

Principal Ordinances

3rd Session of the 48th Synod

11, 12, 13, 18 and 19 October 2010

| Ordinances proposed to be amended at the 2010 session of Synod | Page |
|--|-------------|
| Archbishop of Sydney Election Ordinance 1982 | PO 1 |
| Assistant Ministers Ordinance 1990 | PO 13 |
| Department of Evangelism Ordinance 1978 | PO 16 |
| General Synod – Solemnization of Matrimony Canon 1981 Adopting Ordinance 1982 | PO 18 |
| Interpretation Ordinance 1985 | PO 19 |
| Long Service Leave Ordinance 1973 | PO 22 |
| Parish Relationships Ordinance 2001 | PO 27 |
| Retirements Ordinance 1993 | PO 33 |

| | |
|---|-------|
| Conduct of the Business of Synod Ordinance 2000 | PO 38 |
|---|-------|

Archbishop of Sydney Election 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, the Archbishop of Sydney Appointment Ordinance 1982 Further Amendment Ordinance 2001 and the Archbishop of Sydney Election Amendment Ordinance 2009.

Table of Provisions

| Clause | |
|-------------------------------------|--|
| Preliminary/Vacancy | |
| 1 | Citation |
| 2 | Resolution that Vacancy be Filled |
| 3 | Appointment of Returning Officers |
| 4 | Functions of Returning Officers |
| 5 | Summoning of Synod |
| 6 | Administrative Committee |
| 6A | Report concerning finances of the See |
| Nominations | |
| 7 | Nominations |
| 8 | List of Nominations |
| 9 | Determination of Proposer and Seconder |
| Proceedings of Synod | |
| 10 | Right of Reply |
| 11 | Order of Business - First Day |
| 12 | Proceedings held in Private |
| 13 | Order of Business - Second Day and Subsequent Days |
| 14 | Announcement as to Voting |
| Select List | |
| 15 | Reduction of List of Nominations and Compilation of Select List |
| 15A | Ballot Procedure |
| Final List | |
| 16 | Reduction of Select List and Compilation of Final List |
| 16A | Ballot Procedure |
| 17 | Where Motion carried in Respect of less than 3 Nominees |
| 18 | Where Motion carried in Respect of more than 3 Nominees |
| 19 | More than 5 Nominees |
| 20 | 5 Nominees |
| 21 | 4 Nominees |
| 22 | Procedures in Event of Equality of Votes |
| 23 | Order of Placement of Names on Final List |
| Final Selection of a Nominee | |
| 24 | One Nominee on Final List |
| 25 | Final List of 2 or 3 Nominees |
| 26 | Limitation of Speeches |
| 27 | Printing and Distribution of Ballot Papers |
| 28 | Voting |
| 29 | Method of Counting Votes |
| 30 | Failure of Either of 2 Nominees to Obtain Absolute Majority on First Count |
| 31 | Failure of any of 3 Nominees to Obtain Absolute Majority on First Count |
| 32 | Consequences of Certain Ballots |
| 33 | Proceedings on Resumption after Adjournment |
| 33A | Starting the Nomination Process again after Adjournment |
| Offer, Acceptance, Confirmation etc | |
| 34 | Confirmation of Election |
| 35 | Commencement in Office |

| | | |
|----|-------|---|
| 36 | ..... | Refusal of or Delay in Confirmation |
| 37 | ..... | Provision against Deadlock |
| 38 | ..... | Failure of Nominee to Accept Election, etc |
| 39 | ..... | Failure to fill Vacancy for Other Cause |
| 40 | ..... | Declaration of Election |
| 41 | ..... | Proceedings after Declaration of Election |
| | | Interpretation, Repeals, Saving Provision etc |
| 42 | ..... | Application of Other Ordinances |
| 43 | ..... | Manner of Dealing with Certain Circumstances |
| 44 | ..... | Interpretation |
| 45 | ..... | Repeals |

+ + + + +

Long Title

An Ordinance to provide for the election 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 Election 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 9 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.

6A. Report concerning finances of the See

- (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, within 6 weeks after the occurrence of the vacancy cause a report to be prepared concerning the finances of the See and arrange for that report to be sent to the person specified in the notice referred to in subclause (1) of clause 5.
- (2) Such report shall include –
 - (a) a balance sheet which sets out in detail the assets and liabilities of the Endowment of the See 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 a duly qualified auditor; and
 - (b) a description of the condition of any property to be provided for the residence of the Archbishop.
- (3) The person specified in the notice referred to in subclause (1) of clause 5 is to send a copy of the report to each person nominated for the office of Archbishop of the See of Sydney under clause 7.

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) contain a certification from at least one of the nominators that the nominee has expressed an interest in accepting nomination and acknowledges that a search will be undertaken for information in the National Register in relation to the nominee;
 - (d) specify the address for service of notices on the nominators and the address for service of notices on the nominee; and
 - (e) be given to the person and at the place specified in the notice referred to in subclause (1) of clause 5 not later than 42 days before the day on which the meeting of the Synod shall commence.
- (2A) Upon being given a nomination, the person specified in the notice referred to in subclause (1) of clause 5 is to forthwith direct the Director of Professional Standards to access any information in the National Register relating to the nominee.

(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. The notice must also inform the nominee –

- (a) whether there is any information in the National Register in relation to the nominee, and, if so, what information; and
- (b) that unless the nominee gives notice under subclause (5) that he does not wish to be a nominee for the office of the Archbishop of the See of Sydney, any such information will be disclosed to the meeting of the Synod.

(4A) A notice under subclause (4) 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) The nominee may, at any time up to 21 days before the day on which the meeting of the Synod shall commence give notice in writing to the person specified in the notice referred to in subclause (1) of clause 5 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) 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, and
- (b) any information in the National Register relating to each nominee.

9. Determination of Proposer and Secunder

(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.

(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, subject to subclause (2), 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) If the President is a nominee, the person who is next entitled to preside at the meeting and who –
- (a) is present at the meeting of the Synod, and
 - (b) is not a nominee,

shall deliver the President's address instead of the President.

(3) The person who is required under this Ordinance to deliver the President's address 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.

(9) If no nominee receives a majority of votes in either order of the members of the Synod then present and voting, the Synod shall adjourn and the nomination process shall start again pursuant to clause 33A.

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.

(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.

(4) Where there were 1 or 2 nominees on the Select List, the name of a nominee shall be placed on the Final List 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 the nominee put under subclause (3) of clause 16.

(5) If no nominee on the Select List receives a majority of votes in both orders of the members of the Synod then present and voting, the Synod shall adjourn and the nomination process shall start again pursuant to clause 33A.

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.

(4) If a majority of both orders of the members of the Synod then present and voting do not vote in favour of the motion, for the purpose of determining the course of action the Synod shall pursue, the President shall, forthwith and without debate, put the following motions in the following order –

(a) That a further vote on the motion be taken by secret ballot using the procedure under clause 16A.

(b) That the Synod adjourn and that the nomination process start again pursuant to clause 33A.

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 and that the nomination process start again pursuant to clause 33A.

(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.

33A. Starting the Nomination Process again after Adjournment

If the Synod is adjourned pursuant to clause 15(9), 17(5), 24(4)(b) or 33(1)(d) –

- (a) the Standing Committee is to declare within a period of 5 weeks from the adjournment the date on which the vacancy in the See of Sydney is deemed to have occurred for the purposes of starting the nomination process again under this Ordinance, and
- (b) the person who is entitled under the Constitutions to exercise the powers vested in the Archbishop shall, within 21 days after the date of the deemed vacancy, issue a notice reconvening the Synod as if the notice were a notice to summon the members of the Synod under clause 5.

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;

“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 within the meaning of the General Synod – National Register Canon 2007 Adopting Ordinance 2008;

“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 Election 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 Election 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

| | |
|------------|--|
| Title | Amended by Ordinance No 26, 2009. |
| Long Title | Amended by Ordinance No 26, 2009. |
| Clause 1 | Amended by Ordinance No 26, 2009. |
| Clause 5 | Amended by Ordinance No 26, 2009. |
| Clause 6A | Inserted by Ordinance No 26, 2009. |
| Clause 7 | Amended by Ordinances Nos 41, 1997 and 26, 2009. |
| Clause 8 | Amended by Ordinances Nos 41, 1997 and 26, 2009. |
| Clause 9 | Amended by Ordinance Nos 41, 1997 and 14, 2001. |
| Clause 10 | Amended by Ordinance No 41, 1997. |
| Clause 11 | Amended by Ordinances Nos 41, 1997 and 26, 2009. |
| Clause 15 | Amended by Ordinance Nos 4, 1993; 41, 1997; 27, 1999 and 26, 2009. |
| Clause 15A | New clause inserted by Ordinance No 41, 1997. |
| Clause 16 | Amended by Ordinance No 41, 1997. |
| Clause 16A | New clause inserted by Ordinance No 41, 1997. |
| Clause 17 | Amended by Ordinances Nos 41, 1997 and 26, 2009. |
| Clause 22 | Amended by Ordinance No 41, 1997. |
| Clause 23 | Amended by Ordinance No 41, 1997. |
| Clause 24 | Amended by Ordinance 26, 2009. |
| Clause 25 | Amended by Ordinance No 41, 1997. |
| Clause 31 | Amended by Ordinance No 4, 1993. |
| Clause 33 | Amended by Ordinance No 26, 2009. |
| Clause 33A | Inserted by Ordinance No 26, 2009. |
| 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. |
| Clause 44 | Amended by Ordinance No 26, 2009. |
| Schedule | Amended by Ordinance No 26, 2009. |



Assistant Ministers Ordinance 1990

(Reprinted under the Interpretation Ordinance 1985.)

The Assistant Ministers Ordinance 1990 as amended by the Assistant Ministers Ordinance 1990 Amendment Ordinance 2000 and the Presbyterian (Amendment of Terminology) Ordinance 2006.

Table of Provisions

| | | |
|--------|-------|------------------------------------|
| Clause | | |
| 1 | ..... | Citation |
| 2 | ..... | Definition of terms |
| 3 | ..... | Tenure |
| 4 | ..... | Responsibility of parish council |
| 5 | ..... | Undertaking by minister |
| 6 | ..... | Procedure on occurrence of vacancy |
| 7 | ..... | Repeal of Deacons Ordinance 1988 |

+ + + + +

Long Title

An Ordinance to provide for tenure of office of assistant ministers.

Preamble

Whereas it is expedient to repeal the Deacons Ordinance 1988 and to make further provision for the tenure of deacons and presbyters appointed to assist ministers of parishes.

Now the Synod of the Diocese of Sydney ordains as follows -

Citation

1. This Ordinance may be cited as the "Assistant Ministers Ordinance 1990".

Definition of terms

2. (1) A word or an expression defined in clause 1 of the Deaconesses, Readers and Other Lay Persons Ordinance 1981 shall have the same meaning where used in this Ordinance.

(2) In this Ordinance -

"assistant minister" means a deacon or presbyter licensed or authorised by the Archbishop to the office of assistant minister in a parish and does not include a senior assistant minister;

"senior assistant minister" means -

(a) a deacon or presbyter who has served -

- (i) as an assistant minister in the Diocese; or
- (ii) in an equivalent office in another Diocese,

for a period of at least 4 years or periods, which in aggregate, total at least 4 years and who is licensed or authorised by the Archbishop, at the request of the minister and the parish council of the parish, to the office of senior assistant minister in the parish; or

(b) a deacon or presbyter who has served -

- (i) as a minister in the Diocese; or
- (ii) in an equivalent office in another Diocese,

who is licensed or authorised by the Archbishop, at the request of the minister and the parish council of the parish, to the office of senior assistant minister in the parish.

Tenure

3. (1) An assistant minister or a senior assistant minister holds office subject to -

(a) the terms of his or her licence or authority; and

(b) where the assistant minister or the senior assistant minister is entitled to or is paid a stipend or is entitled to any other emolument or perquisite - due notice of the termination of the payment of such stipend or entitlement to such emolument or perquisite given by or on behalf of the person or persons who pay or provide the same.

(2) For the purposes of clause 3(1)(b) notice is due notice if -

(a) in the case of an assistant minister, the period of notice is at least 3 months; and

(b) in the case of a senior assistant minister, the period of notice is the longest of-

- (i) 3 months; or

- (ii) the period of notice, to a maximum period of 9 months, calculated at the rate of one month's notice for each year (or part thereof) of continuous service as assistant minister or senior assistant minister, or both, in that parish; or
 - (iii) such other period of notice, if any, (not being less than 3 months), which, at the time the senior assistant minister was licensed or authorised as senior assistant minister, was agreed for the purposes of this clause between the senior assistant minister and -
 - (A) the Archbishop; and
 - (B) the minister of the parish; and
 - (C) the parish council of the parish; and
 - (D) if the person or persons who pay or provide the stipend or other emolument or perquisite is not or are not the minister of the parish or the parish council of the parish - the person or persons who pay or provide the same.
- (3) Notice must not be given to a senior assistant minister under clause 3(1)(b) -
- (a) without prior consultation with the parish council of the parish to which the senior assistant minister is licensed or authorised; or
 - (b) during the period of 3 months after the date on which a new minister is licensed or appointed to the parish.

Responsibility of parish council

4. Where an assistant minister or senior assistant minister is appointed to assist the minister in a parish with the assent of the parish council thereof, it is the responsibility of that parish council to raise such moneys as may be needed to pay the stipend and provide any other emoluments or perquisites, other than surplice fees, to be paid or provided for the assistant minister or senior assistant minister until the appointment is terminated.

Undertaking by minister

5. Nothing in this Ordinance prevents the Archbishop from requiring an undertaking of the minister whom the assistant minister or senior assistant minister will assist concerning the work to be undertaken by the assistant minister or the senior assistant minister, as the case may be, or any other matter relating to the office to be exercised by the assistant minister or the senior assistant minister, as the case may be.

Procedure on occurrence of vacancy

6. (1) Should a vacancy occur in a parish an assistant minister ceases to hold office in that parish on the 90th day after the new minister is licensed to that parish unless -
- (a) the assistant minister has resigned or terminated the appointment within the 90 days; or
 - (b) the new minister has applied to the Archbishop for continuation of the assistant minister's licence or authority and an appropriate agreement has been entered into between the new minister and the assistant minister.
- (2) Subject to clause 3, the term of office of a senior assistant minister does not cease by reason only of a vacancy occurring in the parish or upon a new minister being licensed or appointed to the parish and, in accepting a licence or appointment to the parish, the new minister is taken to have -
- (a) adopted any obligation on the part of a former minister of the parish expressed in the senior assistant minister's licence or authority as if the new minister was named in the licence or authority as the person subject to that obligation; and
 - (b) adopted any agreement in relation to the office of the senior assistant minister made between the former minister and the senior assistant minister with the approval of -
 - (i) the Archbishop; and
 - (ii) the parish council of the parish; and
 - (iii) if the senior assistant minister is entitled to or is paid a stipend or is entitled to any other perquisite and the person or persons who pay or provide the same is not or are not the minister of the parish or the parish council of the parish - the person or persons who pay or provide the same.

Repeal of Deacons Ordinance 1988

7. The Deacons Ordinance 1988 is repealed but any action taken under that Ordinance is hereby deemed to have been taken under this Ordinance.

Table of Amendments

| | |
|----------|---|
| Preamble | Amended by Ordinance No 16, 2006. |
| Clause 2 | Amended by Ordinances Nos 26, 2000 and 16, 2006. |
| Clause 3 | Omitted and new clause inserted by Ordinance No 26, 2000. |
| Clause 4 | Amended by Ordinance No 26, 2000. |
| Clause 5 | Amended by Ordinance No 26, 2000. |
| Clause 6 | Amended by Ordinance No 26, 2000. |



Department of Evangelism Ordinance 1978

(Reprinted under the Interpretation Ordinance 1985.)

The Department of Evangelism Ordinance 1978 as amended by the Diocesan Officers (Retirement) Ordinance 1987, the Committee Membership Amendment Ordinance 1995, the Diocesan Officers (Retirement) Repeal Ordinance 2001 and the Department of Evangelism Amendment Ordinance 2007.

Table of Provisions

| | |
|--------|---|
| Clause | |
| 1 | Citation |
| 2 | Repeals |
| 3 | Constitution of Department |
| 4 | Management of Department |
| 5 | Functions of Board |
| 6 | President |
| 7 | Appointment and Election of Other Members |
| 8 | Quorum |
| 9 | Casual Vacancies |
| 10 | Commissary |
| 11 | Transitional Provision |

+ + + + + + +

Long Title

An Ordinance to reconstitute the Board of Diocesan Missions as the Department of Evangelism and for purposes incidental thereto.

Preamble

Whereas the Board of Missions was established by the Diocesan Missions Ordinance 1927 to make provision for Diocesan Mission And Whereas the Board in recent years has, in recognition of the change in nature of its functions, carried out those functions under the name of the Department of Evangelism And Whereas it is desirable to reconstitute the Board as the Department of Evangelism 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.

1. Citation

This Ordinance may be cited as the "Department of Evangelism Ordinance 1978".

2. Repeals

The following Ordinances are repealed –

- Diocesan Missions Ordinance 1927
- Diocesan Missions Ordinance Amending Ordinance 1942
- Diocesan Missions Ordinance Amending Ordinance 1975

3. Constitution of Department

There is hereby constituted a Department to be known as the "Department of Evangelism".

4. Management of Department

The management of the Department shall be vested in a Board which shall consist of a President and twenty other members.

5. Functions of Board

(1) The functions of the Board are –

- (a) to resource churches and parishes to evangelise and plant new congregations; and
- (b) to recommend to the Archbishop of Sydney -
 - (i) one person for appointment as Director of the Department; and
 - (ii) one or more persons for appointment to such other offices, other than secretarial or administrative offices, within the Department as are nominated by the Board;
- (c) to fix, with the concurrence of the Archbishop -
 - (i) the tenure of office of such persons; and
 - (ii) the duties of such persons;
- (d) to provide for the payment of the stipends and expenses of such persons; and

(e) to determine any other matters incidental to the appointment or office of such persons.

(2) The Board may delegate the exercise of any one or more of its functions to an executive appointed from among its members and may revoke such delegation.

6. President

(1) The Archbishop shall ex officio be President of the Board and shall preside at all meetings of the Board at which he is present.

(2) In the absence of the Archbishop from a meeting of the Board, the other members present at the meeting may appoint one of their number to preside.

7. Appointment and Election of Other Members

(1) The members of the Board other than the Archbishop shall be elected or appointed as follows-

(a) Nine persons shall be elected by each Synod at its first session and they shall hold office until the election of their successors.

(b) Two persons shall be appointed by the Archbishop and they shall hold office until the first ordinary session of the succeeding Synod.

(c) Three persons shall be appointed by the other members of the Board at or subsequent to the first meeting of the Board following the first ordinary session of each Synod and they shall hold office until the first ordinary session of the succeeding Synod.

(2) All retiring members shall be eligible for re-election or re-appointment.

(3) . . .

(4) A person who is an insolvent under administration is not eligible to be elected or appointed to or act as a member of the Board.

8. Quorum

At meetings of the Board, five members shall form a quorum.

9. Casual Vacancies

Casual vacancies shall be filled by the Archbishop in the case of persons appointed by the Archbishop and in other cases by the Standing Committee of Synod. A person shall be deemed to vacate office as a member if the person becomes an insolvent under administration.

10. Commissary

During the absence from the State of the Archbishop and during a vacancy in the See, the Commissary shall exercise the functions of the Archbishop under this Ordinance and shall be summoned to meetings of the Board as ex officio representative of the Archbishop.

11. Transitional Provision

The persons who, immediately before the date of commencement of this Ordinance, were elected or appointed to the Board of Diocesan Missions pursuant to clause 5 of the Diocesan Missions Ordinance 1927 shall be deemed to have been elected or appointed, as the case may require, pursuant to clause 7(1) of this Ordinance.

Table of Amendments

| | |
|----------|---|
| Clause 5 | Amended by Ordinance No 6, 2007. |
| Clause 7 | Amended by Ordinances Nos 28, 1987; 23, 1995, 59, 2001 and 6, 2007. |
| Clause 8 | Amended by Ordinance No 6, 2007. |
| Clause 9 | Amended by Ordinances Nos 28, 1987; 23, 1995 and 59, 2001. |



General Synod – Solemnization of Matrimony Canon 1981 Adopting Ordinance 1982

(Reprinted under the Interpretation Ordinance 1985.)

Long Title

An Ordinance to adopt General Synod Canon No 3, 1981.

Preamble

Whereas

A. A certain Canon entitled "Solemnization of Matrimony Canon 1981" has been made by the General Synod of the Anglican Church of Australia.

B. A copy of the said Canon is contained in the Schedule hereto.

C. It is expedient that the said 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 said 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 "General Synod - Solemnization of Matrimony Canon 1981 Adopting Ordinance 1982".

Schedule

A Canon concerning the Solemnization of Matrimony.

1. This canon may be cited as the "Solemnization of Matrimony Canon 1981".

2. The canons numbered 62, 63, 100, 101, 103 and 104 included in the Constitutions and Canons Ecclesiastical agreed upon by the Bishops and Clergy of the Province of Canterbury in the year of our Lord 1603 and known as the Canons of 1603, and any Canon amending or appended to the 62nd or the 102nd Canon, shall not have any operation or effect in this Church.

3. Matrimony shall not be solemnized according to the rites and ceremonies of this Church -

- (a) unless the celebrant is a minister registered on the nomination of this Church as an authorised celebrant according to the law of the Commonwealth of Australia;
- (b) unless at least one of the parties to be married has been baptised;
- (c) except in a church or chapel of this Church or a church building licensed by the bishop of the diocese for the solemnization of matrimony unless the bishop of the diocese in the particular case gives express permission for the solemnization of the marriage at some other specific place;
- (d) where the persons to be married are within a prohibited relationship as declared by the law of this Church in force in the diocese concerned;
- (e) where a party to be married is a minor, otherwise than in accordance with the laws of the Commonwealth of Australia relating to the consent of parents or guardians in the case of the marriage of such persons;
- (f) except in the presence of not less than two witnesses; and
- (g) where either or each of the parties to be married is a divorced person, except in accordance with the law of this Church as to the marriage of such persons in force in the diocese concerned.

4. Nothing in this canon shall affect the provisions of any ordinance of a diocese in force or having effect at the time when the diocese adopts this canon relating to the publication of Banns of Marriage and dispensation therewith.

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



Interpretation Ordinance 1985

(Reprinted under the Interpretation Ordinance 1985.)

The Interpretation Ordinance 1985 as amended by the Miscellaneous Amendments Ordinance 1989, the Miscellaneous Amendments Ordinance (No 1) 1991, the General Synod - Canon Law Repeal Canon 1989 Adopting Ordinance 1993, the Committee Membership Amendment Ordinance 1995, the Regions (Transitional Provisions and Miscellaneous Amendments) Ordinance 1995, the Presbyter (Amendment of Terminology) Ordinance 2006, the Parish Administration (Transitional Provisions) Ordinance 2008 and the Interpretation Ordinance 1985 Amendment Ordinance 2009.

Table of Provisions

| | | |
|----------|-------|---|
| Clause | | |
| 1 | ..... | Citation |
| 2 | ..... | Preamble to an Ordinance |
| 3 | ..... | Commencement Date of an Ordinance |
| 4 | ..... | Text of Ordinance Made by the Synod |
| 5 | ..... | Interpretation of Ordinances |
| 6 | ..... | Gender and Singular/Plural |
| 6A | ..... | References to priest and presbyter |
| 7 | ..... | Updating References to Other Ordinances |
| 8 | ..... | Reprinting ordinance which have been Amended |
| 9 | ..... | Repeal |
| 10 | ..... | Updating Certain References |
| 11 | ..... | Reference to a Repealed Ordinance |
| 11A | ..... | Effect of repeal of ordinance or exclusion of canon |
| 12 | ..... | Canons of 1603 |
| Schedule | | |

+ + + + + + +

Long Title

An Ordinance to simplify the preparation and construction of ordinances of the Synod.

Preamble

Whereas

- A. Much work is caused in the administration of this Church by reason of having to repeat in long form in many ordinances of the Synod commonly occurring expressions.
- B. It is expedient that such ordinances be simplified.

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.

Citation

- 1. This Ordinance may be cited as the "Interpretation Ordinance 1985".

Preamble to an Ordinance

- 2. Except where expressly provided by some Act or ordinance, it shall not be necessary for any ordinance to have a preamble.

Commencement Date of an Ordinance

- 3. Unless an ordinance otherwise provides it shall commence upon the date of receiving the Archbishop's assent.

Text of Ordinances Made by the Synod

- 4. A copy of an ordinance as printed in a Year Book of the Diocese whether published before or after the coming into operation of the ordinance shall be presumed to contain the true text of a valid ordinance of the Synod of the Diocese, and the date of assent so published shall be presumed to be the actual date of assent.

Interpretation of Ordinances

- 5. In all ordinances from time to time in force in the Diocese including ordinances enacted prior to the date of assent to this Ordinance, unless the contrary intention appears –
 - (a) Definitions in the Interpretation Act 1987 as from time to time in force shall apply.
 - (b) Definitions in the Parish Administration Ordinance 2008 as from time to time in force shall apply.

- (c) The words set out in the first Column of the Schedule to this Ordinance shall bear the meaning set out in the second Column of the Schedule.
- (d) The expression “insolvent under administration” has the same meaning as in the Corporations Law.

Gender and Singular/Plural

6. In any ordinance unless the contrary intention appears words importing the masculine gender (other than a reference, however expressed, to a minister or clergyman) shall include the other genders and the singular shall include the plural.

References to priest and presbyter

6A. In all ordinances from time to time in force in the Diocese the words “priest” and “presbyter” are synonyms.

Updating References to Other Ordinances

7. (1) Where an Act or an ordinance or a provision of an Act or an ordinance is referred to in another ordinance and the Act, ordinance or provision so referred to has, at the time the reference is made, been amended or is subsequently amended, the reference extends to the Act, ordinance or provision as amended.

(2) Subclause (1) applies to a reference to an Act or ordinance made before or after the date of assent to this Ordinance and whether the reference is contained in an Act or ordinance made before or after the date.

Reprinting Ordinances which have been Amended

8. The Diocesan Secretary is authorised to reprint any ordinance which has been amended by a subsequent ordinance, in such a format as will best indicate to members of the Church the text of the ordinance as currently in force. The clause headings and the table of provisions of an ordinance are not part of the text of that ordinance.

Repeal

9. The Amendments Incorporation Ordinance 1947 is hereby repealed.

Updating Certain References

10. Where a reference in an Act or ordinance is (by or under any Act or ordinance) to be read or construed as, or taken to be, or deemed to be, or otherwise treated as, a reference to -

- (a) an act, matter, person or thing; or
- (b) an act, matter, person or thing by a particular description or title;

the Diocesan Secretary may in reprinting an ordinance in which the first mentioned reference occurs make such amendments to the ordinance as -

- (c) will result in the omission from the ordinance of the first mentioned reference and, unless inappropriate, the substitution therefor of the second mentioned reference; and
- (d) are incidental to or consequential on the omission or substitution or both.

Reference to a Repealed Ordinance

11. A reference in an ordinance to an ordinance which has been repealed may be construed as a reference to which clause 10 applies and may be amended in accordance with clause 10.

Effect of repeal of ordinance or exclusion of canon

11A. The repeal of an ordinance, or part of an ordinance, or the exclusion of a canon of the General Synod by which previous law was repealed shall not have the effect of reviving the previous law without express words to that effect.

Canons of 1603

12. A reference in this or in any other ordinance to the Canons of 1603 is a reference to the Constitutions and Canons Ecclesiastical agreed upon by the bishops and clergy of the Province of Canterbury in the year of Our Lord 1603 and known as the Canons of 1603 and includes any amendments thereto having force or effect in any part of This Church in this Diocese.

Schedule

| | |
|-----------------------|---|
| Assistant Bishop | - A person who hold the office of an assistant bishop in the Diocese. |
| Bodies Corporate Act | - Anglican Church of Australia (Bodies Corporate) Act 1938. |
| Chancellor | - The person appointed by the Archbishop under his hand and seal to be his Chancellor. |
| church trust property | - The meaning ascribed to the phrase in Section 4 of the Trust Property Act. |
| Constitutions | - The paragraphs of the Schedule to the Anglican Church of Australia Constitutions Act 1902. |
| Dean | - The Rector of the Cathedral Church of St Andrew. |
| Diocesan Secretary | - The person appointed by the Standing Committee to be the Secretary of the Standing Committee. |
| Diocese | - The Diocese of Sydney. |

| | |
|--------------------------------------|---|
| Finance and Loans Board Metropolitan | - Sydney Church of England Finance and Loans Board. - The Archbishop of Sydney or in his absence or in the time of a vacancy in the See, the senior Diocesan Bishop of the Province according to Consecration. |
| Property Trust Province | - Anglican Church Property Trust Diocese of Sydney. - The Province of New South Wales consisting of the Dioceses of Sydney, Newcastle, Bathurst, Canberra/Goulburn, Armidale, Grafton and Riverina. |
| Rector | - A presbyter having a separate cure of souls in charge of a parish by whatever name called. |
| Region | - A part of the Diocese designated as a Region under the Regions Ordinance 1995. |
| Regional Archdeacon | - An Archdeacon who has jurisdiction of a Region. |
| 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. |
| Registrar | - The person appointed by the Archbishop under his hand and seal to be Registrar of the Diocese or in his absence the person appointed by the Archbishop to perform the duties of the Registrar either in his absence or as his deputy. |
| Standing Committee | - The Committee appointed pursuant to the Standing Committee Ordinance 1897. |
| The 1961 Constitutions | - The Anglican Church of Australia Constitution Act 1961. |
| The 1902 Constitutions | - Anglican Church of Australia Constitutions Act 1902. |
| This Church | - The Anglican Church of Australia. |
| Trust Property Act | - Anglican Church of Australia Trust Property Act 1917. |

Table of Amendments

| | |
|------------|---|
| Clause 5 | Amended by Ordinances Nos 32, 1989 and 23, 1995 and in accordance with clause 10 of this Ordinance. Amended by Ordinance No 28, 2008. |
| Clause 6A | Inserted by Ordinance No 16, 2006. |
| Clause 8 | Amended by Ordinance No 37, 1991. |
| Clause 10 | Inserted by Ordinance No 32, 1989. |
| Clause 11 | Inserted by Ordinance No 37, 1991. |
| Clause 11A | Inserted by Ordinance No 21, 2009. |
| Clause 12 | Inserted by Ordinance No 30, 1993. |
| Schedule | Amended by Ordinance No 32, 1995 and pursuant to clause 10 of this Ordinance. Amended by Ordinances Nos 16, 2006 and 28, 2008. |



Long Service Leave Ordinance 1973

(Reprinted under the Interpretation Ordinance 1985.)

The Long Service Leave Ordinance 1973 as amended by or in accordance with the Anglican Church of Australia Act 1976, the Anglican Church Property Trust Diocese of Sydney (Change of Name) Ordinance 1982, The Council for the Promotion of Sydney Church of England (Diocesan) Schools (Change of Name) Ordinance 1982, the Arden Church of England School Council (Change of Name) Ordinance 1982, the Sydney Anglican Schools Corporation Ordinance 1990, the Miscellaneous Amendments Ordinance 1992, the General Synod - Long Service Leave Canon 1992 Adopting Ordinance 1992, the Miscellaneous Amendments Ordinance 1995 and the Long Service Leave Amendment Ordinance 1998.

Table of Provisions

| | |
|--------|--|
| Clause | |
| 1 | Interpretation |
| 2 | Application |
| 3-7 | Fund |
| 8-14 | Administration |
| 15 | Governing Principles |
| 15A | Leave Entitlements for Members of the Clergy who render Other Service |
| 16-17 | Application of the Fund |

✦ ✦ ✦ ✦ ✦ ✦ ✦

Long Title

An Ordinance to supplement the Long Service Leave Canon 1992 and to more effectively secure the entitlement of persons engaged in the work of the Diocese of Sydney to long service leave under the Long Service Leave Act 1955.

Preamble

Whereas the Anglican Church of Australia in the Diocese of Sydney remains a voluntary association And Whereas in the opinion of the Synod of the Diocese of Sydney every person, whether the holder of an office or a "worker" (as defined in s.4 of the Long Service Leave Act 1955) engaged in the work of the Anglican Church of Australia in the Diocese of Sydney should be entitled to long service leave either under the Long Service Leave Canon 1992, where applicable or under the said Act And Whereas in the opinion of the said Synod for the purpose of determining an entitlement to long service leave, continuous employment with any body or organisation under the control of the said Synod and the holding of office in the said Diocese should be regarded as a single continuous period of employment or holding of office And Whereas it is expedient that effect be given to these principles Now the Synod of the Diocese of Sydney Hereby Ordains Declares Directs and Rules as follows -

Interpretation

1. (1) In this Ordinance, unless the context otherwise requires -
 - "Act" means the Long Service Leave Act 1955;
 - "Archbishop" means -
 - (a) the Archbishop of Sydney; or
 - (b) if the Archbishop is absent - his Commissary; or
 - (c) if the See is vacant - the Administrator of the Diocese;
 - "Canon" means the Long Service Leave Canon 1992;
 - "Diocese" means the Diocese of Sydney;
 - "financial year" means a period of 12 months beginning on 1 January in any year;
 - "Fund" means the fund established by this Ordinance;
 - "member of the clergy" means a person who -
 - (a) is a member of the clergy as defined in section 4 of the Canon; and
 - (b) is licensed by the Archbishop.
 - "Other Service" means service in the Diocese by a member of the clergy who is licensed by the Archbishop to an office in a parish which is not -
 - (a) Service; or
 - (b) service as a worker.
 - "organisation" means -
 - (a) Anglican Church Property Trust Diocese of Sydney; and

- (b) each body corporate constituted by or under the Anglican Church of Australia (Bodies Corporate) Act 1938 at the instance of the Synod or the Standing Committee; and
- (c) each organisation or association regulated by ordinance of the Synod or the Standing Committee; and
- (d) each organisation or association regulated by resolution of the Synod; and
- (e) every organisation which is declared by resolution of the Standing Committee to be an organisation to which this Ordinance applies,

whether in existence on or at any time after the date on which this Ordinance comes into effect.

“parish” means a parish, provisional parish or other ecclesiastical district existing from time to time in the Diocese.

“Service” has the same meaning as in section 4 of the Canon.

“worker” means a person who is a worker as defined in section 3(1) of the Act.

(2) A worker shall be deemed to be employed in a Parish if he is engaged by the rector, minister, churchwardens, parish council or other responsible body thereof and is paid from moneys which are church trust property as defined in Section 4 of the Anglican Church of Australia Trust Property Act 1917.

(3) The headings contained in this Ordinance have been inserted as a matter of convenience only and shall not limit or restrict the provisions of this Ordinance in any way.

(4) This Ordinance may be cited as “Long Service Leave Ordinance 1973”.

Application

2. (1) This Ordinance shall apply to every Parish.
- (2) Subject to subclauses (3), (4) and (5) of this clause this Ordinance shall apply to every organisation.
- (3) This Ordinance shall not apply to any of the organisations listed in the Schedule hereto unless -
- (a) a majority of the members or other governing council of such organisation give their written consent to this Ordinance applying to such organisation, and
 - (b) the Standing Committee declares, by resolution, that this Ordinance shall apply to such organisation.
- (4) This Ordinance shall cease to apply to an organisation if -
- (a) a majority of the members or other governing council of such organisation request the Standing Committee to pass the resolution referred to in paragraph (b) of this subclause, and
 - (b) the Standing Committee declares, by resolution, that this Ordinance shall cease to apply to such organisation.
- (5) Where -
- (a) this Ordinance has ceased to apply to an organisation by virtue of a resolution passed pursuant to subclause (4) of this clause, and
 - (b) a majority of the governing council or where there is no governing council a majority of the members of such organisation request the Standing Committee to pass the resolution hereinafter (in this subclause) referred to, the Standing Committee may declare, by resolution, that this Ordinance shall apply to such organisation.
- (6) If the Standing Committee passes a resolution pursuant to subclauses (3) or (5) of this clause, this Ordinance shall apply to the organisation named or referred to in that resolution on and from the date on which the Standing Committee passes such resolution.

(7) If the Standing Committee passes a resolution pursuant to subclause (4) of this clause, this Ordinance shall cease to apply to the organisation named or referred to in that resolution on the day following the date on which the Standing Committee passes such resolution.

(8) The Standing Committee may include any terms or conditions that it may consider just and equitable in the circumstances in any resolution passed by it pursuant to subclauses (3),(4) or (5) of this clause (being terms or conditions relating to long service leave or to contribution or moneys collected therefor) and all such terms and conditions shall be binding on the organisation concerned.

Fund

3. There shall be a Fund called the Sydney Diocesan Long Service Leave Fund which shall be managed by the Standing Committee.

4. (1) The Churchwardens of the principal or only church in every Parish shall supply to the Standing Committee, in such form as the Standing Committee may require, by the 15th April in 1974 and every year thereafter -
- (a) the name of every member of the clergy who was licensed to or who regularly officiated in such Parish at any time during the previous financial year,

- (b) the name of every worker employed at any time during that financial year in such Parish,
 - (c) the amount of the stipend, salary and other remuneration paid to such persons during that financial year, and
 - (d) such other information that the Standing Committee may require for the purposes of the Fund.
- (2) Every organisation to which this Ordinance applies shall supply to the Standing Committee, in such form as the Standing Committee may require by the 15th April, in 1974 and every year thereafter -
- (a) the name of every member of the clergy holding an office within such organisation at any time during that financial year,
 - (b) the name of every worker employed at any time during that financial year by that organisation,
 - (c) the amount of the stipend, salary and other remuneration paid by such organisation to such persons during that financial year, and
 - (d) such other information that the Standing Committee may require for the purposes of the Fund.
5. (1) In addition to any contributions payable by each Parish and each organisation to which this Ordinance applies under the Canon or the General Synod - Long Service Leave Canon 1992 Adopting Ordinance 1992, each Parish and each organisation to which this Ordinance applies shall pay to the Standing Committee a percentage of the aggregate of all moneys paid by way of salary and other remuneration to all workers thereof or employed therein during each financial year.
- (2) The percentage referred to in subclause (1) shall be such percentage as the Standing Committee may determine by resolution provided that such percentage shall not exceed six per centum (6%) without the approval of the Synod given in a resolution thereof.
- (3) Such payment shall be made within one month of written demand being made therefor by or on behalf of the Standing Committee.
6. Any Parish or organisation to which this Ordinance applies shall pay to the Standing Committee an amount equal to the sum of -
- (a) the amount standing in any reserve in its books for long service leave as at the 1st day of January 1973, and
 - (b) the amount added thereto since that date,

less any amount paid by it by way of long service leave since that date. Such payment shall be made in such instalments and at such times as the Standing Committee, after consulting with that Parish or organisation, by resolution, may approve.

7. The Standing Committee, from time to time, by resolution, may exempt any Parish or organisation from all or any one or more of the obligations imposed upon that Parish or organisation by clauses 4, 5 and 6. Any such exemption may be granted upon such terms and conditions that the Standing Committee may consider to be just and equitable in the circumstances (being terms and conditions relating to long service leave or to contributions or moneys collected therefor) and all such terms and conditions shall be binding on the Parish or organisation concerned. The Standing Committee, from time to time, by resolution, may revoke any such exemption in whole or in part and vary or revoke any such terms and conditions or impose further such terms and conditions.

Administration

8. The Standing Committee shall administer the Fund in accordance with this Ordinance.
9. The Standing Committee shall report to each ordinary session of the Synod on its administration of the Fund.
10. The Standing Committee may delegate all or any of its powers and duties hereunder to such person or persons as it may think fit and may revoke any such delegation. Any such delegation or revocation may be by resolution of the Standing Committee.
11. The Standing Committee may borrow any sums necessary to provide for applications to be made pursuant to clause 16 hereof.
12. The Standing Committee may make such arrangements with the Long Service Leave Board constituted by the Canon to give effect to this Ordinance that it may consider fit.
13. The Standing Committee may make such arrangements that it may think fit with any person, persons or corporation (not being a Parish or organisation) whether part of the Anglican Church of Australia or otherwise or with any government or statutory authority upon any person (hereinafter called the "ex-employee") employed by such person, persons, corporation, government or authority whether in the Commonwealth of Australia or otherwise, becoming a clergyman or worker and alternatively with the ex-employee concerned so as to enable any period of service of the ex-employee whilst employed by such person, persons, corporation, government or authority to be taken into account in determining an entitlement to long service leave.
14.

Governing Principles

15. (1) Each member of the clergy who renders Service in the Diocese is entitled to long service leave in accordance with the Canon.

(2) Each member of the clergy who renders Other Service in the Diocese is entitled to long service leave under this Ordinance.

(3) Each worker engaged in the work of the Church in the Diocese is entitled to long service leave under the Act.

(4) For the purposes of determining an entitlement -

- (a) Service in the Diocese; and
- (b) the continuous provision of Other Service in the Diocese; and
- (c) the continuous employment with any parish, parishes, organisation or organisations in the Diocese (being organisations to which this Ordinance applies),

shall, to the extent permitted by the Canon, this Ordinance and the Act, be regarded as a single whole period of Service, Other Service or employment, as the case may be.

Leave Entitlements for Members of the Clergy who render Other Service

15A. (1) The amount of long service leave to which a member of the clergy who renders Other Service in the Diocese shall be entitled is -

- (a) on completion of the first 10 years of continuous Other Service - a period of 10 weeks leave; and
- (b) on completion of each subsequent 5 years of continuous Other Service - a period of 5 weeks leave.

(2) Leave may be granted and taken in 1 continuous period or, if the member of the clergy and the parish or organisation to which the Other Service is being provided so agree, in separate periods as follows -

- (a) where the amount of the leave exceed 5 weeks but does not exceed 10 weeks, in 2 separate periods; or
- (b) where the amount of the leave exceeds 10 weeks, in 2 or 3 separate periods.

(3) Long service leave taken under this clause is exclusive of -

- (a) annual holidays; and
- (b) public holidays observed generally throughout New South Wales.

(4) Where a member of the clergy becomes entitled to long service leave under this clause the leave must be given and taken as soon as practicable.

(5) Payment for long service leave under this clause shall be calculated by reference to the ordinary pay of the member of the clergy at the date immediately preceding the date on which the long service leave is taken or is deemed to be taken under subclause (6) or (7). For the purposes of this subclause, 'ordinary pay' means the amount of the average weekly stipend or salary earned by the member of the clergy for rendering Other Service during -

- (a) the period of 12 months; or
- (b) the period of 5 years,

ending on the date immediately proceeding the date on which the long service leave is taken or is deemed to be taken under subclause (6) or (7), whichever is the greater.

(6) Where the continuous Other Service of a member of the clergy is terminated, other than by reason of the death of that person and any long service leave to which the person was entitled has not been taken, the person shall be taken to have entered upon the leave from the date of such termination.

(7) Where the Other Service of a member of the clergy terminates by reason of that person's death and any long service leave to which the person was entitled had not been taken, the person's personal representative shall be paid in full the amount that would have been payable to the person in respect of that person's long service leave entitlement.

(8) Except as permitted by this clause, payments must not be made to a person in lieu of any long service leave to which that person is entitled.

Application of the Fund

16. The Fund shall be applied by the Standing Committee in the following ways -

- (a) in procuring long service leave benefits under the Canon for persons to whom the Canon applies;
- (b) in reimbursing any Parish or organisation to which this Ordinance applies for any amount incurred by it in meeting an entitlement for long service leave under the Act; and
- (c) in giving effect to the principles in clause 15 in such manner as, in the opinion of the Standing Committee, is appropriate in the particular circumstances.

17. Upon this Ordinance ceasing to apply to any organisation, the Standing Committee may refund to such organisation any part of the contributions made by it hereunder or make such other arrangements as in the opinion of the Standing Committee are proper in the circumstances.

Schedule

Abbotsleigh
Arden Anglican School
Barker College
St Catherine's School Waverley
Sydney Church of England Girls' Grammar School
Tara Anglican Girls' School
The Illawarra Grammar School
The King's School
Sydney Church of England Grammar School
Trinity Grammar School
Blue Mountains Church of England Grammar School for Boys
Sydney Anglican Schools Corporation
Council of Macarthur Region Anglican Church School
Campbelltown Anglican Schools Council
St Andrew's Cathedral School Council
William Branwhite Clarke College Council
Any Organisation as defined in subclause 1(1)(f)(v) of this Ordinance.

Table of Amendments

| | |
|------------|--|
| Long Title | Amended by Ordinances No 37, 1992 and 38, 1992. |
| Preamble | Amended under the Anglican Church of Australia Act 1976 and by Ordinances No 37, 1992 and 38, 1992. |
| Clause 1 | Amended under the Anglican Church of Australia Act 1976 and by Ordinances Nos 36, 1982; 37, 1992; 38, 1992; 24, 1995 and 33, 1998. |
| Clause 4 | Amended by Ordinance No 33, 1998. |
| Clause 5 | Amended by Ordinance No 38, 1992. |
| Clause 7 | At its meeting on 29 July 1974 Standing Committee resolved in effect that all parishes and diocesan organisations are exempted from the provisions of clauses 4, 5 and 6 of the Ordinance provided that - (a) in the case of parishes, the churchwardens certify on the annual return of income, and in the case of organisations the council or other governing body certify each year, that adequate provision has been made to cover the liability (if any) of the parish or organisation in respect of long service leave; and (b) in the event of any employee transferring to another parish or organisation under the control of Synod, the parish or organisation as the case may be, makes a payment to the parish or organisation to which the employee is transferring being 2% of the product of the salary (per annum) of the former employee at the time of the transfer and the period of his or her continuous service in parishes and/or organisations in the Diocese expressed in years and fractions thereof. |
| Clause 13 | Amended under the Anglican Church of Australia Act 1976 and by Ordinance No 33, 1998. |
| Clause 14 | Omitted by Ordinance No 38, 1992. |
| Clause 15 | Original clause amended by Ordinance No 37, 1992. Original clause repealed and new clause inserted by Ordinance No 33, 1998. |
| Clause 15A | Clause inserted by Ordinance No 33, 1998. |
| Schedule | Amended by Ordinances Nos 42, 1982; 50, 1982; 15, 1990 and 37, 1992. Under clause 4 of Ordinance No 37, 1992 the inclusion of Council of Macarthur Regional Anglican Church School, Campbelltown Anglican Schools Council and St Andrew's Cathedral School Council in the Schedule is deemed to have effect on and from 8 April 1992 but does not have effect in relation to the employment of a person with those organisations which commenced prior to that date. Under clause 4 of Ordinance No 37, 1992, the inclusion of William Branwhite Clarke College Council in the Schedule is deemed to have effect on and from 12 August 1992 but does not have effect in relation to the employment of a person with that organisation which commenced prior to that date. |



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 and the Parish Review Repeal Ordinance 2009.

Table of Provisions

| | |
|---------|---|
| Clause | |
| 1 |Name |
| 2 |Definitions |
| 3-5 |Direction for Licensing Review by Regional Council |
| 6-13 |Request for Licensing Review by a Parish |
| 14 |Omitted |
| 15-21 |Licensing Review Board |
| 22-27 |Report of Licensing Review Board |
| 28-36 |Adoption of the Report by the Parish |
| 37 |Omitted |
| 38-40 |Appeal Committee |
| 41 |Right of Appeal |
| 42 |Notice of Intention to Appeal |
| 43 |Lodgment of Appeal |
| 44 |Evidence on Appeal |
| 45-49 |Effect of Appeal Committee's findings |
| 50 |Declaration |
| 51 |Request to Archbishop |
| 51A-51D |Constitution of Panel, licensing review group and appeal group |
| 52-56 |Incapacity of Clergy |

+ + + + +

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 –
 - “appeal group” means the body constituted under clause 51C.
 - “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.
 - “licensing review group” means the body constituted under clause 51B.
 - “Panel” means the body constituted under clause 51A.

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 wardens 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 wardens of the principal church in the parish convene a general meeting of parishioners to consider passing a resolution that such state of affairs exists.

7. If the minister and wardens of the principal church in the parish fail to convene the requested meeting within 14 days after the request is made, the wardens who have requested the general meeting of parishioners may convene it.

8. Notwithstanding anything in any other ordinance, the person who chairs the general meeting of parishioners 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 general meeting of parishioners, the chairman shall, after due time for debate, put the motion "That this general meeting of parishioners 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 general meeting of parishioners.

14. ...

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 wardens 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 appraised 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 warden 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 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 wardens 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 wardens of the principal church shall convene a general meeting of parishioners 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 wardens in writing to join in convening the meeting and fails to do so within 3 days of such request.

29. Should the minister and wardens fail to convene such general meeting of parishioners, the same shall be convened by the area archdeacon.

30. At the said general meeting of parishioners, the chairman shall, after due time for debate put the motion: "That this general meeting of parishioners 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 general meeting of parishioners 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 general meeting of parishioners. 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 general meeting of parishioners 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.

37. ...

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 from the appeal group of whom 1 at least must be a member of the clergy.

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 general meeting of parishioners 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 general meeting of parishioners.

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 general meeting of parishioners".

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 general meeting of parishioners.

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.

Constitution of Panel, licensing review group and appeal group

51A. There shall be a Panel consisting of 4 persons elected at the first session of each Synod and 2 persons nominated by the Archbishop.

51B. 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.

51C. 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 wardens for a period of at least 2 years.

51D. A casual vacancy in the office of member of the Panel, member of the licensing review group or member of the appeal group arises in the circumstances prescribed in part 7 of the Schedule to the Synod Elections Ordinance 2000 and is to be filled in the manner prescribed by that part.

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 wardens 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 2 | Amended by Ordinance No 33, 2009. |
| Clause 4 | Amended pursuant to the Interpretation Ordinance 1985. |
| Clause 6 | Amended pursuant to the Interpretation Ordinance 1985. |
| Clause 7 | Amended pursuant to the Interpretation Ordinance 1985. |
| Clause 8 | Amended pursuant to the Interpretation Ordinance 1985. |
| Clause 9 | Amended pursuant to the Interpretation Ordinance 1985. |
| Clause 13 | Amended pursuant to the Interpretation Ordinance 1985. |
| Clause 14 | Amended by Ordinance No 16, 2006 and omitted by Ordinance No 33, 2009. |
| Clause 16 | Amended pursuant to the Interpretation Ordinance 1985. |
| Clause 24 | Amended by Ordinance No 33, 2009 and pursuant to the Interpretation Ordinance 1985. |
| Clause 27 | Amended pursuant to the Interpretation Ordinance 1985. |
| Clause 28 | Amended pursuant to the Interpretation Ordinance 1985. |
| Clause 29 | Amended pursuant to the Interpretation Ordinance 1985. |
| Clause 30 | Amended pursuant to the Interpretation Ordinance 1985. |
| Clause 34 | Amended pursuant to the Interpretation Ordinance 1985. |
| Clause 35 | Amended pursuant to the Interpretation Ordinance 1985. |
| Clause 37 | Omitted by Ordinance No 33, 2009. |
| Clause 38 | Amended by Ordinance No 33, 2009. |
| Clause 41 | Amended pursuant to the Interpretation Ordinance 1985. |
| Clause 42 | Amended pursuant to the Interpretation Ordinance 1985. |
| Clause 48 | Amended pursuant to the Interpretation Ordinance 1985. |
| Clause 49 | Amended pursuant to the Interpretation Ordinance 1985. |
| Clause 51A | Inserted by Ordinance No 33, 2009. |

- Clause 51B Inserted by Ordinance No 33, 2009.
- Clause 51C Inserted by Ordinance No 33, 2009 and pursuant to the Interpretation Ordinance 1985.
- Clause 51D Inserted by Ordinance No 33, 2009.
- Clause 55 Amended pursuant to the Interpretation Ordinance 1985.



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, the Retirements Ordinance 1993 Amendment Ordinance 1999 and the Archbishop of Sydney Election Amendment Ordinance 2009.

Table of Provisions

| | |
|--|---|
| Clause | |
| Part 1 - Citation, Definitions and Application | |
| 1 | Citation |
| 2 | Definitions |
| 3 | Application |
| Part 2 - Retirement Ages | |
| 4 | Retirement Ages |
| 5 | Extension of Retirement Age of a Senior Minister |
| 6 | Extension of Retirement Ages by the Archbishop |
| 7 | Revocation of licence |
| 8 | After Retirement |
| Part 3 - Diocesan Retirements Board | |
| 9 | Diocesan Retirements Board |
| 10 | Constitution of the Board |
| 11 | Appointments to the Board |
| 12 | Vacancies on the Board |
| 13 | Filling of Casual Vacancies on the Board |
| 14 | Function of the Board |
| 15 | Application to the Board |
| 16 | Application or request for extension for a period not more than 12 months |
| 17 | Meetings of the Board |
| 18 | Recommendations of the Board |
| 19 | Procedures |
| Part 4 - Transitional | |
| 20 | Membership of the Board |
| 21 | Extension of Retirement Ages under Sydney Diocesan Retirements Ordinance 1969 |
| 22 | Applications etc made under the Sydney Diocesan Retirements Ordinance 1969 |
| 23 | No application to present Archbishop |
| Part 5 - General | |
| 24 | Repeal of Sydney Diocesan Retirements Ordinance 1969 etc |
| 25 | Amendment of Other Ordinances |

+ + + + +

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 upon the Archbishop reaching the age of 60 years;
 - (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.

Table of Amendments

| | |
|-----------|--|
| Clause 2 | Amended by Ordinances No 24, 1995 and 41, 1999. |
| Clause 5 | Amended by Ordinances Nos 41, 1997 and 26, 2009. |
| Clause 10 | Amended by Ordinance No 41, 1999. |
| Clause 11 | Amended by Ordinance No 41, 1999. |
| Clause 12 | Amended by Ordinance No 41, 1999. |



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, the Conduct of the Business of Synod Amendment Ordinance 2005 and the Archbishop of Sydney Election Amendment Ordinance 2009.

Table of Provisions

| | |
|--|---|
| Clause | |
| 1 | Name |
| 2 | Adoption of new rules of procedure |
| 3 | Repeal of previous rules |
| 4 | Commencement |
| Schedule | |
| Part 1 - Meeting Time, President, Houses of the Synod and Quorum | |
| 1.1 | Meeting time |
| 1.2 | President |
| 1.3 | Houses of the Synod |
| 1.4 | Quorum |
| Part 2 - Officers and Committees of the Synod | |
| 2.1 | Introduction |
| 2.2 | The Secretaries of the Synod |
| 2.3 | The Chairman of Committees |
| 2.4 | The Deputy Chairman or Chairmen of Committees |
| 2.5 | The Committee of Elections and Qualifications |
| 2.6 | The Committee for the Order of Business |
| 2.7 | The Minute Reading Committee |
| Part 3 - The Order of Business of the Synod | |
| 3.1 | Introduction |
| 3.2 | Order of business for the first day of a session |
| 3.3 | Order of business for the second day of a session |
| 3.4 | Order of business for the fourth and subsequent days of a session |
| 3.5 | Order of motions |
| Part 4 - Resolutions | |
| 4.1 | Introduction |
| 4.2 | General rules |
| 4.3 | Notice of motions required |
| 4.4 | Motions to be seconded |
| 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 |
| 4.9 | Amendments to motions |
| 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 |

+ + + + +

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.
- (1A) A member who wishes to be called by the President to address the Synod is to stand in his or her place. The President is to call from among those standing the member who may address the Synod.
- (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).

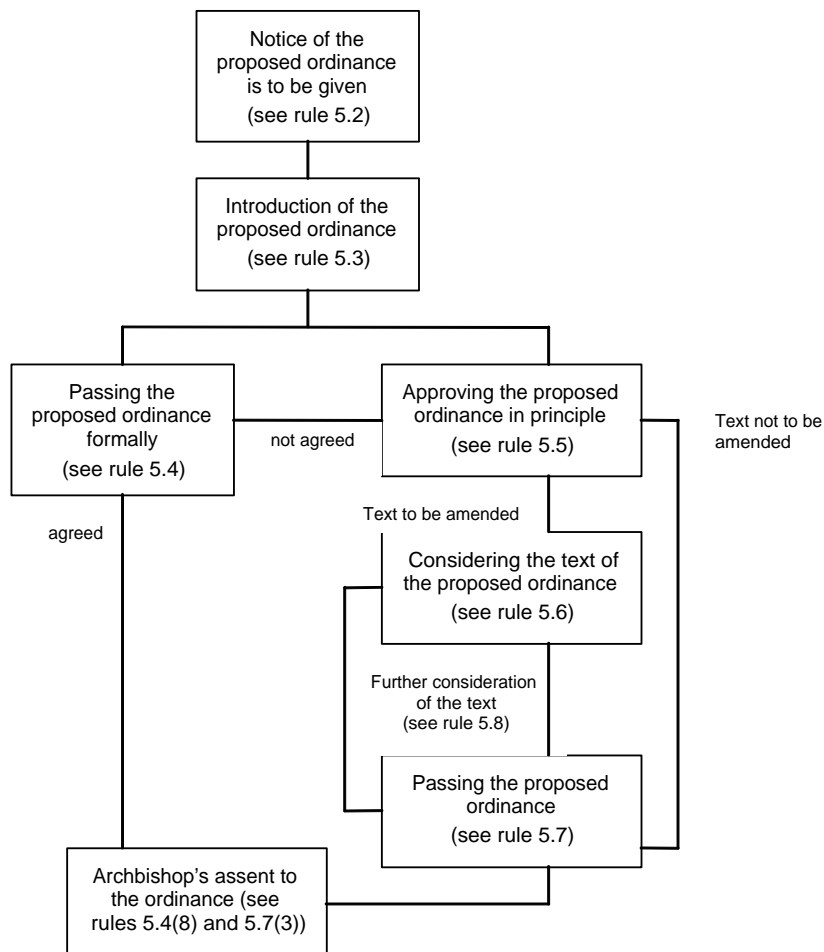
(6) The rules of procedure in this Part 4, so far as applicable, apply to a meeting of the Synod in Committee.

(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 4.2 | Amended by Ordinance No 26, 2009. |
| 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. |

