Archbishop must give written notice to the Registrar and the Standing Committee of the name of each person appointed by the Archbishop to be a Nominated Minister for a Synod.

(2) The Archbishop must not appoint a person to be a Nominated Minister for a Synod if such appointment would result in the number of Nominated Ministers for that Synod exceeding the number advised by the Archbishop to the Standing Committee under subclauses 32(1) or (3).

Division 3 - Retirement of Nominated Ministers

35. When does a person retire as a Nominated Minister?

A person retires as a Nominated Minister if –

- (a) a Disqualifying Event occurs in respect of that person; or
- (b) the person resigns by written notice given to the Archbishop; or
- (c) the person ceases to be a Qualified Minister; or
- (d) the person becomes entitled to be summoned to a session of Synod under Part 4, 6 or 9 of this ordinance.

36. Notice must be given when a person retires as a Nominated Minister

Upon a person retiring as a Nominated Minister the Archbishop must give, or cause to be given, to the Registrar a written notice specifying –

- (a) the name, address and date on which the person retired as a Nominated Minister; and
- (b) the Synod for which that person had been a Nominated Minister.

37. Filling of Casual Vacancies

The Archbishop may appoint a person to fill a vacancy in the office of a Nominated Minister.

Division 4 - Summoning of Nominated Ministers to Synod

38. Nominated Ministers must be summoned to Synod

Each Nominated Minister is a member of the Synod for which that person has been appointed and must be summoned to each session of that Synod convened after that person becomes a Nominated Minister.

39. What if a person retires as a Nominated Minister after a summons has issued?

If a person is summoned to a session of Synod as a Nominated Minister and before the first day of that session the person retires as a Nominated Minister, the summons is void.

Part 8 - Nominated Laypersons

Division 1 - Nominated Laypersons

40. Who is a Nominated Layperson?

A person is a Nominated Layperson for a Synod if –

- (a) that person has been elected to be a Nominated Layperson for that Synod; and
- (b) notice of the election has been given to the Registrar under clause 45; and
- (c) the person has not retired as a Nominated Layperson under clause 46.

41. Number of Nominated Laypersons

(1) The number of Nominated Laypersons for a Synod is the same as the number of Nominated Ministers for that Synod which the Archbishop has advised the Standing Committee under subclause 32(1) or (3).

(2) The retirement of a Nominated Minister under clause 35 does not reduce the number of Nominated Laypersons for a Synod.

Division 2 - Election of Nominated Laypersons

42. Who elects persons to be Nominated Laypersons?

The Standing Committee may elect persons to be Nominated Laypersons.

43. Who may be elected to be a Nominated Layperson

The Standing Committee may only elect a person to be a Nominated Layperson if –

- (a) that person is a Qualified Person; and
- (b) that person is not entitled to be summoned to a session of Synod under Part 5, 6 or 9 of this ordinance.

44. When may persons be elected to be Nominated Laypersons?

On receipt of advice from the Archbishop under clause 32 or at any time thereafter, the Standing Committee may, by resolution, elect Qualified Persons to be Nominated Laypersons.

45. Notice must be given on the election of a Nominated Layperson

Upon the election of a person to be a Nominated Layperson, the Standing Committee must give, or cause to be given, to the Registrar written notice specifying –

- (a) the name and address of that person and the date of election; and
- (b) the Synod for which that person has been elected to be a Nominated Layperson.

Division 3 - Retirement of Nominated Laypersons

46. When does a person retire as a Nominated Layperson?

A person retires as a Nominated Layperson if –

- (a) a Disqualifying Event occurs in respect of that person; or
- (b) that person resigns by written notice given to the Diocesan Secretary; or
- (c) the person becomes entitled to be summoned to Synod under Part 5, 6 or 9 of this ordinance.

47. Notice must be given when a person retires as a Nominated Layperson

When a person retires as a Nominated Layperson, the Standing Committee must give, or cause to be given, to the Registrar written notice specifying the name of that person and the date on which that person retired as a Nominated Layperson.

48. A new Nominated Layperson may be elected to fill a vacancy

A person may be elected by the Standing Committee to fill a vacancy in the office of a Nominated Layperson.

Division 4 - Summoning of Nominated Laypersons to Synod

49. Nominated Laypersons must be summoned to Synod

Each Nominated Layperson is a member of the Synod for which that person has been elected and must be summoned to each session of that Synod convened after the date on which that person becomes a Nominated Layperson.

50. What if a person retires as a Nominated Layperson after a summons has issued?

If a person is summoned to a session of Synod as a Nominated Layperson and before the first day of that session the person retires as a Nominated Layperson, the summons is void.

Part 8A – Nominated Indigenous Representatives

Division 1 – Election of Nominated Indigenous Representatives

50A. Who is a Nominated Indigenous Representative?

- (1) A person is a Nominated Indigenous Minister for a Synod if –
 - (a) that person has been elected to be a Nominated Indigenous Minister for that Synod; and
 - (b) notice of the election has been given to the Registrar under clause 50C; and
 - (c) the person has not retired as a Nominated Indigenous Minister under clause 50D.
- (2) A person is a Nominated Indigenous Layperson for a Synod if –
 - (a) that person has been elected to be a Nominated Indigenous Layperson for that Synod; and
 - (b) notice of the election has been given to the Registrar under clause 50C; and
 - (c) the person has not retired as a Nominated Indigenous Layperson under clause 50D.

50B. Election of Nominated Indigenous Representatives

- (1) The Sydney Anglican Indigenous Peoples' Ministry Committee may elect one person to be a Nominated Indigenous Minister if –
 - (a) that person is an Indigenous Person, and
 - (b) that person is a Qualified Minister, and
 - (c) that person is not entitled to be summoned to a session of the Synod under Parts 4, 6, 7 or 9 of this Ordinance.
- (2) The Sydney Anglican Indigenous Peoples' Ministry Committee may elect one person to be a Nominated Indigenous Layperson if –
 - (a) that person is an Indigenous Person, and
 - (b) that person is a Qualified Person, and
 - (c) that person is not entitled to be summoned to a session of the Synod under Parts 5, 6, 8 or 9 of this Ordinance.

50C. Notice must be given on the election of a Nominated Indigenous Representative

Upon the election of a person to be a Nominated Indigenous Representative, the Sydney Anglican Indigenous Peoples' Ministry Committee must give, or cause to be given, to the Registrar written notice specifying –

- (a) the name and address of that person and the date of election, and
- (b) the Synod for which that person has been elected to be a Nominated Indigenous Representative.

Division 2 – Retirement of Nominated Indigenous Representatives

50D. When does a person retire as a Nominated Indigenous Representative?

A person retires as a Nominated Indigenous Representative if –

- (a) a Disqualifying Event occurs in respect of that person, or
- (b) that person resigns by written notice given to the Chairman of the Sydney Anglican Indigenous Peoples' Ministry Committee, or
- (c) the person becomes entitled to be summoned to Synod under –
 - (i) parts 4, 6, 7 or 9 in the case of a Nominated Indigenous Minister, or
 - (ii) parts 5, 6, 8 or 9 in the case of a Nominated Indigenous Layperson.

50E. Notice must be given when the person retires as a Nominated Indigenous Representative

When a person retires as a Nominated Indigenous Representative, the Sydney Anglican Indigenous Peoples' Ministry Committee must give, or cause to be given, to the Registrar written notice specifying the name of that person and the date on which that person retired as a Nominated Indigenous Representative.

50F. A new Nominated Indigenous Representative may be elected to fill a vacancy

A person may be elected by the Sydney Anglican Indigenous Peoples' Ministry Committee to fill a vacancy in the office of a Nominated Indigenous Representative.

Division 3 – Summoning of Nominated Indigenous Representative to Synod

50G. Nominated Indigenous Representatives must be summoned to the Synod

Each Nominated Indigenous Representative is a member of the Synod for which that person has been elected and must be summoned to each session of that Synod convened after the date on which that person becomes a Nominated Indigenous Representative.

50H. What if a person retires as a Nominated Indigenous Representative after a summons has issued?

If a person is summoned to a session of Synod as a Nominated Indigenous Representative and before the first day of that session the person retires as a Nominated Indigenous Representative, the summons is void.

Part 9 - Other Members of Synod

51. The Chancellor

The Chancellor is a member of the Synod and must be summoned to each session of the Synod.

52. The Registrar

The Registrar is a member of the Synod and must be summoned to each session of the Synod.

52A. Diocesan Secretary

The Diocesan Secretary is a member of the Synod and must be summoned to each session of the Synod.

53. Warden of St Paul's College and College Representatives

(1) The Warden of St Paul's College is a member of the Synod and must be summoned to each session of the Synod.

(2) Two Qualified Persons, elected by the council of St Paul's College from among themselves, must be summoned to the Synod. The Warden must cause a certificate of election to be delivered to each member of the council so elected and to the Registrar.

Part 10 - Transitional

54. Commencement and Transitional

- (1) Parts 2 to 8 inclusive and Part 9 and clause 55 commence on the last to occur of –
- (a) the date on which the Constitution Ordinance 1994 of the Provincial Synod is adopted by the Synod of each diocese in the Province of New South Wales; and
 - (b) the passing of a canon of the General Synod ratifying the Constitution Ordinance 1994 of the Provincial Synod.
- (2) With effect on and from the date of commencement of Parts 2 to 8 inclusive and Part 9 –
- (a) persons who, immediately before that date, were representatives of a Parochial Unit elected for a Synod under the Former Legislation are taken to be Parochial Representatives duly elected for that Synod under Part 5;
 - (b) persons who, immediately before that date, were nominated chief executive officers for a Synod under clause 2A of the Synod Representative and Membership Ordinance 1945 are taken to be duly appointed Chief Executive Officers of a Nominated Organisation for that Synod under Part 6;
 - (c) clergymen who, immediately before that date, were eligible to be summoned to a session of Synod under the 14th Constitution Ordinance 1988 are taken to be duly appointed Nominated Ministers for that Synod under Part 7; and
 - (d) laypersons who, immediately before that date, were eligible to be summoned to a session of Synod under the Regulations made by the Synod on 23 September 1903 under the 14th Constitution in the Schedule to the Anglican Church of Australia Constitutions Act 1902 are taken to be duly appointed Nominated Laypersons for that Synod under Part 8.
- (3) A declaration made by a person under the 17th Constitution in the Schedule to the Anglican Church of Australia Constitutions Act 1902 for the purposes of the Synod which is current on the date on which 2 to 8 inclusive and Part 9 commence are taken to have been made under clause 6.

55. Repeal of Former Legislation

The Former Legislation is repealed but without invalidating anything done under or pursuant to it before the commencement of this clause.

Dictionary

In this ordinance unless the context otherwise requires -

“Associate Minister” means an assistant minister or a senior assistant minister within the meaning of the Assistant Ministers Ordinance 1990.

“Chief Executive Officer” of a diocesan board, department or organisation means the person who is responsible to the governing body of the board, department or organisation for the work of the organisation.

“Disqualifying Event” in relation to a person means any of the following –

- (a) the death of that person;
- (b) becoming an insolvent under administration;
- (c) becoming a mentally incapacitated person;

“Former Legislation” means each of the following (as amended) –

- (a) Synod Representative and Membership Ordinance 1945;
- (b) 14th Constitution Ordinance 1988; and
- (c) regulations made by the Synod on 23 September 1903 under the 14th of the Constitutions contained in the Schedule to the Anglican Church Constitutions Act Amendment Act of 1902.

“Indigenous Person” means a person of the Aboriginal race of Australia or who is a descendant of the Indigenous inhabitants of the Torres Strait Islands.

“Minister” means a person in holy orders.

“Nominated Indigenous Minister” for a Synod means a person to whom clause 50A(1) applies.

“Nominated Indigenous Layperson” for a Synod means a person to whom clause 50A(2) applies.

“Nominated Indigenous Representative” means a Nominated Indigenous Minister or a Nominated Indigenous Layperson.

“Nominated Layperson” for a Synod means a person to whom clause 40 applies.

“Nominated Minister” for a synod means a person to whom clause 31 applies.

“Nominated Organisation” for a Synod means a diocesan board, department or organisation that, in accordance with clause 23, is a nominated organisation for the Synod.

“Parish” means a parish constituted under or recognised as such under the Parishes Ordinance 1979.

“Parochial Minister” means a Minister who –

- (a) is licensed as the rector of a Parish;
- (b) is licensed as the curate-in-charge of a Parochial Unit; or
- (c) is licensed as the acting rector of a Parish if the license expressly states that the person is entitled to receive a summons to Synod.

“Parochial Representative” for a Synod means a person to whom clause 9 applies.

“Parochial Unit” means a Parish and a Provisional Parish.

“Provisional Parish” means a provisional parish constituted under or recognised as such under the Parishes Ordinance 1979.

“Qualified Minister” means a Minister who is authorised or licensed to officiate by the Archbishop and –

- (a) has previously been summoned to a session of a Synod as a Parochial Minister; or
- (b) is engaged in teaching or ministry within the Diocese on a full-time basis under the direction of the Archbishop or of a committee or corporation whose members are elected or appointed by the Synod or the Standing Committee.

“Qualified Person” means a layperson who –

- (a) is 18 years of age or older; and
- (b) is a communicant member of the Anglican Church of Australia.

“session of the Synod” means all meetings of the Synod to which a summons issued to members of the Synod applies.

“Vestry Meeting” means –

- (a) in relation to a Parochial Unit having only one church - a vestry meeting of the church convened under the Church Administration Ordinance 1990; and
- (b) in relation to a Parochial Unit having more than one church – a vestry meeting of the Parochial Unit as referred to in clause 3 the Church Administration Ordinance 1990.

Table of Amendments

Clause 5	Amended by Ordinance No 26, 2006.
Clause 6	Amended by Ordinances Nos 46, 2003 and 26, 2006.
Clause 8A	Inserted by Ordinance No 46, 2003.
Clause 8B	Inserted by Ordinance No 46, 2003.
Clause 8C	Inserted by Ordinance No 46, 2003.
Clause 11	Amended by Ordinance No 35, 1997.
Clause 18	Amended by Ordinance No 29, 1997.
Clause 22A	Inserted by Ordinance No 46, 2003.
Clause 22B	Inserted by Ordinance No 46, 2003.
Clause 22C	Inserted by Ordinance No 46, 2003.
Clause 25	Amended by Ordinance No 47, 2003.
Clause 50A	Inserted by Ordinance 26, 2006.
Clause 50B	Inserted by Ordinance 26, 2006.
Clause 50C	Inserted by Ordinance 26, 2006.
Clause 50D	Inserted by Ordinance 26, 2006.
Clause 50E	Inserted by Ordinance 26, 2006.
Clause 50F	Inserted by Ordinance 26, 2006.
Clause 50G	Inserted by Ordinance 26, 2006.
Clause 50H	Inserted by Ordinance 26, 2006.
Clause 52A	Inserted by Ordinance No 47, 2003.
Clause 54	Amended by Ordinance No 26, 2006.
Dictionary	Amended by Ordinances Nos 35, 1997; 46, 2003; 39, 2004 and 26, 2006.

