

Deaconesses, Readers and Other Lay Persons Ordinance 1981

(Reprinted under the Interpretation Ordinance 1985.)

The Deaconesses, Readers and Other Lay Persons Ordinance 1981 as amended by the Deaconesses, Readers and Other Lay Persons Ordinance Amendment Ordinance 1985, the Miscellaneous Amendments Ordinance 1988, the Assisted Provisional Parishes Ordinance 1988, the Deaconesses, Readers and Other Lay Persons Ordinance Amendment Ordinance 1988, the Miscellaneous Amendments Ordinance (No 1) 1991, the Deaconesses, Readers and Other Lay Persons Ordinance 1981 Amendment Ordinance 1994, the Miscellaneous Amendments Ordinance 1997, the Assisted Provisional Parishes (Reclassification) Ordinance 1997, the Miscellaneous Amendments Ordinance 1999, the Miscellaneous Amendments Ordinance 2001 and the Deaconesses, Readers and Other Lay Persons Amendment Ordinance 2002.

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Long Title

An Ordinance to provide for lay persons to assist in the conduct of public worship and to declare the law on certain matters.

Preamble

Whereas it is expedient that further provision be made regarding the ministry of lay persons Now the Synod of the Diocese of Sydney Hereby Ordains Declares Directs and Rules as follows -

1. Interpretation

(1) In this Ordinance, unless repugnant to the context or inconsistent therewith -

"Archbishop" means the Archbishop of Sydney.

"Assistant Bishop" means a clergyman holding office in the Diocese as an assistant bishop.

"minister" means -

- (a) as applied to a parish, the minister duly licensed thereto as the incumbent thereof or the person (if any) appointed thereto pursuant to clause 59 of the Church Administration Ordinance;
- (b) as applied to a provisional parish, the minister duly licensed thereto as curate-in-charge or the person (if any) appointed thereto pursuant to Clause 59 of the Church Administration Ordinance 1990;
- (c)
- (d) as applied to St Andrew's Cathedral, the Dean thereof; and
- (e) as applied to a church situated within the Diocese but not situated in any parish, the minister licensed to officiate thereat.

"parish" means a parish and a provisional parish in the Diocese.

"Diocese" means the Diocese of Sydney.

"church" means a building, being church trust property, duly consecrated or licensed for the celebration of divine service, the administration of the sacraments and the performance of any other rite or ordinance of the Anglican church of Australia.

“church trust property” means church trust property (as defined in the Anglican Church of Australia Trust Property Act 1917) held upon trust for the Anglican Church of Australia in the Diocese of Sydney or any part thereof.

“deaconess” means a person who has been admitted to the Order of Deaconesses described in the Order of Deaconesses Canon 1969.

(2) A building shall not cease to be a church by reason of that building being used for purposes other than (as well as) those mentioned in the definition of “church”.

2. Name of Ordinance

This ordinance is the Deaconesses, Readers and Other Lay Persons Ordinance 1981.

3. Lay Ministry in Church Without the Archbishop's Authority

The minister of a church may invite a lay person to do, in that church, any one of the following -

- (a) read the scriptures;
- (b) read prayers;
- (c) give an address in the office of the burial of the dead;
- (d) speak at a service of public worship or give an address at a service of public worship if either:
 - (i) an exposition is given at that service by a person authorised pursuant to clause 6 at that service; or
 - (ii) if a sermon is delivered at that service.

4. Archbishop's Authority for Lay Ministry

Subject to this Ordinance, the Archbishop or an Assistant Bishop on his behalf may authorise any lay person to do such of the following as may be specified in any authority which the Archbishop or an Assistant Bishop on his behalf may issue to that person, namely-

- (a) read morning prayer in any church at the request of the minister thereof;
- (b) read evening prayer in any church at the request of the minister thereof;
- (c) conduct the ministration of baptism in any church where the minister of the church is unable to perform the same;
- (d) conduct the office of the burial of the dead in any church at the request of the minister thereof;
- (e) conduct the churaching of women;
- (f) perform pastoral duties in a parish.

5. Archbishop's Authority to Deliver Sermons

Subject to this Ordinance, the Archbishop or an Assistant Bishop on his behalf may authorise a lay person to deliver a sermon or sermons in any church at the request of the minister thereof.

6. Archbishop's Authority for Occasional Expositions on Organisations etc

Subject to this Ordinance, the Archbishop or an Assistant Bishop may authorise one or more representatives of an organisation or corporation to give an occasional exposition of the aims, functions or needs of that organisation or corporation.

7. Conditions to be Satisfied Before an Authority is Issued

- (1) The provisions of subclause (2) of this clause shall not apply to a deaconess.
- (2) The Archbishop or an Assistant Bishop on his behalf shall not issue an authority pursuant to clause 4 or 5 of this Ordinance to a lay person unless -
 - (a) the lay person satisfies the Archbishop or the Assistant Bishop as the case may be that he or she has been adequately trained or has been otherwise equipped and possesses a sufficient knowledge of scripture;
 - (b) the lay person satisfies such other conditions and qualifications as may be prescribed in regulations made pursuant to this Ordinance.

8. Authority May be Limited

An authority issued pursuant to clause 4, 5 or 6 -

- (a) may be limited to a church or to the churches named therein or to the parish or parishes named therein or may apply to the whole of the Diocese or to any part thereof specified therein; and
- (b) may be issued subject to any conditions which are specified therein.

9. Authority May be Revoked

Any authority issued pursuant to clause 4, 5 or 6 may be revoked at any time by the Archbishop.

10. Wearing the Blue Scarf

A person to whom an authority has been issued pursuant to clauses 4 or 5 of this Ordinance shall not be permitted to wear a blue scarf when officiating in services of the church unless he or she has been regularly admitted to the Office of Reader by the Archbishop or a person appointed by him or in another diocese of the Anglican Communion.

11. Authority to Assist at Holy Communion

Nothing in this Ordinance shall affect any authority issued pursuant to the Lay Assistants at Holy Communion Canon 1973.

12. Archbishop may Appoint Person to Assist Him

The Archbishop may appoint any person to assist him in the exercise of any of his rights, powers and duties hereunder.

13. Regulations

The Archbishop-in-Council may make regulations at any time and from time to time concerning -

- (a) the qualifications which a person must possess and the conditions which a person must satisfy before an authority may be issued to that person pursuant to this Ordinance; or
- (b) the manner in which any authority issued pursuant to this Ordinance shall be given and exercised; or
- (c) the dress to be worn by a lay person holding any authority issued pursuant to this Ordinance when exercising that authority.

14.

15. Duty of Minister re Lay Ministry

The minister of a church shall not -

- (a) permit a lay person to give an address during a service except in the circumstances specified in paragraph (c) of clause 3; or
- (b) permit a lay person to do any one or more of the things mentioned in paragraphs (a) to (e) of clause 4 or in clause 6 in that church or to deliver a sermon in that church unless (in any such case) that lay person has been authorised so to do pursuant to this Ordinance.

16. Tenure of a Deaconess or Lay Person

(1) A deaconess or lay person holding an authority issued pursuant to this Ordinance shall hold office or remain in employment (as the case may be) subject to -

- (a) the terms of the authority of the Archbishop held by that person; and
- (b) where that person is entitled to or is paid a stipend or salary or is entitled to any other benefit and that person is not an excluded person in terms of clause 16(1A) -
 - (i) at least -
 - (A) 3 months notice of termination of payment of such stipend or salary or entitlement to such benefit being giving by or on behalf of the person or persons who pay or provide the same, and
 - (B) 3 months notice of removal from the office or employment being given by the minister, or
 - (ii) payment of at least the amount corresponding to the stipend or salary or entitlement to other benefit that would have been payable during a 3 month period of notice of termination by the person or persons who pay or provide the same and notice of removal from the office or employment being given by the minister, and
- (c) where that person is entitled to or is paid a stipend or salary or is entitled to any other benefit and that person is an excluded person in terms of clause 16(1A)(a) or (b) -
 - (i) notice of termination of payment of such stipend or salary or entitlement to such benefit being giving by or on behalf of the person or persons who pay or provide the same, and
 - (ii) notice of removal from the office or employment being given by the minister, and
- (d) where that person is not entitled to and is not paid a stipend or salary and is not entitled to any other benefit, notice of removal from the office or employment being given by the minister.

(1A) A deaconess or lay person is an excluded person for the purposes of clause 16(1) if that person -

- (a) is guilty of serious misconduct such that it would be unreasonable for that person to continue in the office or employment during the 3 month period of notice referred to in clause 16(1)(b)(i), or
- (b) is an employee who is excluded from the operation of section 170CM of the Workplace Relations Act 1996 by reason of serving a period of probation or qualifying period of employment, or
- (c) is an employee who is for any other reason excluded from the operation of section 170CM of the Workplace Relations Act 1996.

(2) When a deaconess or lay person holding an authority issued pursuant to this Ordinance is appointed to serve in a parish with the assent of the parish council thereof, it is the responsibility of the parish council to raise such moneys as

may be needed to pay the stipend and provide any such emoluments or perquisites to be paid or provided for that person until the appointment is terminated.

(3)

17. Transitional and Repeal

(1) A lay person who holds a licence or authority under any of the ordinances listed in the Schedule hereto shall retain that licence or authority subject to the terms and conditions on which the same was issued and may continue to do or perform all or any of the things which that person has been authorised to do and perform thereby.

(2) Subject to subclause (1), the Ordinances in the Schedule hereto are repealed.

Schedule

Women's Work in the Church Ordinance 1922-1978.
Readers and other Lay Assistants Ordinance 1976-1978.

Table of Amendments

Clause 1	Amended by Ordinances Nos 22, 1988; 30, 1988; 35, 1997; 27, 1999 and pursuant to the Interpretation Ordinance 1985.
Clause 2	Amended by Ordinances Nos 26, 1985; 22, 1988 and 32, 2001.
Clause 4	Amended by Ordinance No 26, 1985.
Clause 5	Amended by Ordinance No 26, 1985.
Clause 7	Amended by Ordinance No 26, 1985.
Clause 14	Repealed by Ordinance No 37, 1991.
Clause 16	Inserted by Ordinance No 34, 1988 and amended by Ordinances No 44, 1994; 29, 1997; 32, 2001 and 25, 2002.
Clause 17	Renumbered from 16 to 17 by Ordinance No 34, 1988.

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11 March 2005