

Assistant Ministers Ordinance 2017 Amendment Ordinance 2019

No 42, 2019

Long Title

An Ordinance to amend the *Assistant Ministers Ordinance 2017* to provide for review of the process undertaken to terminate the appointment of an assistant minister or a senior assistant minister.

The Synod of the Diocese of Sydney Ordains as follows.

1. Name

This Ordinance is the Assistant Ministers Ordinance 2017 Amendment Ordinance 2019.

2. Amendments

The *Assistant Ministers Ordinance 2017* is amended by –

- (a) inserting the following new definitions in clause 2(1) in alphabetical order –
“Review Panel” or “Panel” means the body of that name constituted under clause 3B; and
“Synod Pool” means the group of twelve clergy, at least nine of whom are to be incumbents (elected by the clerical members of Synod), and twelve laypersons (elected by the lay members of Synod), as provided for in clause 3 of the *Parish Disputes Ordinance 1999*.’
- (b) substituting the words “the minister” in paragraph (b) of the definition of “senior assistant minister” in clause 2(1) with the words “the rector”;
- (c) removing the matter “clause 7” in clause 3(3)(f) and inserting instead the matter “clause 9”;
- (d) inserting the following new clauses after clause 3 –

“3A. Application for review

- (1) After receiving a notice under clause 3(1)(b), an assistant minister or senior assistant minister may apply to the Review Panel for a review of the termination for compliance with the procedural requirements of the Ordinance.
- (2) The application must be made:
 - (a) within 6 months after receiving the notice; or
 - (b) within such further period as the Panel allows in exceptional circumstances, having regard to any reasons for the delay and any other matter as the Panel sees fit.
- (3) The application must be made in the approved form prescribed by the Standing Committee from time to time.
- (4) The Panel must, as soon as reasonably practicable, provide a copy of the application to the rector and wardens.
- (5) The rector and/or wardens may provide a response to the application:
 - (a) no more than 3 weeks after receipt of the application; or
 - (b) within such further period as the Panel allows in exceptional circumstances, having regard to any reasons for the delay and any other matter as a Panel sees fit.
- (6) The response must be made in the approved form prescribed by the Standing Committee from time to time.

3B. Review Panel

- (1) There shall be a Review Panel comprising three persons constituted and appointed in accordance with this clause 3B.
- (2) The function of the Panel is to enquire into and determine applications made under clause 3A regarding compliance by the rector and/or wardens with the procedural requirements of this Ordinance for the termination of an assistant minister or senior assistant minister.
- (3) The Panel cannot consider the substantive reasons for the termination.

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(4) Subject to this Ordinance and the relevant rules, the Panel may exercise any powers necessary for its function in clause 3B(2).

(5) The members of the Panel in relation to a particular application shall be appointed from the Synod Pool, with one person nominated by each of the regional bishop, the applicant and the rector (after he has consulted the wardens).

(6) The member of the Panel nominated by the regional bishop is the convenor of the meetings of the Panel.

(7) If –

(a) the rector fails to nominate a member from the Synod Pool within 7 days of being asked by the regional bishop to do so (or such further time period allowed by the regional bishop); or

(b) the applicant fails to nominate a member from the Synod Pool within 14 days of being asked by the regional bishop to do so (or such further time period allowed by the regional bishop),

then the person's right of nomination shall lapse and the regional bishop is to appoint a member or members from the Synod Pool to achieve the quorum of three persons.

(8) A parishioner of a church in the parish to which the application relates is not eligible to be a member of the Panel.

3C. Process review

(1) In undertaking its function pursuant to clause 3B(2), the Review Panel –

(a) must, to the extent possible, consider the application on the papers;

(b) may convene meetings with any or all parties, and invite witnesses;

(c) is not required to keep minutes, but may keep a record of meetings held and outcomes of those meetings;

(d) has a quorum comprising three members of the Synod Pool, one of whom is the convenor;

(e) may make orders as to the conduct of any meeting as it deems appropriate;

(f) makes its decisions by simple majority;

(g) must observe the rules of procedural fairness;

(h) may seek such advice as it sees fit and may invite any persons to meet with the Panel; and

(i) may use parish property, other than the rectory, for meetings as required.

(2) Once it has completed its review of the application, the Panel shall produce a written report which sets out –

(a) its view regarding compliance by the rector and wardens with the procedural requirements of the Ordinance for the termination of the appointment of the applicant, including any particulars of the nature and extent of any non-compliance;

(b) any non-binding recommendations it has regarding the application.

(3) The report referred to in clause 3C(2) must be provided to the applicant, the rector and wardens of the relevant parish, the regional bishop, and the Archbishop.

3D. Outcomes

(1) The Review Panel may make any or all of the following recommendations –

(a) to the rector, that he take certain actions;

(b) to any member of the parish, including the wardens, the parish council, or certain members of the parish council or congregation, that they take certain actions;

(c) to the regional bishop, that the rector or the warden(s) or the applicant should be provided with certain training, leave or respite, and at whose cost; and

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- (d) any other corrections, actions, rebuke, decisions or directions deemed appropriate.
- (2) The Panel shall not make any recommendation under clause 3D(1)(d) unless it has –
 - (a) given any person who will be required to act under the recommendation at least 14 days' written notice of the proposed recommendation and the reason(s) for the recommendation; and
 - (b) given due consideration to any response provided by that person.

3E. Miscellaneous

- (1) A person who voluntarily participates in proceedings with the Review Panel under this Ordinance agrees that he or she will not sue in defamation in respect of anything said or done in such proceedings.
- (2) The Anglican Church Property Trust Diocese of Sydney must use its best endeavours to insure members of the Panel against liability for anything reasonably done in the carrying out of this Ordinance. The cost of such insurance is to be borne by the parishes generally.
- (3) The members of the Panel who act reasonably in the discharge of their responsibility under this Ordinance are entitled to be indemnified against all liability they may have incurred whilst so acting to the extent that indemnity is not covered under a policy of insurance. The cost of such indemnity including the reasonable legal costs of such member is to be borne by the parishes generally.
- (4) Subject to this Ordinance, any report of the Panel, and all communications whether written or oral that occur during the procedures under this ordinance must be treated as confidential by all persons involved, except to the extent that disclosure is consistent with the purposes for which the Panel has provided the report or is required by law.”

I Certify that the Ordinance as printed is in accordance with the Ordinance as reported.

K SOWADA
Chair of Committees

I Certify that this Ordinance was passed by the Synod of the Diocese of Sydney on 15 October 2019.

D GLYNN
Secretary

I Assent to this Ordinance.

G DAVIES
Archbishop of Sydney
24/10/2019