

# **2021 Session of Synod**

## **Book 2**

(Pages 201 to 377)

Reports & Papers for the  
First Ordinary Session of the 52<sup>nd</sup> Synod

Administrator's Report for the  
Special Session of the 52<sup>nd</sup> Synod

Standing Orders and  
Rules for the Archbishop Election Synod

Anglican Church Diocese of Sydney

# Reports and Papers for the First Ordinary Session of the 52<sup>nd</sup> Synod

## Contents

	<i>Page</i>
<b>Interim Report of the Standing Committee to the first Ordinary Session of the 52<sup>nd</sup> Synod (2021)</b> .....	203
<b>Additional Special Reports</b>	
Composition, Purpose and Role of Synod (43/17) .....	211
Consultation on exposure draft bills for the Ministry Standards Ordinance 2017 Amendment Ordinance 2021 and Reportable Allegations and Convictions Ordinance 2021 .....	222
Doctrine Commission Report: A Theology of Baptism (14/14) // Addressing the Significance of Baptism in Water .....	238
Domestic abuse leave for clergy // Responding to Domestic Abuse (23/18) .....	243
Gender Identity – Practical Guidelines for Ministers and Parishes (76/19) .....	249
Parish and Regional Restructure.....	255
Parochial Cost Recovery Charges and Church Land Acquisition Levy for 2021 .....	266
Review of Diocesan policy for dealing with allegations of unacceptable behaviour .....	276
<b>Proposals to change parish status</b>	
Terrey Hills, Proposal to change the status of the provisional parish to a parish .....	286
<b>Bills for Ordinances</b>	
<i>The principal legislation is listed in italics.</i>	
Consecration of Archbishop of Sydney Ordinance 2021	
Explanatory Statement .....	290
Bill .....	291
Review of the <i>Standing Committee Ordinance 1897</i> (66/19)	
Report .....	292
Bill for the Synod Elections Ordinance 2000 Amendment Ordinance 2021 .....	295
<i>Synod Elections Ordinance 2000</i> .....	298
Bill for the Standing Committee Ordinance 1897 Amendment Ordinance 2021 .....	311
<i>Standing Committee Ordinance 1897</i> .....	313
Bill for the Synod Membership Ordinance 1995 Amendment Ordinance 2021 .....	320
Extract from the <i>Synod Membership Ordinance 1995</i> .....	321
<b>Policies proposed to be amended</b>	
Allowing diocesan organisations to align with the broader purposes of the Diocese	
Report .....	322
<i>Governance Policy for Diocesan Organisations</i> .....	328

## Administrator's Report for the Special Session of the 52<sup>nd</sup> Synod

Report on the Finances of the Endowment of the See and Housing for the Archbishop .....	338
---	-----

## Standing Orders and Rules for the Archbishop Election Synod

<i>Synod Standing Orders Ordinance 2019</i> .....	343
<i>Archbishop of Sydney Election Ordinance 1982</i> .....	361

# Interim Report of the Standing Committee to the First Ordinary Session of the 52<sup>nd</sup> Synod

Contents	Item
Introduction	1
Actions with the Archbishop	2
Financial and Property Administration	3
The International, National and Provincial Church	4
Sydney Synod Matters	5



## 1. Introduction

### 1.1 Background

The 2020 Report of the Standing Committee (provided in Book 1 of the Synod materials) provides a report of the work of the Standing Committee following the 3<sup>rd</sup> ordinary session of the 51<sup>st</sup> Synod (held in October 2019) and prior to the scheduled 1<sup>st</sup> ordinary session of the 52<sup>nd</sup> Synod (planned for October 2020). In practice, that report covered the Standing Committee meetings from November 2019 to September 2020 inclusive.

Given the postponement of the first ordinary session of the 52<sup>nd</sup> Synod, this interim report is intended to provide an outline of membership issues and the Synod-related matters that the Standing Committee has undertaken since October 2020 for the interest of Synod members. A standard format report on the Standing Committee's work for the period October 2020 to August 2021 will be provided to the 2<sup>nd</sup> ordinary session of the 52<sup>nd</sup> Synod.

### 1.2 Meetings and members

From October 2020 to March 2021, we have met 4 times. During this time, the following changes took place in the membership of the Standing Committee –

- A vacancy arose in the position of a minister elected by the Western Sydney Region upon the resignation of the Rev Gavin Poole. The Regional Electors of the Western Sydney Region elected the Rev Roger Cunningham to fill the vacancy.
- The following members did not stand for re-election at Synod elections held in October 2020, and consequently will retire from Standing Committee on 3 May 2021, with their last meeting being 22 March 2021: Mr John Driver, the Rev Justin Moffatt, Mr Philip Sherriff, Mr Lyall Wood AM RFD and the Hon Peter W Young AO QC.
- The following people were elected at the Synod elections held in October 2020 and will formally commence membership of the Standing Committee on 3 May 2021: Mr Greg Hammond OAM and Mr Mark Streeter (Northern Region), the Rev Dominic Steele (South Sydney Region), Dr Andrew Tong (Western Region) and Mr Norman Lee (Wollongong Region).
- The Archbishop, Dr Glenn Davies, will retire on 26 March 2021 and as a consequence will cease to be the President of the Standing Committee from that date. The Rt Rev Bishop Hayward will serve as Administrator of the Diocese and President of the Standing Committee until the installation of the next Archbishop.
- Mr Doug Marr has resigned as Registrar of the Diocese with effect from 8 April 2021 and consequently will cease to be a member ex-officio of the Standing Committee from that date. (Mr Tony Willis has been appointed Acting Registrar with effect from 9 April 2021.)

### 1.3 Impact of COVID-19 on meetings of the Standing Committee Emergency Executive Subcommittee of the Standing Committee

Item 1.27 in the 2020 Report of the Standing Committee notes that in March 2020 we constituted a subcommittee, the Emergency Executive Subcommittee of the Standing Committee (EES) to come into operation in the event that we were not able to meet and function during the COVID-19 crisis. The EES would have authority on any Standing Committee matter other than the making of ordinances, the making of appointments and the filling of casual vacancies.

In March 2021, having returned to in person meetings, we dissolved the EES with immediate effect noting that the EES was never convened and hence did not make any decisions or take any actions under its delegated authority (or otherwise).

## 2. Actions with the Archbishop

### 2.1 Retirement of Archbishop Glenn Davies

We noted that Archbishop Glenn Davies would reach the age of 70 years and six months on 26 March 2021, and in accordance with subclause 5(3) of the *Retirements Ordinance 1993* and resolutions of this Standing Committee made on 23 March 2020, would retire on that date. In accordance with clause 2(2) of the *Archbishop of Sydney's Election Ordinance 1982*, we resolved that a vacancy in the See of Sydney would occur on 26 March 2021 and made arrangements for the election of the next Archbishop of Sydney.

## 3. Financial and Property Administration

### 3.1 Ordinances

We have passed 30 ordinances since September 2020, listed in the appendix. Eleven of these ordinances are of particular interest:

(1) The *Synod Appropriations and Allocations Ordinance 2020* gave effect to the Synod's general intention when it passed the *Synod Appropriations and Allocations Ordinance 2018* ('the 2018 Ordinance') with respect to the appropriation and allocation of Synod funds for 2021.

The total amount available as distributions from the Diocesan Endowment and parish trusts was \$696,000 more than the estimates provided to Synod in 2018. However, \$435,000 of that was due to additional distributions made by the GAB from the Diocesan Endowment and the Diocesan Cash Investment Fund to meet the cost of an allocation for Diocesan overhead identified as result of the Review of SDS cost recovery methodology (described at item 3.2). A further \$243,000 of the funds available for 2021 represents unspent allocations from 2020, the majority of which are a result of the COVID-19 related restrictions which meant we were not able to hold the sessions of synod and some of the other physical meetings that had been scheduled in 2020.

(2) The *Anglican Church Growth Corporation (Pilot Program Enabling No 2) Ordinance 2020* varied the trusts of certain church trust property held for the purposes of parishes involved in an Anglican Church Growth Corporation pilot program, to enable the revenue generated from such property to be applied, if necessary, for the purposes of another or other parishes in the program.

(3) The *Nomination Ordinance 2006 Amendment Ordinance 2020* amended the *Nomination Ordinance 2006* and the *Interpretation Ordinance 1985* in response to the request of the Synod in its resolution 47/19. By that resolution, the Synod requested the Standing Committee to ensure that any person remunerated for any work within a parish (other than where incidental), or related to such a person, is not eligible to be elected as a parish nominator in that parish. This ordinance gave effect to that request in the *Nomination Ordinance 2006*. The same resolution also requested the Standing Committee to consider inserting a definition of 'layperson' to clarify the eligibility of persons, such as clergy in other denominations, to serve as parish nominators. The *Nomination Ordinance 2006 Amendment Ordinance 2020* included an amendment to the *Interpretation Ordinance 1985* to insert such a definition of 'layperson'.

(4) The *Nomination Ordinance 2006 Amendment Ordinance 2021* further amended the *Nomination Ordinance 2006* to –

- (a) provide the Archbishop with discretion to appoint a person as an Acting Rector pending the fulfilment of an educational requirement to become a Rector,
- (b) provide that the consent of a majority of the parish council is required as a prerequisite to terminating a suspension of nomination proceedings where an amalgamation involving the parish is being considered, and
- (c) provide for members of the Nomination Board to recuse themselves for conflict of interest purposes, and
- (d) a number of editorial matters.

(5) The *Parishes (COVID-19 and General Meetings No. 2) Ordinance 2020* provided special arrangements for holding general meetings of parishioners in the context of the public health emergency caused by the COVID-19 pandemic.

(6) The *Safe Ministry to Children Ordinance 2018 Amendment Ordinance 2020* amended the *Safe Ministry to Children Ordinance 2020* to require a psychological assessment for a person to be ordained as a presbyter (if more than 2 years have elapsed between the psychological assessment undertaken for ordination as a deacon and the commencement of the person's candidacy for ordination as a presbyter) or licensed to the office of rector (if the person was ordained as a presbyter in another Province or in another diocese of the Anglican Church of Australia).

(7) The *St Andrew's House Corporation Ordinance 2018 Amendment Ordinance 2020* amended the *St Andrew's House Corporation Ordinance 2018* to address areas of non-conformity with the Governance Policy for Diocesan Organisations, including the form of the Statement of Personal Faith that members must sign, the requirement for at least two members to hold (at least) a three year theological degree from Moore Theological College, and various changes relating to conflicts of interest and a restriction upon a person serving as Chair for any longer than nine consecutive years.

(8) The *Living Faith Council Ordinance 2020* constituted a new diocesan organisation, Living Faith, with the purpose of advancing the purposes of the Anglican Church of Australia in the Diocese of Sydney through gospel ministry to persons who experience same-sex attraction or gender incongruence. The Archbishop is President of the Council, and membership requirements include up to 3 persons appointed by the Archbishop, 6 persons elected by the Standing Committee and up to 2 persons elected by the other members of the Council. (At least one person appointed by the Archbishop and two persons elected by the Standing Committee are to be clergy licensed in the Diocese of Sydney with at least a three-year theological degree from Moore Theological College.)

The functions of the council (set out in clause 4 of the ordinance) include –

- (a) offering biblical encouragement and support to Christian men and women who experience same-sex attraction or gender incongruence so that they might walk in a way that is faithful to Christ,
- (b) offering biblical encouragement and support to families, spouses and friends of people who experience same-sex attraction or gender incongruence,
- (c) providing education and developing resources for churches, organisations and individuals regarding biblical perspectives on sexuality and gender, and how these can be expressed in ways which honour Christ, and
- (d) equipping Christian believers to support those seeking to express their sexuality in ways which honour Christ, especially those who experience same-sex attraction and gender incongruence.

(9) The *Sydney Diocesan Services Ordinance 2017 Amendment Ordinance 2021* amended the *Sydney Diocesan Services Ordinance 2017* to extend the scope of bodies to which Sydney Diocesan Services may provide services and to bring the SDS Ordinance into conformity with Synod's Governance Policy for Diocesan Organisations.

(10) The *Endowment of the See Capital Fund Ordinance 2012 Amendment Ordinance 2021* renamed the 'Endowment of the See Capital Fund Ordinance 2012' as *Endowment of the See Property Ordinance 2021*, and varied the trusts of the EOS Trust and provided for the assets of the EOS Trust to be added to the EOS Capital Fund to form a single amalgamated fund to be known as the Endowment of the See Property Fund (EOSPF). The amendments preserve the existing arrangements for application of the assets of the EOS Trust.

(11) The *Interpretation Ordinance 1985 Amendment Ordinance 2021* amended the definition of 'Registrar' in the *Interpretation Ordinance 1985* to include a person appointed as an 'Acting Registrar', and also addressed some problematic drafting in the *Interpretation Ordinance 1985* that is inconsistent with the Synod's *Doctrine Statement on Gender Identity*.

### 3.2 Review of SDS Cost recovery methodology

We endorsed a revised model for Sydney Diocesan Services (**SDS**) to recover its costs as the central administrative service provider of the Diocese.

SDS has previously sought (and under the revised model will continue to seek) to recover its costs from the organisations it serves in proportion to the cost of the services provided. However, certain costs incurred

by SDS for the benefit of the Diocesan network as a whole (for example costs associated with meeting rooms, the board room and reception area on level 2 St Andrew's House) have previously been allocated proportionally among the organisations it serves. The revised model treats these central expenses as "Diocesan Overhead", and allocates them as an expense to the Synod. This additional expense is then offset by increased distributions to the Synod from the Glebe Administration Board (**GAB**), available as a result of reduced cost recovery charges paid by the GAB to SDS.

## **4. The International, National and Provincial Church**

### **4.1 References to the Appellate Tribunal (Same Sex Blessing) – Wangaratta and Newcastle**

In November 2020, having noted the opinions of the Appellate Tribunal dated 11 November 2020, regarding Blessing of Persons Married According to the Marriage Act 1961 Regulations 2019 (Diocese of Wangaratta), and Clergy Discipline Ordinance 2019 Amending Ordinance 2019 (Diocese of Newcastle), along with several other documents and letters, we resolved as follows –

'Standing Committee of the Diocese of Sydney entirely rejects the recently released majority opinion of the General Synod Appellate Tribunal. We stand with brothers and sisters all over the world who have resisted the attempt to bless what God does not bless and to ignore the teaching of Scripture on the extreme danger of the behaviour endorsed by the proposed services of blessing. We are deeply saddened that the delivery of this opinion further disturbs the hard won unity of the church.'

In March 2021, we considered this matter again against a report which included the observation –

'...of the 42 provinces of the Anglican Communion, five have authorised same-sex blessing liturgies. In each case the constitutional unity of the Anglican Church in that province has been fractured and alternative arrangements have come into being. The provinces concerned are: the United States of America, Canada, Brazil, Scotland and New Zealand.'

At that meeting we requested the Archbishop to convey to the diocesan bishops and diocesan councils of the Anglican Church of Australia –

- (a) our view that the Majority Opinion of the Appellate Tribunal of the Anglican Church of Australia validating a liturgy for the blessing of same sex unions is in error both in law and theology, and
- (b) our concern that the use of the 'Wangaratta Liturgy' or any derivative services will fracture the hard won constitutional unity of the Anglican Church of Australia and therefore calls on all Anglican ministers not to act unilaterally on the Opinion but to wait for it be considered at the next General Synod.

### **4.2 Eighteenth session of General Synod**

We noted that the 18th session of the General Synod has been postponed for the second time, and is now expected to be held in June 2022.

## **5. Sydney Synod Matters**

### **5.1 Statement of Funding Principles and Priorities**

Last year, noting that 2020 was expected to be the last year of the current iteration of the Diocesan Mission, and Synod was due to elect a new Archbishop in August 2020, we had agreed to –

- (a) defer the next Statement of Funding Principles and Priorities from 2020 until 2021 and reduce its application to just 2023-2024, and
- (b) limit the scope of the Synod Appropriations and Allocations Ordinance and the Parochial Cost Recoveries and Church Land Acquisition Levy Ordinance required in 2021 to apply just to 2022, and
- (c) limit the Synod Appropriations and Allocations Ordinance and the Parochial Cost Recoveries and Church Land Acquisition Levy Ordinance required in 2022 (giving effect to the Statement of Funding Principles and Priorities) to only apply to 2023-2024. (See item 3.4(17) in the 2020 Report of the Standing Committee).

In February 2021, noting that the next Archbishop would not be elected until May 2021 and the second ordinary session would be held in September 2021, we decided to further delay the preparation of the next Statement of Funding Principles and Priorities until the 3<sup>rd</sup> session of the 52<sup>nd</sup> Synod (in 2022) to give the new Archbishop adequate time to consider his priorities, and for the Archbishop and Standing Committee to consider a new iteration of the Diocesan Mission. The delay would then also give the Synod adequate time to consider any changes or new initiatives that it may want to see incorporated into the next Statement of Funding Principles and Priorities.

As a consequence, rather than having a Statement of Funding Principles and Priorities in 2022 that applies only for one year (2023), as a one-off measure the next Statement (in 2022) will apply for the last year of the current funding triennium (2023) and the three years of the following funding triennium (2024-2026).

## 5.2 Governance Policy for Diocesan Organisations – statement of support for the Christian ethos and charter of a school

The Synod's Governance Policy for Diocesan Organisations includes Policy Guidelines (the **Guidelines**), which require any person who wishes to be elected, appointed or to remain as a board member to sign a statement of personal faith (paragraph 11). Noting that the Guidelines had included an exception that 'a person who is elected or appointed as an alumni representative on a school board before 1 July 2020 may sign a statement of support for the Christian ethos and charter of the school as an alternative to signing a statement of personal faith' we amended the Guidelines to remove that exception and the associated appendices.

## 5.3 14/14 Theology of Baptism Doctrine Commission Report – A Theology of Baptism: Addressing the Significance of Baptism in Water

By resolution 14/14, the Synod requested the Doctrine Commission to consider a theology of baptism with particular reference to the Scriptures and the Anglican formularies and to bring a report on this matter to the Synod at a convenient time.

We received a report from the Doctrine Commission addressing the request of resolution 14/14, and approved its printing.

The Doctrine Commission's report is printed separately.

## 5.4 46/15 Implementation of the Diocesan policy for dealing with allegations of unacceptable behaviour

By resolution 46/15, the Synod, among other things determined that the Diocesan Policy for dealing with allegations of unacceptable behaviour (the **Policy**) commenced on 1 January 2016, and requested the Standing Committee to undertake a review of the policy after a period of 5 years.

We undertook a review of the Policy and agreed to make amendments.

A report about this matter is printed separately.

## 5.5 43/17 Composition, purpose and role of Synod

By resolution 43/17, the Synod asked the Standing Committee to bring a report to the October 2018 session of Synod on the composition, purpose and role of Synod.

A report about this matter is printed separately.

## 5.6 4/18 People affected by disability

By resolution 4/18, the Synod first noted that in 2009, by resolution 34/09, it had called on parishes to "develop and implement a plan to remove those obstacles that currently prevent people affected by disability from hearing the gospel and sharing in Christian fellowship". Resolution 4/18 (in 2018) then continued with a request to the Standing Committee in consultation with Dr Louise Gosbell to survey parishes regarding the implementation of the request of resolution 34/09, and provide a report to the next ordinary session of Synod.

We noted a draft report including accessibility guidelines for parishes and, noting that the guidelines are intended to be typeset and made available as a printable document separate from other Synod materials, approved the printing of a suitable form of the final report for the Synod.

It is anticipated that the final (typeset) form will be available for the 2<sup>nd</sup> ordinary session of the 52<sup>nd</sup> Synod.

### 5.7 47/19 Amendment to the Nomination Ordinance 2006

By resolution 47/19, the Synod requested the Standing Committee to consider amending the *Nomination Ordinance 2006* and any other ordinance as required, to ensure that any person remunerated for any work within a Parish (other than where incidental), or related to such a person, is not eligible to be elected as a parish nominator in that parish. Synod also asked the Standing Committee to consider inserting a definition of 'layperson' to clarify the eligibility of persons, such as clergy in other denominations, to serve as parish nominators.

We addressed the request of the resolution. See item 3.1(3).

### 5.8 66/19 Review of the Standing Committee Ordinance 1897

By resolution 66/19, the Synod requested that the Standing Committee review the *Standing Committee Ordinance 1897* (and other relevant ordinances) particularly in relation to the existing references in that ordinance to –

- (a) the use of the expression 'the previous form of the *Synod Elections Ordinance 2000*';
- (b) the day that Elected Members hold office to;
- (c) whether the term 'the first session of the next Synod' should be clarified (where it occurs) as being 'the first ordinary session of the next Synod'; and
- (d) related matters;

and to bring a report, and if necessary an amending ordinance, to the first ordinary session of the 52<sup>nd</sup> Synod.

A report about this matter is printed separately.

### 5.9 76/19 Gender Identity – Practical Guidelines for Ministers and Parishes

We noted that the Archbishop, acting through the relevant Regional Bishop, will send the Practical Guidelines for Ministers and Parishes and the Suggested Responses to Practical Questions to all parish clergy and licensed lay pastoral staff, with a copy to each Parish Council for their information, and requested that a motion be moved at the forthcoming session of Synod.

A report about this matter is printed separately.

### 5.10 Arrangements for the first ordinary session of the 52<sup>nd</sup> Synod and the Special session of the 52<sup>nd</sup> Synod

#### Use of mobile voting or personal devices in place of secret ballots

We made arrangements for the first ordinary session of the 52<sup>nd</sup> Synod and the special session of the 52<sup>nd</sup> Synod to elect the next Archbishop.

Among the considerations for the forthcoming sessions, we received a report which gave consideration to using mobile voting devices or personal devices in place of secret ballots and voting by houses at Synod, noting that with COVID-19 there is a particular impetus to allow for voting in a way that minimises physical interactions. The report noted the following key requirements for any system for voting by houses or voting by secret ballot –

- (a) the need to ensure that the process doesn't prevent any present member from voting, and
- (b) the need to protect the integrity of the voting process, by for example –
  - (i) preventing any member from voting more than once or in the wrong house, and
  - (ii) preventing any member who is not present in the theatre from voting 'remotely' or by proxy, and
- (c) the need to provide a reasonable level of anonymity for Synod members as they vote.



(The report made clear that it is not expected that Synod members would intentionally misuse the system; however the system must preserve the integrity of the process and remove the possibility of decisions being called into question as a result of procedural weaknesses in the voting process.)

The report concluded that with these requirements in mind, each of the known technology-based alternatives to the paper voting system have a compelling flaw for our purposes, as follows –

- (a) Members using their own device to vote: the lack of reliable internet and the many Synod members who do not have an appropriate device are immediate problems for any system that relies on members using their own device to vote – when it comes to a key vote we cannot pause while members resolve connectivity or technical issues; nor could we rightly ignore their votes; nor could we ignore members who do not have a suitable device.
- (b) Members voting by SMS: To vote by SMS risks the capacity to vote twice (from two numbers) or to have members of the public vote. To counter these possibilities, all Synod members would be required to register a unique mobile phone number from which to cast their vote. However, not all Synod members have a mobile phone, and even if they did, the process to register a mobile number for all 820 Synod members could never expect to be perfect, having the result of preventing some members from voting. In terms of protecting the integrity of the system, voting by SMS would also allow the possibility that members could feasibly vote 'remotely'; and would introduce anonymity issues as votes are tied to a traceable mobile phone number. Accordingly, voting by SMS does not seem a reasonable alternative.
- (c) Providing specialised voting devices: The sheer volume of Synod members and the irregularity of formal votes during ordinary Synod sessions has provided compelling rationale against the use of specialised voting devices at ordinary sessions. Leasing these devices in the volume required is prohibitively expensive, and at ordinary sessions the time required to hand out and collect the devices upon every entry and every exit to the theatre would overshadow any time savings found in using them in place of a paper ballot. An election Synod may conceivably provide a more compelling case as there is at least one, often more ballots taken per day. However the complexity of the vote in an election Synod – which often includes selecting multiple nominees in one 'vote' – is prohibitively complex for those devices, which typically have a limited keypad, and limited or no opportunity for confirmation of the vote cast.

As a result of there being no suitable alternative, the paper-based method remains our planned approach. However, in order to address COVID-19 health requirements for social distancing, every second or third row of seats will remain empty throughout Synod (as part of social distancing measures) to allow Synod staff to personally hand out ballot papers, alleviating the need for papers to be passed down the line.

### 5.11 Second ordinary session of the 52<sup>nd</sup> Synod

We noted that the second ordinary session of the 52<sup>nd</sup> Synod, currently scheduled to be held 6, 7, 8, 13 and 14 September, is likely to only require a maximum of three sitting days. Due to uncertainty of availability of a venue and booking expenses, the session may be planned for either 6-8 September or 13-15 September 2021. We noted the need to make a decision regarding the timing, duration and business at the Standing Committee meeting in May 2021.

For and on behalf of the Standing Committee.

DANIEL GLYNN  
**Diocesan Secretary**

31 March 2021

## Ordinances passed by the Standing Committee since its last report

Living Faith Council Ordinance No 52, 2020  
Ashfield, Five Dock and Haberfield Variation of Trusts and Amendment Ordinance No 53, 2020  
Kirribilli and Neutral Bay Mortgaging Ordinance No 54, 2020  
Moss Vale Land Sale Ordinance 2018 Amendment Ordinance No 55, 2020  
Shoalhaven Heads Trust Ordinance No 56, 2020  
Synod Appropriations and Allocations Ordinance No 57, 2020  
Anglican Church Growth Corporation (Pilot Program Enabling No 2) Ordinance No 58, 2020  
Church Hill Leasing Ordinance 2011 Amendment Ordinance No 59, 2020  
Emu Plains Trust Ordinance No 60, 2020  
Guildford with Villawood Variation of Trusts (St Stephen's Anglican Church) Ordinance No 61, 2020  
Nomination Ordinance 2006 Amendment Ordinance No 62, 2020  
Parishes (COVID-19 and General Meetings No. 2) Ordinance No 63, 2020  
Safe Ministry to Children Ordinance 2018 Amendment Ordinance No 64, 2020  
St Andrew's House Corporation Ordinance 2018 Amendment Ordinance No 65, 2020  
St Mary's Balmain Variation of Trusts Ordinance No 66, 2020  
Professional Standards Unit (Funding) Ordinance No 67, 2020  
Willoughby Trust Ordinance No 68, 2020  
Willoughby Land Sale Ordinance No 69, 2020  
Nomination Ordinance 2006 Amendment Ordinance No 1, 2021  
Parramatta (Further Vesting of Property) Ordinance No 2, 2021  
South Head Variation of Trusts and Amendment Ordinance No 3, 2021  
Quakers Hill Trust Ordinance No 4, 2021  
Synod Fund Application Ordinance No 5, 2021  
Oakhurst (Richard Johnson Anglican School) Leasing and Variation of Trusts Ordinance No 6, 2021  
Anglican Church Growth Corporation (Pilot Program) Amendment Ordinance No 7, 2021  
Sydney Diocesan Services Ordinance 2017 Amendment Ordinance No 8, 2021  
Endowment of the See Capital Fund Ordinance 2021 Amendment Ordinance No 9, 2021  
Interpretation Ordinance 1985 Amendment Ordinance No 10, 2021  
Parramatta (Indemnity of Private Trustees) Ordinance No 11, 2021  
Wollongong Regional Council (Sussex Inlet) Variation of Trusts and Mortgaging Ordinance No 12, 2021  
North Sydney Mortgaging Ordinance No 13, 2021

## 43/17 Composition, Purpose and Role of Synod

(A report from the Standing Committee.)

### Key Points

- The Committee appointed by Standing Committee has responded to the request of Synod resolution 43/17 regarding the composition, purpose and role of Synod.
- The idea of a Synod is not found in the Scriptures except arguably in Acts 15 with the gathering of the disciples in Jerusalem to decide issues surrounding the Gentile mission. This does not lower the importance or value of a Synod but simply means that its specific purpose, role and composition are not prescribed in Scripture but instead flow out of our common theological convictions. In that light, our Synod represents the theology and especially ecclesiology of the Diocese of Sydney.
- Therefore, the purpose of the Synod could be summarised –
 

*To support the Christian witness of the parishes of the Diocese, as well as the organisations complementing the ministry of the parishes, by making decisions to promote and govern our common life and mission.*
- In addition to providing a time for diocesan-wide fellowship through shared Bible teaching and prayer it is generally agreed that the role of the Synod of the Diocese of Sydney is five-fold:
  1. *Receiving reports on the progress of our commonly agreed mission and other issues as well as reports and audited accounts from the diocesan organisations;*
  2. *Fostering accountability on the part of parishes and organisations to the teaching of Scripture, the Anglican formularies and our commonly agreed mission both in policy and practice;*
  3. *Making ordinances for the good governance of the Diocese;*
  4. *Passing resolutions and making policy that express the collective mind of the members; and*
  5. *Electing persons to diocesan bodies (of which there are currently about 50).*

### Purpose

1. The purpose of this report is to respond to the request of Synod resolution 43/17 regarding the composition, purpose and role of Synod.

### Recommendations

2. Synod receive this report.

### Background

3. At its session in October 2017, the Synod passed resolution 43/17 in the following terms –
 

‘Synod asks the Standing Committee to bring a report to the October 2018 session of Synod on the composition, purpose and role of Synod.’
4. At its meeting on 12 February 2018, the Standing Committee constituted a committee (the Committee) to undertake the work requested in Synod resolution 43/17 and to provide a report, including relevant theological reflection, distinguishing between matters of biblical imperative and matters of diocesan polity, and explicitly addressing the role of the Synod in relation to diocesan organisations. The Committee members appointed were –

Dr Laurie Scandrett  
Canon Phillip Colgan  
Mrs Jeanette Habib  
Mr Doug Marr

Dr Robert Mackay  
The Rev Dr Mark Thompson  
Bishop Michael Stead, and  
The Diocesan Secretary (Mr Daniel Glynn).

Sadly, Dr Mackay passed away on Monday 3 September 2018. Standing Committee did not appoint a replacement.

## Introduction

5. In responding to the request of Synod to report 'on the composition, purpose and role of Synod', it is worthwhile briefly understanding each term. The Committee took the view that **purpose** in this case refers to the objective responsibilities of the Synod (e.g., legislative), while the **role** of Synod is broader and includes the less quantifiable outcomes (e.g., Diocesan wide fellowship and dialogue). While **composition** relates to membership, it is supposed from the resolution that there is a question as to whether the composition of Synod provides suitable membership to meet the purpose and role of Synod.
6. The Committee reviewed the following legislation for statements regarding the subject matter –
  - (a) the *Church of England Synod Act 1866*,
  - (b) the [Anglican Church of Australia Constitutions Act 1902](#), and
  - (c) the [Synod Membership Ordinance 1995](#).
7. The Committee also reviewed the following reports provided to the Synod in recent years –
  - (a) the [Future Form of Synod Meetings preliminary report to the Archbishop](#) (1995) (**1995 Report**), and
  - (b) the [Future Form of Synod Meetings report from the Standing Committee](#) (1997) (**1997 Report**).

## Past consideration of this matter

8. The 1995 Report, which was provided to the Synod of that year, flowed from a Committee that had been established to advise the Archbishop as to the form of future Synod meetings. That report identified the historical reasons for the development of synodical government as being –
  - (a) the need felt by the Australian Bishops of 1850 to have a governance structure that would be suitable for the Australian colonies,
  - (b) in the absence of a strong ecclesiastical structure as in England, to involve powerful laity in the temporalities of the Church,
  - (c) to provide an acceptable balance in the relationship between bishop and clergy, and
  - (d) in view of doubts as to the validity of the Letters Patents issued to the Australian Bishops, to provide a legally recognised forum that could make decisions as to the 'temporalities of the Church' (shortly stated as 'to pass legislation affecting the property of the Church').
9. Ultimately, the 1995 Report came to the conclusion that there are four aims of Synod, being –
  - (a) to be a body to give the Archbishop and the administrators of the Church's affairs a representative view of the feelings of the Church members,
  - (b) to be a body which acts as a conduit permitting the transmission of the Archbishop's, clergy and parish visions of the Church to each other,
  - (c) thence to be a body which formulates diocesan policies, and
  - (d) to pass legislation which promotes the growth and maintenance of the Church in accordance with the vision of those involved as expressed in diocesan policies.
10. The 1997 Report, from the same Committee that produced the 1995 Report, noted that no member of the Synod had made any adverse comment on the four aims of Synod articulated in the 1995 report.

## Review and restructure

11. A review of these materials shows that there is no single authoritative statement that defines the purpose or role of the Synod. Previous attempts to do so (in the 1995 and 1997 reports for example) relied to a large extent upon a review of the legislative powers of Synod, its functions, its membership, its history, generally how it spends its time (or functions) and the theology related to the Synod.
12. In order to 'report on the composition, purpose and role of Synod', this report provides a current review and discussion of the matter under the headings of –
  - Theology
  - A Brief History of Synod
  - Current Framework
  - Purpose, Role and Composition
  - Current composition
  - Conclusions

## Theology

13. The New Testament does not mandate one particular mode of church government. Timothy is reminded of how a council of elders were involved in setting him apart for gospel ministry, led as they were 'by prophecy' (1 Tim 4:14). Titus, on the other hand was reminded that he had been charged with appointing elders in every town in Crete (Tit 1:5, where the sense seems to be an elder in each town but it may indeed mean more than one). The qualification lists in the Pastoral Epistles are most naturally read as indicating a twofold notion of 'office' (overseer and deacon, 1 Tim 3; elders from among whom some are overseers, Tit 1). However, this is nowhere taught as if no other configuration is possible or appropriate. What is more, such an exercise of a ministerial 'office' does not eliminate the voice of the congregation as a whole — older women, older men, younger men (Tit 2); playing a role in the evaluation of prophecy (1 Jn 4:1) and in the administration of discipline (2 Thess 3:14). Over each of these roles or offices stands the ministry of the apostles, as foundational authorities commissioned by Christ himself.
14. This more general pattern of particular, authorised and acknowledged offices of ministerial leadership and the active participation of the people of God in the governance of the church is reflected in the narrative of Acts as well. In Acts 1 the 120 disciples gathered in the upper room were led by Peter and the other apostles but were all involved in the commissioning of a replacement for Judas (vv. 13–15). In Acts 6 the apostles called together 'the full number of the disciples' to decide how to handle the crisis about the daily distribution and the Greek widows. However, it is clear that 'the Twelve' had a leadership role that was not subsumed by, but rather was exercised in the midst of, the gathering of this larger group. In Acts 11 'the church in Jerusalem' sent Barnabas to Antioch. In Acts 13 the work of the Holy Spirit in separating out Barnabas and Saul for specific ministry work took place in the midst of a gathering of the church at Antioch. In Acts 15 a council of the apostles and elders gathered together to consider the Gentile mission of Barnabas and Saul. Yet there was clearly a leadership role within that group exercised by James (vv. 13–21).
15. The two theological truths that are held together in this way are (1) God's gift of particular people to serve for the edification and good order of the churches and (2) the priesthood of all believers, by which every believer has direct, unmediated access to God in Christ. Neither of these truths must undermine the other, whether by a notion of priestly or episcopal leadership that operates on its own prerogative, or by a view of democratic governance that ignores or minimises the dignity and authority of the office or offices of leadership provided by God.
16. It is worth recognising that the New Testament has little sense of anything resembling our diocesan organisation (let alone a national church or the Anglican Communion). The church, as the New Testament conceives of it, is the local gathering of believers, a manifestation on earth of the gathering of all believers around Christ in heaven. The dignity, purpose and privilege attributed to the church in the New Testament belongs to the local congregation rather than a larger institutional fellowship of congregations. Yet just as this priority of the local congregation over the larger organisation that supports and resources it seems an obvious implication of the New Testament teaching about church as 'gathering', so too the New Testament strongly counters any notion of independency, where there

are no relationships or obligations to those beyond the local congregation. Paul called on the Gentile Christians to share their relative wealth with the needy Jewish Christians in Jerusalem (e.g., Rom 15:27) and on individual congregations to whom he wrote to pass on his letter to them to other congregations nearby (Col 4:16).

## A Brief History of Synod

### General

17. Synodical government is not a new thing. In various complexions it arguably goes back to the New Testament itself and the gathering of the disciples in Jerusalem in Acts 15 to decide issues surrounding the Gentile mission. In the early church councils (*concilia*) and synods (*synodoi*) were held, with little differentiation between the use of the terms. Over time a conventional distinction was made between councils, which were more irregular, convened to deal with a particular threat or heresy (sometimes convened even by the Emperor, as in the Council of Nicaea AD 325), and synods that were gatherings of bishops in a local area.
18. The early synods were essentially meetings of bishops, with a few other clergy and even fewer laypeople (e.g., the Emperor) in attendance. In the English church, one of the oldest recorded synods is the Synod of Whitby (664), which settled the date of Easter, and was attended by bishops and by King Oswiu of Bernicia and Northumbria. The first general synod of the English church, the Synod of Hertford (672) was part of the ecclesiastical reorganisation of the English church by Archbishop Theodore (of Tarsus) (668–90). It was attended by five bishops.
19. A reorganisation of these ‘church assemblies’ by Archbishop Stephen Langton in 1225 and the Convocation of Canterbury established its traditional form (bishops, abbots, deans and archdeacons, with two priests from each diocese) in 1283 under Archbishop Peckham. Originally all met together, but in the fifteenth century they were divided into two houses: the ‘Upper House’ of convocation made up of bishops only, and the ‘Lower House’ comprising the other clergy. The Convocations of Canterbury and York remained throughout the Reformation and were restored in 1660 following the restoration of the monarchy and episcopacy.
20. In 1885 a ‘House of Laymen’ was introduced, with members elected by the Diocesan Conferences. This arrangement continued until the *Church of England Assembly (Powers) Act of 1919* created the Church Assembly with a House of Bishops, a House of Clergy (all members of the lower house of Convocation), and a House of Laity (elected by Diocesan Conferences). The Assembly did not pass church law but rather prepared measures that would then be submitted to the British parliament. In 1969 the Church Assembly was superseded by the General Synod that meets at least twice a year. By the terms of the Synodical Government Measure 1969, which established the General Synod, doctrinal and liturgical matters can only be approved in terms proposed by the House of Bishops. By the same measure, Diocesan Conferences were replaced by Diocesan Synods, presided over by the local bishop.

### Australia

21. The Australian church was originally led by chaplains sent from England. In 1825 Thomas Scott was appointed Archdeacon of Australia, nominally part of the Diocese of Calcutta. In 1829 William Grant Broughton replaced Scott as Archdeacon of Australia, and seven years later was consecrated Bishop of Australia. He presided over his sprawling and growing diocese with the assistance of his clergy, especially a small number of influential clergymen such as William Cowper, and, for a very brief period of time, the aging Samuel Marsden.
22. In 1850 Bishop Broughton convened a conference of bishops (Broughton [Sydney], Perry [Melbourne], Nixon [Tasmania], Tyrrell [Newcastle], Short [Adelaide] and Selwyn [New Zealand]) to consider the organisation of the Church of England in Australasia. Selwyn had first gathered his clergy together as a synod in 1844. The conference raised the question of establishing synods but disagreed about the details. It was suggested that ‘many questions of great importance to the Church of England in these colonies ... could not be satisfactorily settled without the establishment of duly constituted provincial and diocesan synods’ (*SMH* 18 Feb 1865, p. 8). There was, however, firm agreement that the synods should consist only of the diocesan bishop and his clergy. ‘The laity could meet at a separate

convention' (Tom Frame, *Anglicans in Australia*, [2007], page 73). However, following a stormy meeting of key laymen, the proposal was modified to include the laity in the governance of the church. However, attempts to promote the proposal through the British parliament got nowhere.

23. Adelaide was the first to act. Bishop Short introduced synodical government in October 1855, based on a consensual compact. Melbourne went a different route around the same time, introducing its own synod with the backing of an Act of the Victorian Legislative Council. In New South Wales, the parliament was not so amenable, concerned as it was to prevent establishment, and there were differences between Sydney and Newcastle about how any such move should be implemented. The first Sydney Diocesan Conference met in 1858 and a bill was drafted to go to the NSW parliament. The bill made it through the Legislative Council with minor amendments proposed by a select committee but was never presented to the Legislative Assembly. When the Diocese of Goulburn (now Canberra-Goulburn) was created in 1863, and following discussions between all three New South Wales bishops, new efforts were made.
24. On 27 December 1864 Bishop Barker issued an invitation to the clergy of the diocese 'to meet lay representatives of the various parishes, for the purpose of considering the subject of synodical action'. At that time, each of the clergy represented had responsibilities in parishes in the Diocese (all believed to be incumbents). The meeting took place from Monday 6 February to Thursday 16 February 1865. A Sydney diocesan conference was held in September 1865. It resolved to appoint a committee 'to frame a code or body of fundamental constitutions of the synod proposed to be created for the good government, general management, and regulation of the United Church of England and Ireland within this colony, on the basis of the provisions of the bill introduced into the Legislative Council in the session of 1859–60, as amended by the select committee to which it was referred' (*SMH* 18 Feb 1865, p. 8).
25. *The Church of England Synod Act 1866* was the first legislative enactment of synodical government in New South Wales. The Constitutions annexed to this Act, in clause 3, expressed the powers of the Synod as –

*...to make Ordinances upon and in respect of all matters and things concerning the Order and good Government of the United Church of England and Ireland and the Regulation of its affairs within the Diocese including the management and disposal of all Church property, moneys and revenues (not diverting any specifically appropriated or the subject of any specific trust nor interfering with any vested rights) and for the election or appointment of Churchwardens and Trustees of Churches, Burial Grounds, Church Lands and Parsonages ...*

However, they also provided for an important expression of episcopal leadership alongside synodical governance –

*... no such ... Ordinance shall take effect or have any validity unless within one month after the passing of the same the Bishop shall signify to the Synod his assent thereto Provided also that any such ... Ordinance to which the Bishop shall not assent may be the subject of reference to any determination by any Provincial Synod composed of the Representatives of the Diocesan Synods of the Colony of New South Wales in manner hereinafter provided.*

26. On Wednesday 5 December 1866 the first Sydney Synod met in the Church Society's House in Phillip Street. In his Presidential Address, Bishop Barker remarked,

*These works [he had just listed 'the principal subjects which will occupy our attention on the present occasion'], if somewhat secular, are yet necessary and valuable, and as means to a higher end deserve a portion of our time and of our careful consideration. Yet are they but the means—the scaffolding of the temple. We may frame an orderly system of government; patronage, discipline, and endowments may be wisely arranged; yet is this but the machinery, we want the motive power. We may by the liberality of our gifts, by prudence and diligence in labour, become prosperous outwardly, may have a name to live, and yet before God be dead. A Church does not live by external acts, but by the indwelling spirit, animating, informing, quickening, and enlightening its members; without this it is dead. 'A Church dies when it does not testify for God, does not maintain Christ's truth, is not instinct with the Spirit.'*

*Then let us, my rev. brethren, keep ever in view the great end of our ministry, which is the salvation of souls. Suffer me to remind you of your ordination engagements, of your promises to be diligent in prayer and in the reading of the Holy Scriptures, laying aside the study of the world and of the flesh, to be in yourselves and in your families wholesome examples and patterns to the flock of Christ, that thus giving yourselves wholly to these things, you may be enabled so to see for Christ's sheep that are scattered abroad, that they may be saved through Christ forever.*

*And from you, my brethren of the laity, we look for much. We look for your forbearance, for we often need it. We look for your prayers that our hands may be upheld. We look for your co-operation, that you would willingly take upon yourselves those secular duties which occasionally press too heavily on the pastor, and that in all matters of finance you would leave him without carefulness by your care on his behalf. We desire for you that, as fathers in the family, masters among your servants, and members of the community, you would help forward the work of the ministry.*

*If in this Synod we meet as a united and praying body, I have no fear for the result. The advantages we enjoy as members of the Church of England supply great additional means for usefulness. Our Apostolic order and descent, our Scriptural ordinances, and the strong hold our beloved Church maintains over the affections of her members, are a vantage ground from which we may hope to wage successful war against ignorance, irreligion, and vice. But in order to this success we must be united, sympathising, prayerful. Let us be so, and the work of the Lord will go on. And let me remind you, my brethren, that the progress of the work is the one chief thing to be kept in view. (SMH Thursday 6 December, 1866, p. 5)*

27. Six years later (1872), the first General Synod of the Church of England in Australia met in Sydney.

28. The legislative regulation of the affairs of the Synod was effected by the historical *Anglican Church of Australia Constitutions Act (1902)* (NSW Private Act). The first three clauses of that Schedule 1 set out the framework –

**1. Diocesan Synod to be held**

*The members of the Anglican Church of Australia in any Diocese within the State shall meet in Synod as hereinafter provided.*

**2. President and time of holding**

*The Synod in each Diocese shall be convened in the manner herein provided, save in so far as the same may be altered by a Synod acting under the provisions hereinafter contained. And such Synod shall be convened and holden once in every year by summons of the Bishop of the Diocese, stating the time and place of meeting. And the Bishop of the Diocese, or in his absence a commissary appointed by him in writing, shall be president of the Synod, and may adjourn, prorogue, and dissolve the same with the concurrence of the Synod. And a new Synod shall be elected and convened at least once in every three years. And it shall not be lawful for the president to vote on any question or matter arising in the Synod. And the provision hereinbefore contained shall be applicable to any Diocese which may be hereafter constituted within the State.*

**3. Power of Synod generally**

*The Synod of each Diocese may make ordinances upon and in respect of all matters and things concerning the order and good government of the Anglican Church of Australia and the regulation of its affairs within the Diocese, including management and disposal of all Church property, moneys, and revenues (not diverting any specifically appropriated, or the subject of any specific trust, nor interfering with any vested rights), except in accordance with the provision of any Act of Parliament, and for the election or appointment of churchwardens and trustees of churches, burial grounds, church lands, and parsonages. And all ordinances of the Synod shall be binding upon the Bishop and his successors, and all other members of the Church within the Diocese, but only so far as the same may concern their respective rights, duties, and liabilities as holding any office in the said Church within the Diocese.*



29. The Constitution in the schedule of the 1902 Act prescribed that the membership of the synod included each incumbent ('each clergyman licensed to a separate cure of souls' – clause 8) and two representatives elected at a meeting of the parish convened for that purpose (clauses 8-11). The membership of synod also included those summoned under clauses 14 and 15 –

**14. Summoning of Chancellor and Registrar**

*The Bishop shall summon to the Synod as members thereof the Chancellor and the Registrar of the Diocese, who shall have the same rights, powers, and privileges as representative members, and may, also, summon such clergymen holding distinct official positions in the Diocese as the Bishop may determine: Provided that for every clergyman so summoned, a layman shall be elected as a representative member under regulations of the Synod made for the purpose.*

**15. Representation of St. Paul's College**

*The Warden of St. Paul's College, within the University of Sydney, shall always be summoned to the Synod of that Diocese as a clerical member thereof, and two lay members of the Church, to be elected by the council of the said College from amongst themselves, shall likewise always be summoned to such Synod as representative members thereof ...*

30. As a result, the membership of the Synod between 1902 and 1995 consisted of one incumbent and two representatives from each parish, the Chancellor, the Registrar, the representatives of St. Paul's College and a number of other clergy 'holding distinct official positions' summoned by the Archbishop, with the same number of laypersons elected by the Synod.

## Current Framework – *The Synod Membership Ordinance 1995*

31. Clause 29 in the schedule of the 1902 Act allows the schedule to be amended by an ordinance passed by the Provincial Synod of NSW and ratified by the General Synod. The *Provincial Synod Constitution Ordinance 1994*, having been adopted by all Diocesan Synods in New South Wales, was ratified by the *New South Wales Constitution Ratification Canon 1998*. This ordinance replaced the 29 clauses of the schedule with a reorganised, modernised and simplified version.

The *Anglican Church of Australia Constitutions Act 1902* now provides in clause 2 of the Schedule –

- (1) The Synod of each Diocese may make ordinances upon and in respect of all matters and things concerning the order and good government of the Anglican Church of Australia and the regulation of its affairs within the Diocese subject only to the *Anglican Church of Australia Constitution Act 1961* and any other Act in force in this State.
  - (2) All ordinances of the Synod shall be binding upon the Bishop and the Bishop's successors and all other members of the Church within the Diocese, but only so far as the same may concern their respective rights, duties, and liabilities as holders of any office in the Church within the Diocese.
32. Clause 6 of Schedule now provides significant latitude to the Synod of each diocese to determine (by ordinance) the classes of person who form the membership of the Synod. Clause 5 presupposes that the Synod will consist of 'clergy' and 'other members', in that it prescribes the circumstances that require a vote by separate houses of clergy and laity. There is now nothing in the Constitution itself that stipulates that Synod membership for either laity or clergy be on the basis of 'parish representation', nor that clergy representatives be limited to incumbents of parishes, or a two-to-one ratio between lay and clerical representatives. Another change to the Constitution is the rule that the Archbishop is the President of the Synod, who is not entitled to vote on any question before the Synod. These matters have been incorporated in the *Synod Membership Ordinance 1995* and, in relation to the role of the President, to the *Synod Standing Orders Ordinance 2019*, which allows the President to take part in debate (rule 4.2(2)) but retains the rule that he is not entitled to vote (rule 1.3).
33. In anticipation of the ratification of the changes to the Schedule of the *Anglican Church of Australia Constitutions Act 1902*, the Synod passed the *Synod Membership Ordinance 1995*. This ordinance

broadly reflected the principles of the original Schedule (i.e., parish representation; incumbents only; clergy to laity in a two-to-one ratio), but also introduced a new category of membership – ‘Part 6-Chief Executive Officers of Nominated Organisations’. It also limited the number of ‘nominated ministers’ that the Archbishop could summon under Part 7 to ‘10% of the total number of Parochial Ministers determined on 1 January in the calendar year in which the first session of that Synod is to be or was held.’ (s.32[2]), which was to be balanced by the same number of ‘Nominated Laypeople’ appointed under Part 8. Part 9 replicated the previous rules with respect to the Chancellor, the Registrar and representatives from St Paul’s College.

34. The *Synod Membership Ordinance 1995* has since been amended in 1997, 2000, 2003, 2004, 2006, 2009, 2013, 2014, 2015, 2016, 2017 and 2019. These amendments have added Indigenous Representation (Part 8A), expanded the categories of persons recognised under Part 9, allowed for ‘alternates’ for clerical and lay representatives and changed the Part 7 calculation to ‘10% of the total number of Parochial Units’ (rather than Parochial Ministers).

## **Purpose, Role and Composition**

35. While the concept of a modern Synod as we understand it is not found in the Scriptures, this does not lower its importance or value but simply means that its specific purpose, role and composition are not prescribed in Scripture but instead flow out of our common theological convictions. In that light, while a review of the historical role of synods is of some value, the Synod of the Diocese of Sydney will represent the theology and especially ecclesiology of the Diocese of Sydney.
36. Therefore, the purpose of the Synod could be summarised –
- To support the Christian witness of the parishes of the Diocese, as well as the organisations complementing the ministry of the parishes, by making decisions to promote and govern our common life and mission.*
37. In addition to providing a time for diocesan-wide fellowship through shared Bible teaching and prayer it is generally agreed that the role of the Synod of the Diocese of Sydney is five-fold –
1. Receiving reports on the progress of our commonly agreed mission<sup>1</sup> and other issues as well as reports and audited accounts from the diocesan organisations;
  2. Fostering accountability on the part of parishes and organisations to the teaching of Scripture, the Anglican formularies and our commonly agreed mission both in policy and practice;
  3. Making ordinances for the good governance of the Diocese;
  4. Passing resolutions and making policy that express the collective mind of the members; and
  5. Electing persons to diocesan bodies (of which there are currently about 50).
38. It is important to highlight the Synod’s responsibility, expressed in each of those five roles, in the stewardship of our collective resources for the furtherance of the mission of Christ. The Synod, which is primarily a representative gathering of the parishes, determines the financial contribution of the parishes to the activities of the mission and the structures that facilitate it (welfare agencies, theological colleges, central administration, episcopal ministry). It also determines the distribution of the available resources to these various bodies and activities. The Synod also passes ordinances and policies that establish and regulate our diocesan organisations.
39. One of the difficulties in considering the role, purposes and especially the composition of the Synod is that it does not fit neatly into any one category. The Synod is more than a governing body (e.g., a school council or board of Moore Theological College), yet it is not strictly speaking a ‘house of representatives’. Instead it falls somewhere between these two types of bodies. While the Synod is similar to a ‘house of representatives’ it differs in the fact that no member of Synod is there to represent specific interests of those they represent (be it parish or organisation) but rather to act in accordance with the best interests of the whole Diocese being answerable to the Synod. However,

---

<sup>1</sup> Our commonly agreed mission is currently expressed by our Diocesan Mission.

as a 'representative' of a parish or organisation the expression of differing or alternative views arising from individual interests helps inform Synod in its decision making. Every parish has the right and duty to send representatives to the Synod. Historically, this does not take into account the relative size of a parish (i.e. a parish of 1,000 members has the same representation as a parish of 100 members) making the Synod more akin to the Senate than the House of Representatives in the Australian parliament. However, given the comments above it seems that the current model is the most appropriate model.

40. Assumed in the above purposes and roles is the understanding that the Synod is primarily a representative gathering of the parishes. This is reflected in the longstanding decision of the Synod that all parishes are guaranteed representation on the Synod. Representatives of diocesan organisations, whose ministry complements the work of the parishes, are also included in the Synod membership because of the perspectives they bring that benefit the Synod regarding the wider life, work and mission of the Diocese. However, under the Constitution, the Synod can determine from time to time the composition of its membership across all categories or classes.
41. In that light, there is also merit in having the involvement and input at Synod of certain diocesan organisations that make a significant contribution to the gospel work in the life of the Diocese (such as Moore College, Anglicare, Anglican schools and Youthworks). One might argue that while the Diocese is a fellowship of parishes, such organisations are joint initiatives of the Diocese, which are shaped and directed through the Synod. Historically this has been reflected in Part 6, by including the CEOs of certain diocesan organisations in the membership of the Synod.
42. Importantly (and the reason why not all organisations need to be represented at Synod), the primary connection of Synod to diocesan organisations is not through such organisations having members appointed to the Synod. Instead it is through the Synod's election of Council and Board members who are responsible to exercise governance in accordance with their constituting ordinance passed by the Synod, and answerable to the Synod through the submission of Annual Reports.
43. Unlike some other dioceses where all clergy are summoned to Synod, only Rectors are invited to the Sydney Synod (by right). This again reflects the priority of viewing the Synod as primarily representative of the parishes. However, Synod benefits from the input of clergy who are not currently Rectors (long-term assistants, chaplains etc). These clergy can be called by the Archbishop under Part 7. Part 8 ensures that for every additional clergy person summoned one additional layperson is also appointed. In this way, the membership of Part 7 and Part 8 do increase the proportion of clergy on Synod (given that parishes generally appoint 2 lay representatives for every 1 clergy).
44. However, Synod membership should always be structured such that the overwhelming majority of members are parish representatives. Over the last 100 years, Synod membership has evolved to the point where membership of Synod by non-parochial representatives forms about 10% of the membership. In the light of the history and ecclesiology of the Diocese, this rule of thumb (while not a hard rule) provides a helpful check for determining the appropriate balance of the Synod. That is, non-parochial representatives should generally form no more than about 10% of the membership of the Synod.
45. Any adjustment to the membership of Synod should take into account that as a result of its size the Synod is already a somewhat unwieldy beast, and as membership grows in number the difficulty increases for members to contribute and recognise the value of their membership.

## Current composition

46. The following table shows the makeup of Synod as at the first day of the 3<sup>rd</sup> ordinary session of the 51<sup>st</sup> Synod (14 October 2019)<sup>2</sup> –

---

<sup>2</sup> [Part 6, Part 8A and Part 9](#) do not mandate the distribution between clergy and laity. The most recent actuals have been used in this table.

Synod membership	Lay	Clergy	Total
Parish Clergy (Part 4)		260	260
Parish Laypersons (Part 5)	497		497
Nominated Organisations (Part 6)	4	2	6
Nominated Clergy (Part 7)		25	25
Nominated Laypersons (Part 8)	25		25
Nominated Indigenous Representatives (Part 8A)	1		1
Other Members of Synod (Part 9)	5	7	12
<b>Total</b>	532	294	826
<b>Percentage</b>	64%	36%	

47. Approximately 50% of Sydney Anglicans attend the largest 60 parishes and the other 50% attend 210 parishes. However, all parishes (except provisional parishes) currently have the same representation at Synod (2 lay and 1 clergy). The effect of this membership structure is that both large and small parishes effectively have the same representation on Synod (more akin to the Australian Senate than the House of Representatives).
48. As at 31 August 2020, there are approximately 1,110 clergy in the Diocese with a licence from the Archbishop, including approximately 840 who are not incumbents and 300 over the age of 67.

## Conclusions

49. The matters outlined above lead to the conclusions laid out in the following paragraphs.
50. The current size of Synod is already large, and it would be unwise to significantly increase the size of the Synod.
51. Ex-officio membership of the Synod for clergy should continue to be limited to parish ministers who are incumbents only (rather than being extended to all clergy in paid ministry). Inviting all 'active' clergy to Synod would triple its size (from about 800 to about 2,500, assuming a corresponding 2 for 1 increase in laity). This would also have the impact of giving a proportionately greater voice to larger parishes (which have more licensed clergy). It would also include chaplains currently involved in non-parish ministry in the Synod. While the ministry of these chaplains is vitally important, this would undercut the principle outlined above, that the 'overwhelming majority' of Synod should be parish representatives.
52. Part 6 provides for Synod representation for CEOs of 'nominated organisations'. The *Synod Membership Ordinance 1995* currently limits this to seven diocesan organisations, as nominated by the Standing Committee. This measure allows the CEOs of the seven organisations to be present at the Synod. Not all organisations are represented, as the CEO representation is not a means to govern those organisations; but rather to allow those organisations to provide input into the decision-making of the Synod. The number of organisations represented may fluctuate over time depending on the will of the Synod and the number of Diocesan organisations in operation.
53. Historically the Principal of Moore Theological College was also included under Part 6 as one of the 'CEOs' of 'nominated organisations'. However, in 2016 the Synod specifically provided for the membership of the Principal of Moore Theological College under Part 9. This change was made to recognise the central place of the College in the Diocese as *the* theological College for training Ordinands for ministry as Presbyters in the Diocese and the critical role the Principal of Moore Theological College plays in the theological leadership of the Diocese.
54. The Archbishop has the discretion under Part 7 (within limits specified in the Ordinance) to call to Synod additional clergy who are not otherwise members of the Synod. It has been the practice of successive archbishops to exercise their prerogative under Part 7 to call to Synod a range of

assistant ministers and chaplains who bring a diversity of ministry experiences to the Synod chamber. This diversity includes long-term or senior assistants, women in ordained ministry, youth ministers, those engaged in ethnically diverse ministries, faculty members of Moore College, chaplains in schools and Anglicare chaplains.

55. The Standing Committee can make an equal number of appointments of lay people under Part 8. Standing Committee has historically used these appointments to ensure that the Synod has members with particular skills and experience, where these individuals have not been otherwise elected by a parish.
56. With regard to the Heads of Diocesan Schools, the Ordinance was amended in 2019 to allow for the appointment of up to three Heads under Part 8.
57. As the Committee has met over a period of two and a half years, it has gradually brought or otherwise supported, a number of proposals for change to the Synod, which are incorporated into this report. These include –
- (a) clarifying that Parochial Representatives and Nominated Laypersons continue to be members of the Synod until the day before the first day of the first ordinary session of the next Synod,
  - (b) changing the Part 7 calculation to '10% of the total number of Parochial Units' (rather than Parochial Ministers), and
  - (c) modifying the Dictionary of the *Synod Membership Ordinance 1995* to expand the definition of "Parochial Minister" to include an Acting Rector appointed to a parish during a vacancy.
58. Much work has been undertaken, and indeed advancement achieved, over the last decade in seeking to codify appropriate governance principles of not-for-profit organisations, including Christian not-for-profit organisations. These are being continuously reviewed and revised and therefore a definitive expression or summary is not included in this report. Nevertheless, the principles contained in the following documents are suggested as excellent reading for all members of Synod –
- Synod's *Governance Policy for Diocesan Organisations*,
  - the 'Guiding Principles' in the Christian Ministry Advancement's (CMA) *Essential Standards of Ministry Governance*,
  - the recommendations of the recent review of the *Australian Charities and Not-for-profits Commission (ACNC)* legislation regarding Basic Religious Charities, and
  - the *Not-for-Profit Governance Principles* as espoused by the *Australian Institute of Company Directors (AICD)*.

All Synod members should acquaint themselves with these documents.

59. However, the Synod is more than a governing body so general governance principles that apply to the secular world, or even to organisations accountable to the Synod, may not all have direct application, correlation or relevance to the Synod itself. The principles undergirding Synod membership need to be shaped by the fact that the Synod is a hybrid of a governance body and a unicameral legislative body. The Synod has a particular character borne of a range of factors, including theological, historical, legislative, as well as contemporary governance practices/policies. For that reason, Synod's own Governance Policy for Diocesan Organisations is designed for application to the Boards and Councils answerable to the Synod but, rightly, does not apply to the Synod itself, which is instead governed by its own ordinances.

For and on behalf of the Standing Committee.

DANIEL GLYNN  
**Diocesan Secretary**

6 April 2021

# Consultation on exposure draft bills for the Ministry Standards Ordinance 2017 Amendment Ordinance 2021 and Reportable Allegations and Convictions Ordinance 2021

(A report of the Standing Committee.)

## Purpose

1. The purpose of this report is to update the Synod on progress in reviewing the *Ministry Standards Ordinance 2017* and to seek feedback on exposure draft bills for consideration at the September 2021 session of Synod.

## Recommendations

2. Synod receive this report.
3. Synod invite its members to provide feedback on exposure draft bills for the *Ministry Standards Ordinance 2017 Amendment Ordinance 2021* and the *Reportable Allegations and Convictions Ordinance 2021* to the Diocesan Secretary by 30 June 2021.

## Background

### Terms of Reference

4. The primary terms of reference for review of the *Ministry Standards Ordinance 2017* (the “**MSO**”) are set out in the Synod Resolutions extracted in **Appendix 1** to this report. In summary, Synod requested that Standing Committee –
  - (a) review the MSO, particularly as it pertains to accusations of bullying, to ensure that rector development or other measures are recommended prior to more serious action,
  - (b) review generally the effectiveness of the MSO drawing on submissions from Synod members and bring appropriate recommendations to the next session of Synod, and
  - (c) make amendments to the MSO to facilitate compliance with changes in child protection laws, and
  - (d) consider including an encouragement for parties to consider resolving a grievance, complaint or dispute under the *Diocesan policy for dealing with allegations of unacceptable behaviour*.

### Appointment of Committee

5. The Standing Committee appointed a subcommittee comprising the following persons (the **MSO Review Committee**) to review the *Ministry Standards Ordinance 2017* in response to the resolutions of the Synod and report back with recommendations: Mr Garth Blake SC, Mr Lachlan Bryant, The Rev Mark Charleston, Mr Michael Easton (Chair), The Rev Tom Hargraves, The Rev Mamie Long, Mr Douglas Marr, The Very Rev Kanishka Raffel and Mr Craig Schaffer. The MSO Review Committee was also assisted by Ms Elenne Ford (PSU Consultant) and Mr Steve Lucas (SDS Senior Legal Counsel).

### Submissions from Synod Members

6. Synod Resolution 25/19 called for feedback from Synod Members. The request for feedback was included in the Synod Circular sent out by the Diocesan Secretary following the 2019 session of the Synod. Two submissions were received in response to this request.
7. The MSO Review Committee considered that further consultation was required. The following questions were emailed to licensed clergy, lay ministers and Synod members inviting further feedback by 13 May 2020. This request elicited a further 22 submissions. The recommendations in the submissions are summarised in the table in **Appendix 2**.

## Exposure Draft Bills

8. The MSO Review Committee has prepared exposure drafts for two bills that are proposed for consideration at the session of Synod in September 2021.
9. The first is a bill for the *Ministry Standards Ordinance 2017 Amendment Ordinance 2021* (the **MSO Bill**) (**Appendix 3**), which addresses the requests made by the Synod. The second is a bill for the *Reportable Allegations and Convictions Ordinance 2021* (the **RAC Bill**) (**Appendix 4**), which is to facilitate compliance with the reportable conduct scheme in the *Children's Guardian Act 2019 (NSW)*.
10. Synod members are requested to provide any feedback on the exposure drafts by 30 June 2020. The feedback will be taken into account in finalising the bills for consideration by the Synod in September.

## Explanation

### Pre-complaint process

11. The primary amendment proposed in the MSO Bill is the insertion of a pre-complaint process as a new clause 12 of the MSO. The main features of the pre-complaint process are as follows:
  - (a) The pre-complaint process applies if the Director of Professional Standards directs a prospective complainant and/or prospective respondent to undertake the process.
  - (b) The nature of the pre-complaint process is to be set out in the direction. Pre-complaint processes might include, but are not limited to, conciliation, a facilitated discussion or individual counselling.
  - (c) The Director cannot make a pre-complaint direction if the subject-matter of the complaint includes serious child related conduct or sexual abuse, or if the direction could otherwise give rise to a material risk to the safety of one or more persons.
  - (d) The process can only be required prior to a formal complaint being made in the manner set out in clause 10 of the MSO. If a complaint has already been made, the Director would have the option of instead recommending conciliation under the existing clause 18B in the MSO.
  - (e) The pre-complaint process in clause 12 will be mandatory if the Director makes a direction. If a person later makes a complaint in relation to the same subject-matter, it must be declined if the Director is of the opinion that the complainant has not taken reasonable steps in response to an earlier direction under clause 12.
  - (f) The Director will have the power to revoke or amend a direction after it has been given.
  - (g) The costs of the pre-complaint process are to be met from funds under the control of the Synod if the Director so determines and the Director approves the costs before they are incurred. The primary costs are likely to be the appointment of a mediator and/or a counsellor.
  - (h) Allegations of misconduct that are subject to a pre-complaint process can still be dealt with under the MSO, provided that the prospective complainant participated in the pre-complaint process by taking reasonable steps in response to the direction.

### Consultation with the Regional Bishop

12. Clause 14 of the MSO is a 'marshalling provision' that sets out the actions that the Director can undertake to deal with a complaint. The MSO Bill will require the Director to consult with the relevant Regional Bishop before taking any of the following actions:
  - (a) Referring the complaint to the PSC with a recommendation that the respondent undertake training or that the parties undertake conciliation (cl 14(a)).
  - (b) Referring the complaint to the PSC with a recommendation that the complaint be declined or deferred (cl 14(d)).
  - (c) Referring the complaint to an adjudicator (in the case of an unpaid church worker) (cl 14(h)).
  - (d) Investigating or appointing a person to investigate a complaint (cl 14(i)).
13. This amendment was recommended by the Episcopal Team. They thought it was generally helpful for the Regional Bishop to have some advanced warning before significant events happen in a parish in their Region. The Regional Bishop may also have some insights or suggestions about how

particular actions might be implemented or decisions announced that could assist the Director. The Bishop's role is merely one of consultation. The Director will not in any way be bound by the views or suggestions of the Regional Bishop.

## Announcements

14. From time to time it may be necessary or helpful for an announcement to be made in a Parish regarding a particular complaint, for example to avoid misinformation spreading or to at the end of the process to explain the outcome.
15. Persons carrying out functions or duties under the MSO are under a duty of confidentiality in relation to the information that they receive in relation to a complaint (cl 104(1)). Both the Professional Standards Committee and a Church Authority (usually the Archbishop) have power to authorise information to be released (cl 104(2) and cl 106). Announcements in a Parish can be made under this power. It is proposed to amend clause 106 to include an express reference to public announcements in the relevant church for the avoidance of doubt.
16. This amendment was recommended by the Episcopal Team.

## Other Amendments

17. The MSO Bill will also renumber some of the clauses in Part 3A. This is a minor changes to better reflect the sequence of the process in the numbering.

## Review of the Diocesan policy for dealing with allegations of unacceptable behaviour

18. Synod Resolution 51/19 included a request for review of the *Diocesan policy for dealing with allegations of unacceptable behaviour* (the **Policy**) and consideration of ways to encourage parties to resolve disputes via the Policy.
19. When a revised form of the Policy was adopted by the Synod in 2015 by resolution 46/15, the Synod requested the Standing Committee to review the policy after a period of 5 years from its commencement. A review was conducted in the latter half of 2020 by a separate committee of the Standing Committee. The MSO Review Committee provided feedback to this committee in relation to its review of the Policy.
20. The Standing Committee made significant amendments to the structure and content of the Policy at its meeting on 21 February 2021. The amendments make the Policy more viable as an alternative to the MSO for matters that are more in the nature of disputes than issues giving rise to questions of misconduct and fitness. The main features of the amended Policy in this respect are –
  - (a) The scope of matters that can be considered under the Policy is now wider. The only matters that are expressly excluded are sexual misconduct, misconduct involving a child, criminal conduct and professional misconduct.
  - (b) In all other cases a person will have a choice about whether to utilise the Policy or not and can make a complaint under the MSO instead at any time if they wish. In addition, if the Regional Bishop considers that the matter raises fitness questions rather than issues of dispute, he can refer it to the Director to be dealt with under the MSO instead.
  - (c) The process at the Diocesan Resolution stage of the Policy now includes an information gathering exercise where a nominee of the Regional Bishop (most likely the Parish HR Partner, Vikki Napier or a Regional Archdeacon) prepares a fact finding report that is then reviewed by the Regional Bishop with a representative of the PSU. The intention is that this will provide more rigour and objectivity to the process and give confidence that fair and effective outcomes can be achieved through the process.
21. To safeguard the integrity of the process and to encourage the parties to speak openly, the information or records arising from the processes under the Policy will not be made available to the PSU in the event that the subject-matter becomes a complaint under the MSO. An exception to this is that for a matter under Step 3 of the Policy, the Regional Bishop will notify the PSU of the date an allegation is



received and the name of the person against whom it is made. In this way the PSU will be able to see if a person is the subject of repeat allegations and notify the Regional Bishop accordingly.

22. The amended Policy is now in effect and can be accessed on the SDS website [here](#).
23. The MSO Bill also references the Policy in clause 9(2), stating that a person wishing to make a complaint under the MSO should consider whether having regard to the nature of their proposed complaint, it would be preferable to first attempt to resolve any matters in dispute with the church worker through the Policy.

### Other matters under consideration by the MSO Committee

24. Currently under clause 84 of the MSO applications made by respondents for the reimbursement of reasonable legal costs that exceed the scale of costs are considered and determined by the whole of the Standing Committee. The MSO Committee is considering whether it would be preferable to amend clause 84 to provide for the Standing Committee to appoint a subcommittee to consider and determine the applications instead.

### Reportable Allegations and Convictions Ordinance 2021

#### *32/19 Compliance with the Children's Guardian Bill 2019 (NSW)*

25. The *Children's Guardian Act 2019 (NSW)* (the **CG Act**) was amended with effect from 1 March 2020 to include a reportable conduct scheme for monitoring how certain organisations (including religious bodies) investigate and report on certain allegations and convictions made against their employees, volunteers and certain contractors who provide services to children.
26. The scheme requires those persons who are required to hold a Working With Children Check by the organisation to notify the Head of the organisation. The Head then has an obligation to report to the Children's Guardian, undertake a risk assessment, conduct an investigation and report the findings to the Children's Guardian. Certain standards and timeframes are required to be met in relation to the investigation and report.
27. Broadly speaking, the current processes under the MSO and the category of "serious child-related conduct" (defined in section 7 of the MSO) are consistent with the requirements in the CG Act. However some refinements are needed to better align the meaning of some terms and to clarify the obligations and functions of certain officeholders.
28. The RAC Bill provides that the Archbishop is the Head of the Anglican Church Diocese of Sydney for the purposes of the CG Act and that he may delegate his functions to any person or body and may revoke those delegations at any time. It is intended, and expected, that the Archbishop will delegate his functions to the PSU and to bodies or persons exercising responsibilities under the MSO.
29. Under the RAC Bill, "the Diocese" will not include schools or organisations unless they are declared to form part of the Diocese by the Standing Committee. Schools and organisations will be required to manage their own compliance with the CG Act unless special arrangements are made. Schools have been subject to the reportable conduct scheme for some time and will have their own processes in place already.
30. The RAC Bill clarifies that when a person is an "employee" of the Diocese for the purposes of the CG Act by reference to the requirement for a person to hold an unconditional Working With Children Check in the *Safe Ministry to Children Ordinance 2020*. It should be noted that the meaning of "employee" in this context is wider than its ordinary meaning and includes volunteers who are required to hold a WWCC clearance.
31. The RAC Bill also sets out when and in what circumstances an employee will have an obligation to report certain matters to the Archbishop (or his delegate). It will also set out the actions that the Archbishop (or his delegate) must take in respect to those reports. These obligations parallel to the obligations under the CG Act.

## Resourcing the Professional Standards Unit

### *25/19 Resourcing the Professional Standards Unit*

32. Synod resolution 25/19 requests the Standing Committee to consider “whether the Professional Standards Unit is sufficiently resourced for its role in the operation of the ordinance”. The Committee will consider this matter as a second step once the proposed amendments to the MSO have been finalised. This will enable any proposed changes to the role of the PSU to be taken into account in determining the resourcing that will be required to perform that role.

For and on behalf of the Standing Committee.

DANIEL GLYNN  
**Diocesan Secretary**

6 April 2021

## Terms of Reference

### 1. Synod Resolutions

#### *4/19 Staff management training*

'Synod –

- (a) notes that while many rectors have participated in staff management training, the majority have not;
- (b) encourages rectors who have not already done so, to participate in staff management training as a matter of urgency;
- (c) requests the Safe Ministry Board, regularly include items relating to staff management in the content for the mandated triennial Faithfulness in Ministry training, noting that the 2020 Faithfulness in Ministry training will focus on staff management, and bullying in particular;
- (d) requests Ministry Training and Development to include appropriate training on the Ordinances relevant to Assistant Ministers as part of the post-ordination Ministry Development program for deacons;
- (e) recommends to the Archbishop that licences for Assistant Ministers, issued at the request of a rector, have an option for a specified term, with the minimum term being two years; and
- (f) requests the Ministry Standards Ordinance Review Committee to further review the *Ministry Standards Ordinance 2017*, particularly as it pertains to accusations of bullying, to ensure that rector development or other measures, are recommended prior to more serious action.'

#### *25/19 Review of Ministry Standards Ordinance 2017*

'Synod, noting recommendation (f) of the report, "Assistant Ministers Ordinance 2017 Amendment Ordinance 2019", together with the Ministry Standards Ordinance 2017 Amendment Ordinance 2019, requests the Standing Committee to additionally undertake a further review of the Ministry Standards Ordinance 2017 and its operation, drawing on submissions to be invited from members of Synod, to determine –

- (a) the degree to which the ordinance has been successful in overcoming the perceived weaknesses in the *Discipline Ordinance 2006*, as outlined in the report *Ministry Standards Ordinance 2017* presented to Synod during its 2017 session,
- (b) whether any further weaknesses remain in the ordinance (in its amended form), and
- (c) whether the Professional Standards Unit is sufficiently resourced for its role in the operation of the ordinance,

and to bring any appropriate recommendations to the next session of Synod.'

#### *32/19 Compliance with the Children's Guardian Bill 2019 (NSW)*

'Synod requests the Standing Committee to make amendments to the *Ministry Standards Ordinance 2017* to facilitate compliance with the *Children's Guardian Bill 2019*, if it is passed by the NSW Parliament.'

#### *51/19 Further review of the Ministry Standards Ordinance 2017*

'Synod, noting the Biblical imperative in 1 Timothy 5 and Matthew 18 outlining how to resolve disputes, grievances and complaints between brothers and sisters in Christ, requests Standing Committee consider –

- (a) a further review of the *Ministry Standards Ordinance 2017* to consider including an encouragement for parties to consider resolving a grievance, complaint or dispute under the Diocesan policy for dealing with allegations of unacceptable behaviour, and
- (b) a further review of the intersection of the *Ministry Standards Ordinance 2017* and the Diocesan policy for dealing with allegations of unacceptable behaviour to consider if a further mechanism would be preferable to support the resolution of grievances, complaints and disputes.'

### Submissions

	<b>Summary of submissions and recommendations</b>
1.	<p>1. A review of church governance with a view to reducing adversarial and secretive behaviours, and instituting greater transparency and accountability at all levels,</p> <p>2. A review of the selection and training of people for ordination that will lead to the appointment of suitably trained and integrated people to lead the church,</p> <p>3. A review of the teaching programmes at Moore College with a view to making changes to the curriculum that will align the College better with the needs of the church and its mission, and</p> <p>4. Develop an approach to resolving complaints of bullying that can be enacted before the situation becomes calamitous.</p>
2.	<p>Case study based online training run every 3 years as a component of compulsory training for clergy.</p> <p>Resources on the Safe Ministry website on what to do if experiencing or accused of bullying.</p>
3.	<p>Training covering – identifying and preventing bullying, standards of behaviour expected, reporting and managing bullying, where to get information and advice, communication, managing situations and giving feedback.</p> <p>Training for new clergy prior to employment in a parish. Also train wardens, youth leaders etc so there is a common understanding.</p> <p>A bullying policy – commitment to a standard of behaviour.</p> <p>Ideally instances of bullying should be resolved within a parish and done in a parish, but serious cases could be provided to independent training experts.</p> <p>Mentors for clergy.</p>
4.	<p>Replace unlimited tenure for rectors with fixed term appointments subject to a substantial congregational vote necessary to renew the term.</p> <p>Strengthen bishops ability to intercede on behalf of congregants</p>
5.	<p>Create structured prevention and response for dealing with complaints.</p> <p>Avoid misuse of term 'bullying' by defining it clearly in the MSO.</p>
6.	<p>Release something for our congregations to take notice of, similar to the Domestic Violence resources released last year.</p>
7.	<p>Accountability for PSU, PSC and PSB.</p> <p>Pastoral care for respondents and their families.</p> <p>Opportunities for reconciliation between the parties.</p> <p>Shorten the time it takes to resolve complaints.</p> <p>Allow respondents to nominate supporters who they would like interviewed.</p> <p>Improve the manner of the PSU and PSC's engagement with respondents and witnesses.</p>
8.	<p>Training –</p> <ul style="list-style-type: none"> <li>• Mandatory formal conflict resolution training,</li> <li>• self-awareness training,</li> </ul>

	<ul style="list-style-type: none"> <li>• training on giving and receiving feedback,</li> <li>• training to enable ministry teams to set role and performance expectations (coupled with submitting these to the bishop to confirm their reasonableness),</li> <li>• more expensive training on what is and isn't reasonable behaviour (with examples) (not online training),</li> <li>• training for parishioners on identifying bullying and the resources available.</li> </ul> <p>Obstacles to reporting –</p> <ul style="list-style-type: none"> <li>• encourage speaking to someone else to assess if something is bullying or produce a guide to aid people's thinking.</li> </ul> <p>Support –</p> <ul style="list-style-type: none"> <li>• Pastoral support by an independent person</li> <li>• Counselling</li> <li>• Financial support where relevant.</li> </ul>
9.	Training for clergy on claiming expenses (to reduce conflict with Treasurers etc).
10.	The MSO's should more clearly identify which roles within a diocesan school are subject to its provisions.
11.	<p>A clear stand against bullying that enables victims of bullying to feel protected as they come forward.</p> <p>PSU too blunt an instrument – too complainant focussed, process too long, complaints should be resolved as speedily as possible.</p>
12.	<p>Clarify expectations of behaviour in a church community (e.g. Gen Syn – 'Being Together').</p> <p>Encourage a person to first seek to earnestly resolve the matter with the individual concerned. Do this by providing access to resources and training around conflict resolution supported by professional mediation if required.</p> <p>Require complainants to evidence their efforts to resolve the dispute/bullying claim in line with Jesus' teaching in Matt 18:15-17 before a complaint can proceed.</p>
13.	<p>The legal process of the MSO does not encourage reconciliation or the development of rectors. A more nuanced approach is needed.</p> <p>Separate the procedures around bullying accusations from the current Ministry Standards Ordinance. Deal with matters earlier and more quickly. Assemble a group of professional from various contexts and attempt to harmonise and adapt their practices having regard to the following theological imperatives:</p> <ul style="list-style-type: none"> <li>• reconciliation,</li> <li>• repentance and forgiveness,</li> <li>• healing,</li> <li>• provide care and protection for the vulnerable (both complainant and respondent),</li> <li>• a process to enable progress and development,</li> <li>• facilitate what is helpful and healthy for the church community.</li> </ul> <p>Staff development – also to address expectations mismatch between generations.</p>
14.	<p>Better communicate the standard of conduct expected of clergy.</p> <p>Rigorous training involving workbooks, videos and role play.</p> <p>A support team for both the complainant and the respondent. Making Christian counsellors available to both.</p>

	<p>Confidentiality needs to be followed more rigorously by the PSU to protect all parties.</p> <p>Witnesses should sign the record of conversation with the investigator to confirm its accuracy.</p> <p>Reconciliation as part of the process – use of mediators.</p>
15.	Apply the NSW Dept of Health approach to bullying (links provided in submission).
16.	Address the power imbalance – being one of the main obstacles to reporting (especially in an episcopal denomination).
17.	<p>The process should encourage reconciliation.</p> <p>Respondents should be more informed about complaints and the outcome if it does not proceed.</p>
18.	Professional supervision - having a Senior clergy member listen and reflect, guide and encourage me and my ministry has been invaluable.
19.	Awareness training for assistant ministers on the ordinances and options available to them.
20.	<p><i>Submission lists a range of complications in relationships related to the Anglican system. Summary comment – “The challenge with understanding bullying is our context is that sometimes it is a result of moral failure (will) and sometimes it is a result of a lack of capability (skill). The above unique elements of our system exacerbate and complicate how we investigate and address bullying leaving little room for nuance.”</i></p> <p>Training –</p> <ul style="list-style-type: none"> <li>• Understanding what constitutes bullying (especially in the context of performance management and feedback).</li> <li>• How to give feedback, coach, set clear expectations and manage underperformance. (To overcome over spiritualising the treatment of underperformance – prayer and bible study to resolve it can give the impression it’s a sin rather than a skills issue).</li> </ul> <p>Resolve ambiguities in the accountability structure to avoid use of the MSO as the ‘nuclear option’. Bishops can’t coach and mentor as they have no formal authority.</p> <p>The PSU is designed to deal with moral failings. There is a need for mechanisms to deal with skill and self-awareness failures.</p> <p>The most significant issue is the lack of accountability for Rectors – structural change needed. If this cannot be achieved informal practices are required (e.g., Rectors develop own accountability structures to get feedback and nominators only nominate Rectors that have a record of setting rigorous accountability for themselves; parish councils and wardens to conduct annual feedback meeting with the Rector and Bishop).</p> <p>Resources for clergy:</p> <ul style="list-style-type: none"> <li>• 360 and self-assessment tools (I can give specific recommendations if you are interested)</li> <li>• Psychometric testing</li> <li>• Training in management 101 for rectors</li> <li>• Executive coaching</li> <li>• Clergy Assistance Program (extended to all church workers)</li> <li>• DeGroat, C., (2020) “When Narcissism comes to the Church”, IVP.</li> </ul> <p>Support for those involved in bullying:</p> <ul style="list-style-type: none"> <li>• Counselling</li> <li>• Mediation</li> <li>• Clergy Assistance Program for all church workers.</li> </ul>

21.	<p>Recommends the Safe Work Australia Guide for Preventing and Responding to Workplace Bullying.</p>
22.	<p><i>Submission was made orally.</i></p> <p>Cover bullying in more detail in Safe Ministry Training.</p> <p>A MTC course for clergy on what constitutes bullying, how to avoid it etc.</p> <p>A capacity for anonymous reports to be made (to overcome the obstacle of people being fearful of being a whistleblower in their own church).</p> <p>Resources – Beyond Blue, Dr Valery Ling (Centre for Effective Living)</p>

# Ministry Standards Ordinance 2017 Amendment Ordinance 2021

No , 2021

## Long Title

An Ordinance to amend the *Ministry Standards Ordinance 2017*.

The Synod of the Diocese of Sydney Ordains as follows.

### 1. Name

This Ordinance is the Ministry Standards Ordinance 2017 Amendment Ordinance 2021.

### 2. Amendments to provide options for resolving issues in respect to certain complaints

The *Ministry Standards Ordinance 2017* is amended as follows –

- 5 (a) insert the words “including complainants, respondents and Church bodies” at the end of subclause 2(b),
- (b) insert the following new definitions in clause 4(1) –
- “*Diocesan policy for dealing with allegations of unacceptable behaviour*” means the policy of this name that was adopted by resolution 46/15 of the Synod, as amended from time to time.’,
- 10 “*Standing Committee*” means the Standing Committee constituted under the Standing Committee Ordinance of 1897.’
- (c) insert following new subclause (2) in clause 9 (and number the existing text in that clause as subclause (1)) –
- 15 ‘(2) A person who proposes to make a complaint under this Ordinance should consider whether having regard to the nature of the proposed complaint it would be preferable to first attempt to resolve any matters in dispute with the church worker through the *Diocesan Policy for dealing with allegations of unacceptable behaviour*.’,
- 20 (d) renumber the existing clause 12 as clause 10 (and consequentially renumber the existing clauses 10 and 11 as clauses 11 and 12 respectively),
- (e) substitute the renumbered clause 12 with the following –
- ‘12. Pre-complaint process**
- 25 (1) The Director must use reasonable endeavours to explain the processes set out in this Ordinance to a prospective complainant.
- (2) Prior to formally receiving a complaint, the Director may direct a prospective complainant and/or a prospective respondent, to take reasonable steps to resolve the issues that are, or may be, in dispute between them in such manner as is specified by the Director, which may include but is not limited to conciliation, a facilitated discussion or individual counselling.
- 30 (3) The Director must not give a direction under subclause (2) if –
- (a) the subject matter of the complaint may include serious child related conduct or sexual abuse, or
- (b) if the direction could otherwise give rise to a material risk to the safety of one or more persons.
- 35 (4) The Director may revoke or amend a direction given under subclause 12(2) by notice in writing to the prospective complainant and prospective respondent.
- (5) The costs of any processes undertaken under this clause are to be met from funds under the control of the Synod if so determined by the Director and subject to the Director approving any such costs before they are incurred.
- 40



(6) If a complaint is not made in relation to any subject-matter that is dealt with under a process under this clause –

(a) any misconduct the subject of the prospective complaint is not taken to have already been dealt with under this Ordinance, and

(b) the Director is not prevented from making a complaint in respect to the subject-matter if he or she considers that a complaint should be made having regard to the overriding purposes of this Ordinance set out in clause 2.’,

(f) number the existing text in clause 14 as subclause (1) and insert the following as a new subclause (2) –

‘(2) The Director must consult the relevant Regional Bishop before taking the course of action in either subclause (1)(b), (d), (h) or (i)’.

(g) insert the following at the end of clause 15 before the full-stop –

‘or if the complainant has not, in the opinion of the Director, taken reasonable steps in response to a direction made under clause 12(2).’, and

(h) insert the following at the end of clause 106 before the full-stop –

‘including a public announcement in the relevant church.’

### 3. Amendments to facilitate compliance with the Children’s Guardian Act 2019

The *Ministry Standards Ordinance 2017* is further amended by substituting the text in clause 7 with the following –

‘Serious child-related conduct means –

(a) conduct that is sexual misconduct committed against, with or in the presence of a child, including grooming of a child, or any serious physical assault of a child by a person –

(i) when engaged in child-related work in the Diocese, or

(ii) who –

(A) is in child-related work in the Diocese at the time a complaint concerning their conduct is made, or

(B) has performed child-related work in the Diocese at any time in the two years prior to the date that a complaint concerning their conduct is made, and

(b) conduct or convictions that are reportable under the *Children’s Guardian Act 2019*.’

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

Chair of Committee

I Certify that this Ordinance was passed by the Synod of the Diocese of Sydney on 2021.

Secretary

I Assent to this Ordinance.

Archbishop of Sydney

/ /2021

## Reportable Allegations and Convictions Ordinance 2021

No. \_\_\_\_\_, 2021

### Long Title

An Ordinance to facilitate compliance with the *Children's Guardian Act 2019* in relation to reportable allegations and reportable convictions in respect to certain persons within the Diocese.

The Synod of the Diocese of Sydney Ordains as follows.

#### 1. Name

This Ordinance is the Reportable Allegations and Convictions Ordinance 2021.

#### 2. Interpretation

(1) In this Ordinance –

**CG Act** means the *Children's Guardian Act 2019*, as amended from time to time.

**Children's Guardian** means the period holding office as the Children's Guardian under the CG Act.

**Diocese** means the Anglican Church Diocese of Sydney.

**WWCC Employee** means an individual who holds, or is required by the religious body to hold, a working with children check clearance for the purpose of undertaking ministry in the Diocese.

(2) A reference in this Ordinance has the same meaning as it has in the *Children's Guardian Act 2019* as amended from time to time.

**Note:** The *Children's Guardian Act 2019* includes the following definitions –

**Assault** means—

(a) the intentional or reckless application of physical force without lawful justification or excuse, or

(b) any act which intentionally or recklessly causes another to apprehend immediate and unlawful violence.

Examples of assault—

1 hitting, striking, kicking, punching or dragging a child

2 threatening to physically harm a child

**Employee**, for a religious body, means an individual who holds, or is required by the religious body to hold, a working with children check clearance for the purpose of engagement with the religious body.

**Ill-treatment**, of a child, means conduct towards a child that is unreasonable and seriously inappropriate, improper, inhumane or cruel.

Examples of ill-treatment—

1 making excessive or degrading demands of a child

2 a pattern of hostile or degrading comments or behaviour towards a child

3 using inappropriate forms of behaviour management towards a child

**Neglect**, of a child, means a significant failure to provide adequate and proper food, supervision, nursing, clothing, medical aid or lodging for the child, that causes or is likely to cause harm to a child, by—

(a) a person with parental responsibility for the child, or

(b) an authorised carer of the child, or

(c) an employee, if the child is in the employee's care.

Examples of neglect—

1 failing to protect a child from abuse

2 exposing a child to a harmful environment, for example, an environment where there is illicit drug use or illicit drug manufacturing

**Reportable allegation** means an allegation that the Employee has engaged in conduct that may be reportable conduct, whether or not the conduct is alleged to have occurred in the course of the Employee's employment with the religious body and whether or not the allegation relates to conduct occurring before the commencement of the Act.

**Reportable conduct** means the following conduct, whether or not a criminal proceeding in relation to the conduct has been commenced or concluded—

- (a) a sexual offence,
- (b) sexual misconduct,
- (c) ill-treatment of a child,
- (d) neglect of a child,
- 5 (e) an assault against a child,
- (f) an offence under section 43B or 316A of the *Crimes Act 1900*,
- (g) behaviour that causes significant emotional or psychological harm to a child.

Examples of indicators of significant emotional or psychological harm for paragraph (g)—

- 1 displaying behaviour patterns that are out of character
- 10 2 regressive behaviour
- 3 anxiety or self-harm

Reportable conduct does not include—

- (a) conduct that is reasonable for the purposes of discipline, management or care of a child, having regard to—
  - 15 (i) the age, maturity, health or other characteristics of the child, and
  - (ii) any relevant code of conduct or professional standard, or
- (b) the use of physical force if—
  - (i) in all the circumstances, the physical force is trivial or negligible, and
  - (ii) the circumstances in which it was used have been investigated and the result of the investigation has been recorded in accordance with appropriate procedures, or
- 20 (c) conduct of a class or kind exempted from being reportable conduct by the Children's Guardian under section 30.

Example of conduct for paragraph (a)— a school teacher raising his or her voice in order to attract attention or restore order in a classroom

Examples of conduct for paragraph (b)—

- 25 1 touching a child in order to attract the child's attention
- 2 momentarily restraining a child to prevent the child hurting themselves or others
- 3 touching a child to guide or comfort the child

**Reportable conviction** means a conviction, including a finding of guilt without the court proceeding to a conviction, in this State or elsewhere, of an offence involving reportable conduct—

- 30 (a) in relation to an employee of a Schedule 1 entity—whether or not the conduct occurred in the course of the employee's employment with the Schedule 1 entity, or
- (b) in relation to an employee of a public authority—
  - (i) if the employee holds, or is required to hold, a working with children check clearance for the purpose of employment with the public authority—whether or not the conduct occurred in the course of the employee's employment, or
  - 35 (ii) if the employee is not required to hold a working with children check clearance for the purpose of employment with the public authority—unless the conviction relates to conduct that occurred outside the course of the employee's employment with the public authority.

(And includes convictions in respect of conduct occurring before the commencement of the CG Act.)

**Sexual misconduct** means conduct with, towards or in the presence of a child that—

- 40 (a) is sexual in nature, but
- (b) is not a sexual offence.

Examples of sexual misconduct—

- 1 descriptions of sexual acts without a legitimate reason to provide the descriptions
- 2 sexual comments, conversations or communications
- 45 3 comments to a child that express a desire to act in a sexual manner towards the child or another child.

**Sexual offence** means an offence of a sexual nature under a law of the State, another State, a Territory, or the Commonwealth, committed against, with or in the presence of a child.

Examples of sexual offences—

- 1 sexual touching of a child
- 50 2 a child grooming offence
- 3 production, dissemination or possession of child abuse material.

- (3) The notes in this Ordinance are for explanatory purposes only and do not form part of the Ordinance.
- (4) The Diocesan Secretary is authorised to update the notes in this Ordinance to maintain their currency.

## 2. Delegation

- 5 (1) The Archbishop may delegate any of the functions of the Head under Part 4 of the CG Act to any person or body and may revoke such delegations at any time by notice in writing to the person or body.
- (2) If the Archbishop makes a delegation under subclause (1), references to the Archbishop in this Ordinance are taken to be references to the person or body in respect to the delegated functions.

10 **Note:** Section 65 of the CG Act permits the Head to delegate any functions under Part 4 of the CG Act to any Employees of the Diocese. It is expected that the Archbishop will delegate his functions to the persons, and bodies comprised of persons, that perform requisite functions under the *Ministry Standards Ordinance 2017*.

## 3. Determinations for the purposes of the CG Act

- (1) For the purposes of the CG Act –
- 15 (a) the Diocese is a religious body,
- (b) the Diocese does not include schools or organisations that are constituted by or pursuant to ordinance, unless declared to form part of the Diocese by the Standing Committee by resolution for the purposes of this subclause, and
- (c) the Archbishop is the Head of the Diocese.
- (2) For the purposes of the CG Act and the definition of ‘Employee’ in the CG Act, a person is required to hold a Working with Children Check clearance by the Diocese for the purpose of engagement in the Diocese if the person is required to hold a unconditional Working with Children Check under the *Safe Ministry to Children Ordinance 2020*.
- 20

## 5. Reports to the Archbishop

- 25 (1) A WWCC Employee who becomes aware, knows or has reason to believe that another WWCC Employee has a reportable conviction or has engaged in or is alleged to have engaged in reportable conduct, must as soon as possible report to the Archbishop –
- (a) the name or a description of the reportable person,
- (b) details of the alleged reportable conviction or reportable conduct,
- 30 (c) the date of birth and working with children number (if any) of the WWCC Employee the subject of the report,
- (d) the grounds for knowing or believing that the reportable person has a reportable conviction or has engaged in in the conduct,
- (e) whether the conduct has already been reported to any authority, and
- 35 (f) whether a risk assessment has been undertaken, the outcome of that assessment and any risk management action that has been taken.
- (2) A person making a report under subclause (1) must provide such additional information and reasonable assistance to the Archbishop as he may request to enable the conduct to be investigated and reported to the police, the Children’s Guardian or other authority in accordance with the law.
- (3) Any other person may also make a report to the Archbishop in respect to a WWCC Employee setting out the matters listed in subclause 5(1).
- 40

## 6. Action to be taken by the Archbishop

If the Archbishop receives a report under clause 5 or otherwise becomes aware, in relation to a WWCC Employee, of a reportable allegation or a conviction that is considered to be a reportable conviction, the Archbishop must –

- 45 (a) ensure that a report is made or reports are made to the Children’s Guardian in accordance with the CG Act,
- (b) ensure that an initial risk assessment is made based on all known relevant information to ensure that any risk posed by the WWCC Employee the subject of the allegation is managed and revisit that assessment as new information becomes known, including at the end of the investigation,
- 50 (c) ensure that arrangements are made for any reportable allegation to be investigated as soon as practicable (subject to any requirement under the CG Act to defer or suspend the investigation),

- (d) determine whether any conviction considered to be a reportable conviction is a reportable conviction,
- (e) make a finding of reportable conduct if he is satisfied that the case against the WWCC Employee the subject of the reportable allegation has been proved against the WWCC Employee on the balance of probabilities after taking into account any mandatory considerations required under the CG Act, and
- (f) otherwise deal with the allegation or conviction in manner that complies with the CG Act and any directions made by the Children's Guardian thereunder.

**Note:** By section 36 of the CG Act, after an investigation or determination is completed the Archbishop must provide a report (an "Entity Report") to the Children's Guardian, subject to certain exceptions. The Entity Report is to be provided within 30 days after becoming aware of the allegation of reportable conduct or reportable conviction, unless the Archbishop gives –

- (a) an interim report to the Children's Guardian within that period that contains the content required by section 38 of the CG Act,
- (b) the reason for not providing the Entity Report, and
- (c) an estimated time period for the Entity Report.

The Entity Report must include the contents required by section 37 of the CG Act.

### **7. Investigations and determinations by the Children's Guardian**

If the Children's Guardian investigates a reportable allegation or makes a determination about a conviction considered to be a reportable conviction, and provides a copy of its report to the Archbishop, the Archbishop must consider the report and may, or on the request of the Children's Guardian must, notify the Children's Guardian of any action taken or proposed as a result of the recommendations.

### **8. Disclosure of information**

The Archbishop must disclose the following information relating to a reportable allegation or conviction considered to be a reportable conviction if required by the CG Act –

- (a) information about the progress of the investigation,
- (b) information about the findings of the investigation,
- (c) information about action taken in response to the findings,

and must not disclose the information in any other circumstance unless disclosure is permitted by the CG Act or required by law.

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

Chair of Committee

I Certify that this Ordinance was passed by the Synod of the Diocese of Sydney on 2021.

Secretary of Synod

I Assent to this Ordinance.

Archbishop of Sydney

/ /2021

## 14/14 A Theology of Baptism Addressing the Significance of Baptism in Water

(A report of the Sydney Diocesan Doctrine Commission.)

The report has been prepared in response to Synod Resolution 14/14.

*This Synod requests the Doctrine Commission to consider a theology of baptism with particular reference to the Scriptures and the Anglican formularies and to bring a report on this matter to the Synod at a convenient time.*

From the speech in synod at that time, and from subsequent discussions with the mover of this motion, the key issue that prompted this resolution was the significance of baptism in water for Christian believers, and in particular the significance of Jesus' words in Matthew 28.

### Introduction

1. The Doctrine Commission has previously considered the theology of baptism (with reference to the Scriptures and the Anglican formularies) in the context of its 1993 report on a proposed new baptismal service. The first two sections of the 1993 report (paragraphs 2-12) provide a helpful outline of the theology of baptism, and these paragraphs have been adopted verbatim as the opening sections of this report. The 1993 report, however, does not address the particular questions about the significance of water baptism that prompted synod resolution 14/14, and these questions will be examined in the final section of this report.

### The Theology of Baptism in the New Testament

2. The first references to baptism in the New Testament concern the baptism of John. This was a baptism of repentance for Israel, which under the influence of Malachi's prophecy was expressed in terms of covenant renewal (Mal 3:1-4). True Israelites were those who were baptised as a sign of their repentance and their expectation of the coming Messiah.
3. Jesus' endorsement of John's baptism is clearly seen in his readiness to undergo this rite, for it was fitting "to fulfil all righteousness" (Matt 3:15). Jesus thereby identified with Israel who was in need of repentance, cleansing and the hope of a Messiah.
4. Although John baptised with water, he spoke of the coming Messiah as one who would baptise with the Holy Spirit and fire. Yet Jesus also authorised a water baptism ministry among his disciples concurrently with the ministry of John the Baptist. Although Jesus himself did not baptise people (John 4:2), the Fourth Evangelist makes it plain that water baptism was a sign of discipleship, whether of John or of Jesus (John 4:1).
5. Jesus' command to his disciples at the end of Matthew's Gospel to go and make disciples, baptising them and teaching them, is best understood against the backdrop of both John's and Jesus' water baptism ministries. Although the ascended Jesus came and baptised with the Holy Spirit (as prophesied by John), he did not make water baptism thereby redundant. This is clear not only from the terms of the Great Commission, but also the practice of the apostles from the Day of Pentecost onwards.
6. John's water baptism signified discipleship, as did the water baptism of Jesus' earthly ministry. However, they were both signs of the gospel, of God's promises to Israel and the fulfilment of those promises in the person of Jesus. Both baptisms were covenantal, in that it was God's covenant promises to Israel which were to be fulfilled (John 1:31; cf. Mal 3:1-4). Similarly, the first Christian baptism on the Day of Pentecost was conspicuously covenantal (Acts 2:39), as was the context of Jesus' command in Matthew 28:18-20. Jesus' last command was for his followers to make disciples from all nations and baptise them in the name of the triune God. The preaching of the gospel would be the means of making disciples, and such discipleship would be signified by baptism. Like the water baptism of John the Baptist, Christian baptism is a sign of the gospel. John's baptism held out

the promise of salvation through the Messiah, whereas Christian baptism is based upon the fulfilment of that promise. Christian baptism therefore looks back upon the completed work of Jesus and identifies the one baptised with the death and resurrection of Jesus (Rom 6:1-4). This concept of fulfilment is similarly seen in the apostles' testimony to the association of baptism with the forgiveness of sins and the gift of the Holy Spirit (Acts 2:38-39).

7. Although water baptism is not essential to salvation, as Jesus' promise to the thief on the cross makes plain, it is an important sign of salvation. For it is through "the washing of water with the word" that Jesus has cleansed his church (Eph 5:26). Of course, no mere application of water is able to cleanse a person spiritually (1 Pet 3:21); that is the work of the Holy Spirit through the word. Yet significantly Paul describes this inward cleansing by the metaphor "washing of regeneration" (cf. Tit 3:5). Similarly, the writer to the Hebrews couples the inner and outer cleansings in his invitation to draw near to God "with our hearts sprinkled clean from an evil conscience and our bodies washed with pure water" (Heb 10:22). Clearly the physical act of water baptism symbolises the spiritual act of inner cleansing. Our Catechism has rightly captured this symbolism in its definition of a sacrament as "an outward and visible sign of an inward and spiritual grace." Paul expected that water baptism would be the normal experience of all those who had become disciples of Christ (Rom 6:1-4; 1 Cor 1:13; cf. Acts 18:8; 19:5). Their spiritual incorporation into Christ could therefore be described as being "baptised into one body" (1 Cor 12:13) and this was symbolised and signified by water baptism.
8. Furthermore, the language of baptism is applied by both Peter and Paul to old covenant experiences of God's salvation (1 Pet 3:21; 1 Cor 10:1-5). For the apostles, baptism was descriptive of God's saving activity in continuity with his covenant promises of old, while also embracing the eschatological newness of the fulfilment of those promises in the person of Jesus. It is the continuity of covenant promise and fulfilment that explains the inclusion of children within the orbit of Christ's saving work, as members of the new covenant with their parents. Although it may not be proved that any of the household baptisms recorded in Acts actually included children, what is clear is that the household of faith which was defined under the old covenant was the same household that was baptised under the new (Acts 10:2; 11:14; cf. 16: 15, 31). The children of believers are holy (1 Cor 7:14), in distinction from those children who are unclean because their parents are unbelievers. The children of saints are part of the saints (Eph 1:1; 6:1), and therefore should be identified with the same sign of discipleship as their parents. The gospel of God's grace is as inclusive of children under the new covenant as it was of children under the old (1 Cor 10:1-4).

## The Theology of Baptism in *BCP* and the Thirty-Nine Articles

9. "Baptism," according to Article XXVII, "is not only a sign of profession, and mark of difference, whereby Christian men are discerned from others that be not christened, but it is also a sign of Regeneration or New Birth, whereby, as by an instrument, they that receive Baptism rightly are grafted into the Church...." What the Article affirms is that baptism is a sign of discipleship or profession, which properly belongs only to those who can be called Christians. However, baptism is also a sign of regeneration, in that those who are rightly baptised are incorporated into the church. They are now publicly recognised as members of Christ's Church, and baptism is the instrument whereby such recognition is conferred.
10. Although the Prayer Book embraced the concept of baptism as a ceremony of initiation or sign of entry into the church, it also saw it as a sign of divine covenant. It was God's movement towards mankind, rather than the reverse, which was given the emphasis. The Medieval Church had been more concerned with what baptism effected, than what it signified, yet the Reformers combined both, placing the emphasis upon God's grace towards us. Baptism, together with the Supper of the Lord, were "certain sure witnesses, and effectual signs of grace, and God's will towards us, by the which he doth work invisibly in us, and doth not only quicken, but also strengthen and confirm our Faith in him" (Article XXV).
11. Baptism and the gospel are therefore inextricably combined in the Prayer Book. It is the gospel which persuades us "of the good will of our heavenly Father towards this infant, declared by his Son Jesus Christ" (*BCP*, Publick Baptism of Infants). It is because of the gospel that those who are rightly baptised are incorporated into the church and "the promises of forgiveness of sin, and of our adoption to be sons of God by the Holy Ghost, are visibly signed and sealed" (Article XXVII). It is the gospel that allows the Prayer Book to declare "We yield thee hearty thanks, most merciful Father, that it hath

pleased thee to regenerate this infant with thy Holy Spirit, to receive him for thy own Child by adoption, and to incorporate him into thy holy Church.” This declaration is based upon the promises of the gospel and publicly identifies the one baptised as a member of God’s family.

12. Discipleship is therefore expected of those who have been baptised, that they “shall not be ashamed to confess the faith of Christ crucified, and manfully to fight under His banner against sin, the world and the devil, and to continue Christ’s faithful soldier and servant unto his life’s end.” However, such discipleship is only predicated on the presence of faith. The *BCP* manner of expressing this faith was by the candidates themselves if they were of age, and through the godparents if the candidate was an infant. It may be questioned whether or not the latter expression of faith is the most appropriate. Nevertheless, that baptism must take place in the context of faith is certainly the presupposition of the Prayer Book’s understanding of baptism. It is noteworthy in this regard that in the Private Baptism of children, the sponsors do not have to declare anything in the name of the child to be baptised, yet nonetheless, those who are present “call upon God” as a necessary prerequisite for the baptism.

### Does Matthew 28:19 refer to baptism in water?

13. In our 1993 Report (as replicated above), the reference to “baptising” in Matthew 28:19 is taken to refer to baptism in water. The purpose of this section of the report is to examine whether this conclusion is warranted, particularly in response to arguments that “baptising in the name of the Father and of the Son and of the Holy Spirit” ought to be understood as being metaphorical in nature.
14. For example, in his posthumously published essay, “New Testament Baptism,”<sup>1</sup> Broughton Knox argues that Jesus’ reference to baptism in Matthew 28:19 is not speaking of water baptism, but is “a command to proclaim the news of the Messiah’s coming to the nations to make them disciples of the true God, to immerse the nations into the revealed character of God so that their whole way of life is changed and their cultures sanctified (cf. Rev 21:24).”<sup>2</sup> Similarly, Barry Newman (the mover of resolution 14/14) argues that the Greek verb *baptizō* carries with it the fundamental idea of “immersion” rather than cleansing, and that “to immerse someone with reference to the Father and the Son and the Holy Spirit could imply to thoroughly engulf them, saturate them, with all that pertains to the Father and the Son and the Holy Spirit.”<sup>3</sup>
15. A number of arguments presented to support a metaphorical reading of Matthew 28:19 will now be noted and discussed.
16. First, it is argued that because the New Testament writers elsewhere use the language of baptism metaphorically, this should lead us to understand the reference to baptism in Matthew 28:19 as metaphorical. In response, while there are indeed metaphorical uses of baptism language in the New Testament (Mark 10:38; Luke 12:50; Acts 1:5; 1 Cor 12:13; Romans 6), this does not in itself determine Jesus’ meaning in Matthew 28, especially as there is no parallel in Matthew’s Gospel to the metaphorical statements made in Mark 10:38 and Luke 12:50.<sup>4</sup>
17. Second, it is claimed that the contrast between water baptism and Spirit baptism in Matthew 3:11 establishes a trajectory for Matthew’s Gospel that reduces the significance of water baptism and increases the significance of Spirit baptism. On the basis of this trajectory, it is then argued that it is unlikely that Matthew’s Gospel should end with an instruction about water baptism. In response, the nature of the contrast in Matthew 3 needs to be fully appreciated. The difference is not simply between water and Spirit, but who is able to perform the respective baptisms. John (like Jesus’ disciples) is not able to baptise people with the Holy Spirit. Only Jesus can do this (cf. Mark 1:8; John 1:32-33; Acts 2:33). The trajectory suggested is not demanded by John’s words and it is clearly not what happens (as the water baptisms in Acts testify). The question, then, is whether Matthew 28:19 refers to water baptism or Spirit baptism. As it is Jesus alone who can baptise people with the Spirit

<sup>1</sup> D. B. Knox, “New Testament Baptism” and “Addition to manuscript on baptism,” in *D. Broughton Knox, Selected Works Volume II: Church and Ministry* (K. Birkett, ed.; Kingsford: Matthias Media, 2003), 263–315.

<sup>2</sup> *Ibid.*, 278.

<sup>3</sup> Barry Newman, “Biblical Baptism Revisited” (Unpublished Paper, n.d.), 9.

<sup>4</sup> Moreover, the metaphorical uses of baptism language not only presuppose water imagery but sometimes allude to the experience of water baptism. For example, the reference to being baptised by one Spirit into one body in 1 Corinthians 12:13 needs to be read in the context of 1 Corinthians 1:13-16, which implies that all the Corinthians had undergone water baptism. In light of this, the reference to Spirit baptism in 12:13 likely carries with it an allusion to water baptism.



(as John's words make clear), it is more likely that the disciples are being commanded to baptise new disciples in water, as they have already been doing (John 4:1), in the context of disciple-making.

18. Third, in support of the claim that Matthew 28:19 is a command "to immerse the nations into the revealed character of God,"<sup>5</sup> Knox points out that Matthew 28:19 is the only occurrence in the New Testament of baptism into the name of the Trinity. By way of contrast, the references to water baptism in Acts and 1 Corinthians are always into the name of Jesus/the Lord Jesus. This fact certainly warrants an explanation, but its significance ought not to be exaggerated. The purpose of Matthew 28:19b is to make a statement regarding the nature of the God who has revealed himself in Jesus, rather than to give the disciples a baptismal *formula* per se. Thus, as Frederick Grant has argued, "the baptismal statement combines the disciples' inherited Jewish faith in God ('the name of the Father'), their new faith in the Son (i.e. Son of Man) and their experience of the Holy Spirit, the earnest of the New Age."<sup>6</sup> Why then is there a difference in wording between Matthew 28 and the book of Acts? Several answers suggest themselves:
- (a) In Matthew 28, Jesus is speaking to a group not all of whom are certain about his divinity ("they worshipped him; but some doubted" [v. 17]). If Jesus had merely told his disciples to "baptise them in my name," it may have sounded like a usurpation. The baptismal framework of Matthew 28:19 makes explicit the Father-Son relationship implied by Jesus' words "all authority in heaven and earth is given to me," and also makes explicit the role of the Spirit. Even so, Jesus is the main focus of Matthew 28:18-20. He is the one to whom "all authority in heaven and on earth has been given" (v. 18), he is the one whose teaching is to be obeyed (v. 20) and he is the one who will be with his disciples always (v. 20). Therefore, that baptism into the triune name should be expressed as baptism into the name of Jesus is theologically unproblematic.
  - (b) In Acts, the speakers are the apostles, preaching the risen Jesus: "God has made this Jesus both Lord and Christ" (2:36). Those who are baptised into the name of Christ are accepting the claim that Jesus Christ is God incarnate. Whereas in Matthew 28, Jesus reveals himself as one with the Father and the Spirit,<sup>7</sup> the apostles present God to their listeners through the person of Jesus. This difference of focus accounts for the difference of terminology. Acts uses four different forms of words (cf. 2:38; 8:16; 10:48; 19:5), so we are clearly not hearing a precise liturgical formula.
  - (c) While the early church was not troubled by the variety of baptismal terminology, it quickly recognised the appropriateness of Jesus' words in Matthew 28 for formal liturgical use. The earliest attested liturgical context in which baptism is discussed is in the *Didache* (7:1-4), where Matthew 28:19 is quoted word for word. In *Didache* 9:5 the expression "baptised into the name of the Lord" is used, as it is in the book of Acts, in a non-liturgical context. However, it is clearly referring to the same act of baptism described in 7:1.
19. Fourth, Knox suggests that the words "to disciple," "to baptise" and "to teach" are synonyms, and that they all refer to the apostolic task of bringing "the whole world into the knowledge of the true God."<sup>8</sup> This assertion draws weight from the observation that the three terms are clearly closely related and, doubtless, all serve the same end—to bring the nations to the knowledge of God. However, there is no reason to regard them as synonyms, either grammatically or conceptually. In fact, as Beasley-Murray argues, such a reading obscures the important theological fact that "the *kerygma* precedes the *didache*, the offer of grace before the ethics of discipleship."<sup>9</sup> In other words, preaching the gospel comes first, baptism and instruction second.
20. Fifth, Knox argues that Jesus commands that "the nations of the world are to be baptized." As only "individuals can be the subjects of water baptism," the "phrase 'to baptize the nations' is itself plainly metaphorical."<sup>10</sup> However, Jesus does not use the phrase "to baptize the nations." Rather, his disciples are to disciple all "the nations" (*ta ethnē*), baptising and teaching "them" (*autous*). That the

<sup>5</sup> Knox, "New Testament Baptism," 278.

<sup>6</sup> F. C. Grant, *The Gospels, Their Origin and their Growth* (New York: Harper, 1959), 150.

<sup>7</sup> "The name of the Father and of the Son and of the Holy Spirit," but not "in the name of the Father and the name of the Son and the name of the Spirit," which would require the plural "names" (W. D. Davies and Dale C. Allison Jr., *Matthew*, ICC [Edinburgh: T&T Clark, 1997], 2:685).

<sup>8</sup> Knox, "New Testament Baptism," 280.

<sup>9</sup> G. R. Beasley-Murray, *Baptism in the New Testament* (Exeter: Paternoster, 1972), 89–90.

<sup>10</sup> Knox, "New Testament Baptism," 281.

“them” are not identical with “the nations” is clear from the fact that “nations” is neuter and “them” is masculine. The “them,” therefore, must refer to individuals from the nations who respond to the gospel with repentance and faith.

21. Sixth, the claim is made that Paul’s remark that “Christ did not send me to baptise but to preach the gospel” (1 Cor. 1:17) indicates that he “regarded water baptism of no importance.”<sup>11</sup> It is further argued that it would be “inconceivable that Paul could have said this if the Lord had commanded his apostles in his last solemn commission to administer water baptism.”<sup>12</sup> In response, while Paul was clearly concerned by the Corinthians’ misplaced emphasis on their baptism, what was of “no importance” to him was *who* did the baptising (1 Cor. 1:13-15). Furthermore, his statement in 1:17 is a well-attested rhetorical device in Hebrew and Greek, labelled “idiom of exaggerated contrast”<sup>13</sup> or “relative negation.”<sup>14</sup> Biblical examples include Deuteronomy 5:3; Jeremiah 7:22–23; Mark 9:37; Matthew 10:20; John 12:44; Acts 5:4. The idiom is also common in contemporary English—e.g., “Christmas is not a time for gifts, it is a time for remembering Christ’s birth.”<sup>15</sup> Paul’s words demonstrate that preaching was his primary business and that it was not an essential part of his personal apostolic ministry to baptise those who believed. However, that the baptism of new believers was normal practice, seems clear from Paul’s comments in 1:13-16 that the Corinthians had all been baptised.
22. Seventh, Knox suggests that it makes little sense to regard “our Lord’s last words to his disciples” as an instruction “in the use of a liturgical formula.”<sup>16</sup> Rather, they were being commissioned to preach the gospel (cf. Luke 24:47; John 20:21). This claim, however, begins with an overstatement and concludes with a false alternative. As argued above, to the extent that Jesus’ words can be considered a “formula” they are not a rigid one. The instruction to baptise is only one (secondary) element of his larger commission. Preaching the gospel of the risen Lord Jesus is essential to the great commission (cf. Matt. 24:14). Baptism with water outwardly signifies the Spirit-given repentance that initiates discipleship.

## Conclusion

23. In conclusion, we find no reason to depart from previous reports of this Commission which have affirmed a reformed understanding of baptism as expressed in the Anglican formularies. The stimulus to engage at greater depth with the key text, Matthew 28:19, has served to sharpen the thinking behind this reaffirmation. It is our hope that this report will give confidence to ministers of the gospel to continue the practice of water baptism as we seek to make disciples of all nations.

MARK D. THOMPSON  
Chair, Sydney Diocesan Doctrine Commission

4 February, 2021

---

<sup>11</sup> Ibid.

<sup>12</sup> Ibid.

<sup>13</sup> James G. Carleton, “The Idiom of Exaggerated Contrast,” *The Expositor Series* 4, no. 6 (1892): 365–72.

<sup>14</sup> C. Lattey, “The Prophets and Sacrifice: A Study in Biblical Relativity,” *Journal of Theological Studies* 42 (1941): 155-65.

<sup>15</sup> See Jack Lundbom, *Jeremiah 1–20*, Anchor Bible 21A (New York: Doubleday, 1999), 488–89.

<sup>16</sup> Knox, “New Testament Baptism,” 280.

# Domestic abuse leave for clergy

## 23/18 Responding to Domestic Abuse

(A report from the Standing Committee.)

*A reprint of a report available online to Synod members since October 2020, with necessary revisions in paragraphs 3 and 34.*

### Key Points

- At its meeting of 29 June 2019, the Standing Committee resolved to appoint a committee to consider the matter of domestic violence leave for clergy, in time for the Standing Committee to make a recommendation to the ordinary session of the Synod in 2020.
- The committee recommends the Standing Committee agree that provision be made by parishes to provide leave to clergy who are unable to perform their duties because they are experiencing domestic abuse or dealing with the impact of experiencing domestic abuse.
- The committee recommends that this provision for domestic abuse leave for clergy be effected by way of a request from the Synod that the Standing Committee amend the annual 'Guidelines for the Remuneration of Parish Ministry Staff', with the changes effective 1 January 2021.

### Purpose

1. The purpose of this report is to provide a recommendation regarding the matter of domestic violence leave for clergy.

### Recommendations

2. Synod receive this report.
3. Synod consider the following motion to be moved at a suitable ordinary session of Synod "by request of the Standing Committee" –

"Synod, noting the report 'Domestic abuse leave for clergy' –

- (a) agrees in principle that provision be made by parishes to provide leave to members of clergy who are unable to perform their duties because they are experiencing domestic abuse or dealing with the impact of experiencing domestic abuse; and
- (b) requests the Standing Committee to amend its annual Guidelines for the Remuneration of Parish Ministry Staff to provide for domestic abuse leave for clergy on this basis, with the changes effective 1 January\* 2021."

*\* Subsequent to the Standing Committee's consideration of this matter in March 2020, the ordinary session in 2020 was postponed. As a result, the mover of the motion at Synod intends to move the motion in a form incorporating a date of 1 July 2021 in place of '1 January 2021'.*

### Introduction

4. This report conforms to the use of the terminology of 'domestic violence' in the report to the preferred terminology of 'domestic abuse' where appropriate.

## Background

5. At its meeting on 12 November 2018, the Standing Committee noted the policies and resolutions passed at the 2018 session of the Synod related to the area of domestic abuse and appointed a monitoring committee comprising Canon Sandy Grant and Archdeacon Kara Hartley (**Domestic Violence Response Monitoring Committee**).
6. One function of the Domestic Violence Response Monitoring Committee is to report to the Standing Committee on the progress of the implementation of these policies and resolutions.
7. At its meeting on 17 June 2019, the Standing Committee received a progress report from the Domestic Violence Response Monitoring Committee, and agreed to its various recommendations.
8. Relevantly, paragraph (d) of the report's recommendations requested that the Standing Committee –  
“agree to appoint a small committee, including some familiar with the work that resulted in the *Parental Leave Ordinance 2016*, to consider the matter of Domestic Violence Leave for clergy in time for Standing Committee to make a recommendation to the ordinary session of Synod in 2020, as detailed in paragraph 55.”
9. At its meeting on 29 July 2019, the Standing Committee noted its agreement to paragraph (d) of the report's recommendations and resolved to –
  - (a) appoint Archdeacon Kara Hartley (as Chair), the Rev Natalie Ray, the Rev Mark Tough, and Mr James Flavin (Chair of the Stipends and Allowances Committee) as a committee to consider the matter of Domestic Violence Leave for clergy, in time for Standing Committee to make a recommendation to the ordinary session of Synod in 2020; and
  - (b) request the committee to provide its recommendation to Standing Committee by 1 May 2020.”
10. In addition to the members specified in the above resolution of the Standing Committee, the committee (the **Committee**) includes Ms Susan Duc (Diocesan Legal Counsel).
11. The Committee met once, on 30 October 2019.

## Context

12. At its meeting in May 2019, the Standing Committee received a report from the Stipends and Allowances Committee (the **Stipends Committee**) regarding its preparation of the annual Guidelines for the Remuneration of Parish Ministry Staff (**Remuneration Guidelines**).
13. Among other matters, this report noted the Stipends Committee had agreed to recommend to the Standing Committee that it –  
“consider passing an ordinance to establish a model policy for family and domestic violence leave for ordained ministry staff (perhaps along the lines of the *Parental Leave Ordinance 2016*) which either matches or exceeds the minimum standards now applicable to employees”.
14. In the Diocese of Sydney, ordained ministry staff are ‘officeholders’ whose terms and conditions of office are set out in the ordinances and guidelines of the Diocese. Non-ordained ministry staff are ‘employees’ whose terms and conditions of employment are governed by federal and state legislation, including the *Fair Work Act 2009* (Cth) (the **Act**).
15. The Act sets out the National Employment Standards (the **NES**) which are the ‘minimum standards’ that apply to all employees, including an entitlement to family and domestic violence leave. Non-ordained ministry staff have access to the NES because they are employees. Ordained ministry staff do not have access to the NES because they are ‘officeholders’ and not ‘employees’.

## NES entitlement to family and domestic violence leave

16. On 12 December 2018, changes to the Act took effect to provide an NES entitlement of five days' unpaid family and domestic violence leave each year.<sup>1</sup> The entitlement is non-cumulative, and available in full (i.e., not pro-rated) to all full-time, part-time and casual employees.
17. The Act states that an employee may take unpaid family and domestic violence leave if:
  - (a) the employee is experiencing family and domestic violence; and
  - (b) the employee needs to do something to deal with the impact of the family and domestic violence, and it is impractical to do so outside their ordinary hours of work.<sup>2</sup>
18. The Act defines 'family and domestic violence' as violence, threatening or other abusive behaviour by a close relative of an employee that seeks to coerce or control the employee, and causes the employee harm or to be fearful.<sup>3</sup>

## Domestic abuse leave for clergy

### Concept of 'leave' for clergy

19. Strictly speaking, 'leave' is not a concept relevant to clergy. Clergy hold office and have certain duties in relation to that office. Clergy are not 'paid' to work any set pattern of hours, but are entitled to payment of their stipend, allowances and other benefits for as long as they are licensed and appointed to the relevant office.<sup>4</sup>
20. There are ordinances which provide 'entitlements' to some forms of leave, such as annual leave and long service leave.<sup>5</sup> The purpose of these ordinances is to manage expectations of the parish (and clergy) regarding these forms of absence by clergy from their parish, and to prevent the making of any complaints regarding the wilful neglect of duties by clergy who are absent for reason of annual leave or long service leave.<sup>6</sup>
21. In essence, the term domestic abuse 'leave' in relation to clergy is a construct, or legal fiction. Nonetheless, for convenience, this report will use the term domestic abuse 'leave' to refer to periods of absence by clergy who are unable to perform his or her duties because they are experiencing domestic abuse or dealing with the impact of domestic abuse.

### Provision of domestic abuse 'leave' for clergy

22. Currently, there are 561 married clergy in the Diocese who are licensed to a parish. Nine of these are women. The Committee recognises that both men and women experience domestic abuse, but statistics indicate that in Australia, a significantly higher proportion of victims of domestic and sexual violence are women.<sup>7</sup>
23. Given the particular nature of domestic abuse and the availability of the NES entitlement to family and domestic violence leave for lay ministers, assistance should also be made available for clergy.

<sup>1</sup> Sections 106A(1) and (2) of the Act.

<sup>2</sup> Section 106B(1) of the Act.

<sup>3</sup> Section 106B(2) of the Act.

<sup>4</sup> The Committee acknowledges the general assumption that clergy work a six-day week.

<sup>5</sup> See clause 3 of the *Annual Leave Ordinance 1983*; Part VI of the Schedule to the *General Synod – Long Service Leave Canon 2010 Assenting Ordinance 2010* and clause 3(1) of the *Long Service Leave Ordinance 1973*.

<sup>6</sup> Clause 2(3) of the *Offences Ordinance 1962* and clause 6(2)(a) of the *Ministry Standards Ordinance 2017*.

<sup>7</sup> The Federal Government reports that 1 in 6 women and 1 in 16 men have experienced physical and/or sexual violence by a current or previous partner since age 15: see Australian Institute of Health and Welfare, 'Family, domestic and sexual violence in Australia: continuing the national story, 2019' at [https://www.aihw.gov.au/getmedia/f34a0f82-e60c-4aec-a90b-3b23c009be31/Twitter\\_FDSV\\_2019\\_Main.jpg.aspx](https://www.aihw.gov.au/getmedia/f34a0f82-e60c-4aec-a90b-3b23c009be31/Twitter_FDSV_2019_Main.jpg.aspx).

24. The provision of domestic abuse 'leave' for clergy would also be consistent with the Diocese's domestic abuse policy<sup>8</sup> (the **Policy**) and properly demonstrate the Diocese's support of clergy experiencing domestic abuse.
25. The Policy defines 'domestic abuse' as –
- “1.1.2 **Domestic abuse** includes but is not limited to emotional, verbal, social, economic, psychological, spiritual, physical and sexual abuse. Such behaviour often seeks to control, humiliate, dominate or instil fear in the victim.”<sup>9</sup>

### Approach to provide domestic abuse 'leave' for clergy

26. The Committee considered the following approaches to provide domestic abuse leave for clergy –
- (a) establishing a Diocesan 'fund' to which each parish would make a contribution by way of Parish Cost Recoveries (**PCR**);
  - (b) enacting an ordinance to provide the framework for each parish to confer an entitlement to domestic abuse leave for clergy licensed to the parish, such as for parental leave;<sup>10</sup> and
  - (c) amending the Remuneration Guidelines to provide for domestic abuse leave as another form of 'leave' for clergy.
27. Apart from the NES entitlement to five days' unpaid family and domestic violence leave each year, the Committee is not aware of any current express policies or practices within the Diocese which provide domestic abuse leave to staff members.
28. For the reasons set out below, the preferred approach to provide domestic abuse leave for clergy is to amend the Remuneration Guidelines (see paragraph 26(c)).
29. The provision of domestic abuse leave for clergy should have regard to the NES entitlement to domestic violence leave, which is available to lay workers. Its view is that the NES entitlement is both compassionate for the victim and reasonable for the parish.
30. As the NES entitlement is unpaid and non-cumulative, it would be unhelpfully burdensome to impose a levy on parishes to create a fund to provide for domestic abuse leave for clergy (see paragraph 26(a)), and an unnecessary administrative complexity to enact an ordinance for the grant of such leave (see paragraph 26(b)).
31. As for the amount of domestic abuse 'leave' for clergy, it would not be appropriate to specify the amount of 'leave' that a parish is to provide to clergy licensed to that parish because clergy are not strictly entitled to leave.
32. The better approach is to enable each parish to discuss and agree with a member of clergy the amount of domestic abuse leave needed in their circumstances. This approach is consistent with the provision in the Remuneration Guidelines for sick and carer's leave for clergy.

### Proposed amendments to the Remuneration Guidelines

33. The proposed amendments to the Remuneration Guidelines to provide for domestic abuse leave for clergy are included in the Annexure to this report.
34. The amendments were originally proposed to take effect from 1 January 2021. However, subsequent to the Standing Committee's consideration of this matter, the October 2020 session of Synod was postponed. The target date for commencement is now to be 1 July 2021.

---

<sup>8</sup> The Anglican Diocese of Sydney's domestic abuse policy is entitled '*Responding to Domestic Abuse: Policy and Good Practice Guidelines*' (dated 17 October 2018). It is available at <https://safeministry.org.au/wp-content/uploads/Responding-to-Domestic-Abuse-Policy-Guidelines-and-Resources.pdf>.

<sup>9</sup> An expansive description of 'domestic abuse' is set out in Appendix 1 of the Policy.

<sup>10</sup> See *Parental Leave Ordinance 2016*.

35. It is proposed that domestic abuse leave will be provided as part of 'Sick and Carer's leave and other special leave'<sup>11</sup> in the Remuneration Guidelines.
36. Any member of clergy who is unable to perform their duties because they are experiencing domestic abuse or dealing with the impact of domestic abuse, will be paid the agreed stipend and allowances during the period of domestic abuse leave, or until a course of action can be mutually agreed upon.
37. This approach mirrors the provision of leave for sickness or accident.<sup>12</sup>
38. The period of domestic abuse leave is not specified in the Remuneration Guidelines. As stated above, the intention is to provide the individual parish and member of clergy with a framework to discuss and agree on the appropriate amount of leave which takes into account the needs of both parties.

For and on behalf of the Standing Committee.

DANIEL GLYNN  
**Diocesan Secretary**

8 April 2021

---

<sup>11</sup> See paragraphs 14.1 and 14.2 of the Remuneration Guidelines.

<sup>12</sup> See paragraph 14.1 of the Remuneration Guidelines.

## Amendments to the Guidelines for the Remuneration of Parish Ministry Staff

1. The annual Guidelines for the Remuneration of Parish Ministry Staff (the “Remuneration Guidelines”) are amended by –
  - (a) inserting the following new paragraph in the ‘Key points for 2021’ on the first page –

“Paragraph 14.1 dealing with ‘Sick and Carer’s leave and other special leave’ has been amended to provide leave for clergy who are experiencing domestic abuse or dealing with the impact of experiencing domestic abuse.”
  - (b) amending paragraph 14.1 to include the wording set out in underlined text as follows –

“14.1 If a Rector or Assistant Minister is unable to perform their duties due to sickness or accident, or because they are experiencing domestic abuse or dealing with the impact of experiencing domestic abuse, the parish must continue to pay the agreed stipend and allowances during any period of leave taken by the rector or assistant minister, or until a course of action can be mutually agreed upon (e.g., early retirement). In the case of prolonged illness (including that arising from the domestic abuse) financial assistance may be available to the parish through the Sickness and Accident Fund (refer section 16).”
2. The amendments to the Remuneration Guidelines contained herein are to take effect from 1 July 2021.



# 76/19 Gender Identity – Practical Guidelines for Ministers and Parishes

(A report from the Standing Committee.)

## Key Points

- After considering the amendments proposed at Synod in 2019 and since, a slightly amended form of the Practical Guidelines for Ministers and Parishes, and a separate list of Suggested Responses to Practical Questions is recommended.
- Responsibility for the content of Practical Guidelines and Suggested Responses should rest with the Archbishop. He has arranged for their distribution to parish ministry staff and parish councils through the Regional Bishops.

## Purpose

1. The purpose of this report is to address the request of the Synod in relation to the form and content of Gender Identity – Practical Guidelines for Ministers and Parishes.

## Recommendations

2. Synod receive this report.
3. Synod, noting the report *76/19 Gender Identity – Practical Guidelines for Ministers and Parishes*, note that in response to resolution 76/19 Archbishop Glenn Davies, acting through the Regional Bishops, has distributed the Practical Guidelines for Ministers and Parishes and the Suggested Responses to Practical Questions attached to that report to all parishes.

## Background

4. In October 2019 the Synod passed 3 resolutions in relation to Gender Identity –
  - “**73/19 Doctrine Statement on Gender Identity**  
Synod, noting the report, ‘Doctrine Statement on Gender Identity’ –
    - (a) affirms and adopts the Doctrine Statement on Gender Identity in Annexure A of the report (‘Doctrine Statement’) as the principal statement of the doctrines, tenets, beliefs and teachings propagated by the Anglican Church, Diocese of Sydney with respect to gender identity, subject to amending –
      - (i) clause 5 to omit the word, ‘favouritism’, and insert instead the words, ‘privileged status’, and
      - (ii) clause 6, following the word ‘wholeness’, to insert the matter, ‘and sharing with them the good news of the Saviour through whom he will make all things new (Revelation 21:5)’;
    - (b) recommends that the relevant governing body of each diocesan school and of each diocesan organisation which exercises pastoral care for, or otherwise engages with, people who struggle with gender identity issues –
      - (i) affirm the Doctrine Statement as the principal statement of the doctrines, tenets, beliefs and teachings with respect to gender identity, and
      - (ii) develop and implement a publicly accessible policy on Gender Identity which is consistent with the Doctrine Statement; and

- (c) requests the Archbishop-in-Council to consult with and consider providing further advice to organisations concerning the implementation of the recommendations referred to in paragraph (b).”

**“74/19 Gender Identity – Pastoral Guidelines for Churches, Schools and Organisations**

That the ‘Pastoral Guidelines for Churches, Schools and Organisations’ pass as a policy of the Synod for the parishes, schools and organisations of the Diocese.”

**“76/19 Gender Identity – Practical Guidelines for Parish Councils**

Synod –

- (a) defers consideration of the matter at B9A (Gender Identity – Practical Guidelines for Parish Councils),
- (b) requests Parish Councils to provide feedback on the proposed policy to the Diocesan Secretary by Friday 6 March 2020, and
- (c) requests the Standing Committee to bring the proposed policy, with any recommended changes, to the 1st ordinary session of the 52<sup>nd</sup> Synod.”

5. At its meeting on 18 November 2019 the Standing Committee noted the terms of Synod resolutions 73/19 and 76/19 and resolved to refer the request of paragraph (c) of each resolution to the Gender Identity Committee, and ask the committee –
  - (a) to coordinate under the direction of the Archbishop, advice for organisations concerning the implementation of the recommendations of paragraph (b) of resolution 73/19, and
  - (b) to provide a report with a proposed policy for Parish Councils, to a future meeting of the Standing Committee by July 2020, for promotion to the next ordinary session of the Synod.
6. The members of the Gender Identity Committee are the Rev Dr Andrew Ford, Bishop Peter Hayward (Chair), Dr Chase Kuhn, Mr Michael Meek, Dr David Nockles and Dr Claire Smith.
7. In response to the request in paragraph (a) of the Standing Committee’s request the Committee was involved in the preparation of 2 documents containing advice to Anglican Schools and Anglican Organisations regarding matters concerning Gender Identity. At its meeting on 15 February 2021 the Standing Committee –
  - (a) received the advice from the Archbishop to Anglican Schools in the Diocese,
  - (b) received the draft advice from the Archbishop-in-Council to Organisations of the Diocese, and
  - (c) noted that a copy of each document has been sent to the relevant schools or organisations of the Diocese for comment.

Standing Committee then also noted that the Archbishop invited comments or suggested amendments to each document, so that a suitable form of each Advice can be promoted as being endorsed by the Archbishop-in-Council, in accordance with Synod resolution 73/19, at the March 2021 meeting of Standing Committee.

## **Content of the Practical Guidelines**

8. In relation to the proposed policy for Parish Councils, in 2019 a number of Synod members had given notice of their intention to move amendments to the text of the draft of the Practical Guidelines for Parish Councils prior to the Synod passing resolution 76/19.
9. While no formal comments were received from parish councils in response to the request in part (b) of resolution 76/19, one comment was received from a member of Synod.
10. Each of the suggested amendments were considered, a number of which were incorporated into the attached revised form of the Practical Guidelines. The heading on the document has been changed to “Practical Guidelines for Ministers and Parishes” to reflect the fact that they are primarily addressed to those in the parish with responsibility for pastoral leadership.
11. In addition to presenting the Practical Guidelines in this revised form, it would be helpful to also provide examples of the suggested responses to some of the frequently asked questions that church leaders face. While not attempting to be comprehensive, the attached list of Suggested Responses to Practical

Questions aims to uphold the doctrine and guidelines of the Diocese, while demonstrating appropriate loving care and concern for those who are struggling.

## Responsibility for the Practical Guidelines

12. Given the nature of the Practical Guidelines, the process envisaged in Synod resolution 76/19 – that the Standing Committee recommend a revised form of the proposed Practical Guidelines for adoption by the 1st ordinary session of the 52nd Synod – was not ideal.
13. It was considered preferable for the Archbishop, acting through the relevant Regional Bishop, to send the Practical Guidelines and the Suggested Responses to Practical Questions to all parish clergy and licensed lay pastoral staff, with a copy to each Parish Council for their information.
14. Under this process, the Synod would remain responsible for the Doctrine Statement on Gender Identity and the Gender Identity – Pastoral Guidelines for Churches, Schools and Organisations, both of which were adopted at the 2019 Synod. However, just as the Archbishop's Advice to Anglican Schools and the Advice of the Archbishop-in-Council to Anglican Organisations are not the responsibility of Synod, the Practical Guidelines for Ministers and Parishes are best categorised as a pastoral matter for which the Archbishop bears ultimate responsibility.
15. This approach was adopted for a number of reasons –
  - (a) guidance in pastoral matters should come from the Archbishop and the Regional Bishops, and the responsibility for implementing the Practical Guidelines will fall primarily on the ministry staff (ordained and lay) of the parish,
  - (b) the Synod as a body is not well qualified, trained or equipped to decide the practical details of such matters, and may not be able to respond in a timely manner when circumstances change or new situations arise, and
  - (c) it may not be helpful for individuals struggling with gender incongruence or gender dysphoria if the Practical Guidelines were a publically accessible document, as would generally be the case if they were adopted by Synod.

For and on behalf of the Standing Committee.

DANIEL GLYNN  
**Diocesan Secretary**

6 April 2021

## Gender Identity – Practical Guidelines for Ministers and Parishes

(To be read in conjunction with the Doctrine Statement on Gender Identity and the Pastoral Guidelines for Churches, Schools and Organisations.)

### 1. Christians struggling with Gender Incongruence or Dysphoria

- 1.1. Christian congregations should be safe places for all who are struggling with life and need to hear the message of hope. We must seek to demonstrate the compassion of Christ towards those who are hurting and vulnerable.
- 1.2. Some issues for discipleship, such as the experience of gender incongruence or dysphoria, are more public than others, and therefore require different sorts of attention, acknowledgement and care.
- 1.3. The person should be encouraged to speak to a member of the ministry staff whom they trust. While church friends and family can continue to love and support the person, the church itself may be able to offer additional practical resources as well as providing pastoral care and reassurance.
- 1.4. Confidentiality is crucial among church members that may know about the person's concerns as well as among staff. However, where appropriate the Rector may advise the Regional Bishop of the situation, so that staff might be offered any assistance they require, such as professional supervision.
- 1.5. Be aware that the experience of living with gender incongruence or dysphoria should not in and of itself be categorized as sin or unrepentant sin.
- 1.6. Church staff should love and care for the person, offer pastoral support, and make available information (reports, research etc.), in addition to biblical teaching in line with the Doctrine Statement on Gender Identity.
- 1.7. Assistance in accessing appropriate professional counselling should be made available.

### 2. Christians considering or already Transitioning<sup>1</sup>

- 2.1. Beyond applying the points in 1 above, the relevant member of staff should:
  - 2.1.1. attempt to discern whether transitioning is a desire that is being explored or the decision has already been made, and
  - 2.1.2. In the context of continuing pastoral and practical care, explain the goodness of God's creation and his intention for human beings. Carefully indicate that our sex is something given to us by our Creator and that gender transitioning involves repudiating God's gift and seeking to determine our own identity apart from him.
- 2.2. Nevertheless, if a person continues to pursue social or medical transitioning, ministry staff are to continue to provide for the person's spiritual needs. This includes telling and showing the person that they are loved and welcome at church, despite their decision being inconsistent with faithful Christian living. As with all pastoral correction and discipline, this will include a call to repentance and faith issued with patience and sensitivity, taking special account of the vulnerability of the person concerned.

### 3. Christians who have already Transitioned

- 3.1. Christian brothers and sisters in the person's church, as well as the staff, are to uphold the foundational truths expressed in the Doctrine Statement on Gender Identity.
- 3.2. Ministry staff and congregations need to recognise that transitioning often happens in stages, involving continuing distress, and medical intervention may be irreversible. Any discussion about the appropriateness of transitioning should only be given in the context of care and compassion and ideally in a relationship which has established trust.

- 3.3. An encouragement to be content with our biological sex as a gift of God may raise for the person questions about de-transitioning. Such conversations should be given in the context of care and compassion and ideally in a relationship which has established trust in which care for the person's spiritual, physical, emotional and social wellbeing is paramount.

#### 4. Unbelievers struggling with Gender Dysphoria or Transitioning

- 4.1. Our first concern should be to encourage all unbelievers, regardless of present struggles, to turn to Christ and accept him as their Lord and Saviour.
- 4.2. Bible teachers in the church are to be clear on the Bible's teaching on sex and gender, and are to explain this with love and sensitivity to non-Christians who may be struggling with their identity.
- 4.3. Assistance in accessing appropriate professional counselling should be made available.
- 4.4. All members of a church have the responsibility to show the love of Christ and care for all people struggling with this issue. This love should take both emotional and practical forms.

(It is recommended that Ministers and other church leaders refer also to the attached:

'Suggested Responses to Practical Questions')

## Suggested Responses to Practical Questions:

There are many aspects of pastoral care to consider as we seek to meet the needs of those experiencing gender incongruence or gender dysphoria, their loved ones, and their congregations. The “Doctrine Statement on Gender Identity,” the “Pastoral Guidelines for Churches, Schools and Organisations,” and the “Gender Identity—Practical Guidelines for Ministers and Parishes” all seek to articulate the biblical contours of such care.

We recommend that you discuss with those affected how best to care for them, as each pastoral situation is different and will require careful thought and specific responses. However, there are common practical questions that often arise.

We offer these preliminary responses to assist churches. These recommendations are not intended to be comprehensive. Each response aims to uphold the doctrine we wish to protect, while demonstrating appropriate loving care and concern. Sometimes very simple adaptations or considerations might avoid distress and communicate a great deal of care.

### ***Should we refer to someone by their birth name or their preferred name (even if this represents the gender they identify with)?***

It is appropriate to call someone by the name that they prefer. This does not necessarily express acceptance of their gender identification, but reflects what we do in all of life, where we call people by the name by which they prefer to be known.

### ***Should we refer to someone by their biological pronouns or their preferred pronouns?***

We commend a third alternative, which is to avoid using pronouns for the person suffering gender incongruence or dysphoria, and instead to call the person by their name. This is not only fairly easy to do but upholds the God-given nature of biological sex and avoids causing the person unnecessary distress.

### ***Should we use gendered terms to refer to someone with gender incongruence or dysphoria?***

If possible, and depending on the circumstances, it is often best to identify the person by other means than their gender. For example, instead of referring to the person as someone’s ‘son’ or ‘daughter’ you might identify them as their ‘child’. Alternatively, simply refer to them by name.

### ***What about toilets?***

The goal is for all members of the congregation, including children, to have access to toilets where they feel (and are) safe and which do not cause them distress. Accordingly, if your church is able to provide this, it is helpful to offer at least one non-sex-specific toilet. Often this is easily achieved by redesignating an accessible [OR a wheelchair accessible] toilet.

### ***How can we be more sensitive to those struggling in our corporate gatherings?***

There may be many ways in which our meetings can be more welcoming to those experiencing gender issues. One simple example is that when addressing your congregation, you might sometimes use more inclusive language that is less likely to cause distress. So, instead of always greeting your congregation as “ladies and gentlemen” or “brothers and sisters” you might instead say, “good morning to you all” or “good morning, friends.”

### ***What do we do about sex specific events or groups (e.g., “Men’s Dinner” or “Women’s Bible Study”)?***

Events aimed at ministering to a specific sex should not be abandoned or discouraged. We should continue to celebrate the fact that God makes us male and female, and that there are appropriate and wonderful differences between the sexes. These differences, at times, may call for specific ministry according to sex. However, communication about these ministries should be carried forward with sensitivity and care for those struggling with their gender identity, especially with attention to timing and tone. Furthermore, there may need to be special consideration of how the church will provide alternative ministry structures that are more accommodating to someone struggling with gender incongruence or dysphoria. For example, in addition to single sex Bible study groups, it would be helpful to provide mixed-sex alternatives.

# Parish and Regional Restructure

(A report from the Standing Committee.)

## Key Points

- Demographic trends mean that a realignment of Regional boundaries is necessary, and this will take place in the latter half of 2021.
- There are inefficiencies in seeking to maintain the number and concentration of parishes in some areas, and the requirements for implementing a 'hub and spoke' model of local administration should be explored.
- Further consideration is being given to the implications of such changes for Regional Councils, Mission Areas and the functions of Sydney Diocesan Services.

## Purpose

1. The purpose of this report is to supply the details of a review of diocesan organisational and administrative structures to allow effective ministry and mission outcomes given the sustained growth and changes across the Diocese's geographic reach.

## Recommendation

2. Synod receive this report.

## Background

3. Parishes and Regions with geographic boundaries are the main organisational and administrative structure for the Diocese's ministry and mission. The existing parish and Regional boundaries are currently, and increasingly in the future, facing challenges with commonly used geographic divisions and population growth. This report provides a review of parish and Regional definitions and boundaries and suggests that a 'hub and spoke' option for parishes be strategically encouraged and that current Regional boundaries be redrawn.

## Parishes

4. The shift from chaplaincy to parish-based ministry happened relatively early in the development of Anglican ministry in Sydney. Anglican evangelicals were convinced that the English parish model was the best way to develop a gospel influence and to provide a way to build a stable community. From the establishment of the first two parishes as St Philip's, Sydney and St John's, Parramatta in 1802, parish ministry quickly became normalised. "The evangelical movement had transformed parish ministry into an energetic round of activities designed for the spiritual and educational benefit of all parishioners." (Piggin and Lidner, the Foundation of Public Prosperity, 2019, p.97).
5. The underlying conviction in the development of the parish system in Sydney over the following decades was that the whole of society needed to be inducted into the truths of the word of God. The parish system's very structure, with the subsequent establishment of dioceses, was a reminder of the task: every square metre of the geographical area is covered, which brings the responsibility to plant and sustain churches by starting new parishes.
6. The social changes that resulted from the Industrial Revolution and the introduction of modern transportation did not diminish the ongoing growth in the parochial network. By 1935 there were 165 parish units across the Diocese. Over the next 30 years, approximately three new parishes per year

were created, concentrated in the post-WW2 baby boom era. What is noticeable is that since 1965 the total number of parishes has remained mostly unchanged.

7. Number of parishes:
  - (a) 1935: **165** (Population approximately 1.5 million)
  - (b) 1965: **260** (population approximately 2.5 million)
  - (c) 2020: **265** (Population approximately 5.5 million)

### 1972 *Looking Into the Parish* report

8. Until the 1960s the nature and expectation of parish ministry was relatively stable. However, societal changes were challenging the long-term patterns. The extent of these challenges is highlighted by the proceedings of the 1970 session of Synod. Standing Committee was requested to establish a commission with the following guidelines:
  - (a) Examine the effectiveness and relevance of parochial ministry and organisation in the present age;
  - (b) Determine the means of increasing the effectiveness of the ministries of ordained men and the ministries of laymen;
  - (c) Consider such other matters as may appear to the Commission to be relevant to the foregoing; and
  - (d) Recommend any reforms the Commission considers necessary and means of implementing these reforms.
9. The final report was presented to Synod's 1972 session and then published as *Looking Into the Parish*.
10. The report is clear that societal changes required a significant evaluation of how to undertake effective parish ministry. The degree of these changes is seen in the sudden slowdown in growth of the overall number of diocesan parishes highlighted above. Changes were rapid and financial viability was forcing new parish configurations. Parish structure and ministry could not continue as it had for well over 100 years.
11. The recommendations of the report were far-reaching and considered quite radical. Examples include: an emphasis on the development of team ministry away from a solo-ministry mindset; a focus on relationships and fellowship for ministry patterns; the possibility of dividing the Diocese into Regions, each with an Assistant Bishop; a focus on the development of central diocesan services to support parishes. It is worth noting that the theological emphasis on the local church, colloquially known as the Knox-Robinson theology of church, informed many of the recommendations.
12. The report stated that the fundamental structure of the parish system should be maintained. "The Parochial system is the main framework for ministry in the Anglican Church. It is the administrative means whereby the manpower resources for the work of the gospel are allocated...In essence, it is a system of dividing the Diocese into geographic units..." (page 9, Report paragraph 1) The parish was an organisational and administrative system that allowed resources to be allocated and developed to enable the gospel's work to be undertaken.
13. The report concluded with a recommendation that there was an urgent need to form a group responsible to Standing Committee to research and plan ongoing parish ministry changes. The Commission's view was that population and societal changes required continuous attention to maintain gospel ministry across the Diocese.

### New Parishes in new areas

14. One development that the *Looking Into the Parish* report anticipated, but took another decade to implement, was the establishment of 'Vision for Growth' in 1984, followed by 'Vision 2001' in 1993. With the rapid expansion of new housing areas, mainly in western Sydney, the initiatives gave diocesan focus to establishing new parochial units in these new areas.
15. An indication of how the Diocese was able to respond to the new housing areas is observed by tracing the average population size for each new parish church building after WW2:
  - (a) Post WW2: **5,000**



- (b) Vision for Growth (1984-1993): **13,000**
  - (c) Vision 2001 (1994-2001): **25,000-30,000**
  - (d) MPC/NCNC (2001 - Current): **60,000-80,000**
16. In the post-WW2 era, the goal was to have a new parish church within walking distance in each new housing area, with the underlying assumption that ministry could be sustained with a parish population of 5,000. Over the following decades, acquisition of suitable land became more difficult; the cost of land purchase rose dramatically; development approval for church buildings was contested; local government requirements increased building expenses; and societal changes altered expectations of what was achievable with new parochial units.
17. The consequence of how new parochial units have developed over the last 30 years is that there is an uneven distribution of parishes across the Diocese. 35% of the population running from north to south along the eastern side of the Diocese has 60% of the parishes.

### Other parish changes

18. While a 1994 Synod report "Future Patterns of Ministry" focused primarily on recruiting, selecting, training, supporting, and resourcing lay and ordained ministers, it also discussed the ongoing challenges of parish ministry. The report suggested that the restrictions on ministry development were caused by focusing on geographic parish boundaries. Two options were briefly considered but not pursued:
- (a) Redraw parish boundaries so they encompass larger areas, something akin to current mission areas; and
  - (b) Make existing Local Government areas the unit that defines the parish.
19. The report ultimately assumed the existing parish organisational structure would continue. However, the final recommendation requested that the Standing Committee prepare legislation to allow more flexible ministry practices as an alternative to the existing parochial system's geographic boundaries. It is again notable that the option of removing all geographic boundaries was not considered.
20. Over the next ten years, the Diocese adopted two initiatives that gave expression to the 1994 report's recommendation:
- (a) Recognised churches (parishes without property)
  - (b) The establishment of New Fellowships (proto-parishes) under Evangelism and New Churches.
21. These initiatives have allowed some degree of flexibility in the development of ministry across the Diocese. Currently, the Diocese has four parishes without property and five ENC fellowships, but their establishment is not common.

### Current observations on parish ministry

#### *Maintaining the geographic coverage of the parish system*

22. Parishes with geographic boundaries remain the main organisational and administrative structure for diocesan mission and ministry. This structure's advantages are shown in the diocesan concern for establishing a ministry in new housing areas and sustaining ministry in more disadvantaged socioeconomic areas that are hard to maintain. The very nature of each parish's geographic coverage is a reminder that the gospel is for every person in every community and the diocesan network has a responsibility to use resources to enable this to occur.
23. The Diocese has never given any serious consideration to removing all parish boundaries. The advantages of parish boundaries and geographic coverage are such that this not an option that is worth considering now or in the foreseeable future.

#### *Parishes enable good church order*

24. The majority of diocesan parishes have different church gatherings in a local fellowship bound by common leadership, common property, and common resources. A significant number of parishes

operate with multiple geographic gathering locations (one parish has five church centres) but still pool common leadership and resources.

25. Parish organisation and administration can be thought of as the practicality of good church order. There is a theology of gathering an individual congregation; everything else is pragmatism and wisdom that has gospel intent.

#### *Observations by SGS Economics and Planning*

26. In early 2020 the Anglican Church Growth Corporation (**ACGC**) through Sustainable Development Group Ltd (**SDG**) engaged with SGS Economics and Planning to examine the current property assets and how they may be best utilised given the projected population and demographic changes over the next 40 years. SGS Economics and Planning were uniquely qualified to undertake this work as they were used in the Greater Sydney Commission's planning.
27. Inevitably the diocesan parish and regional organisational and administrative structures were also considered.
28. Sydney has experienced rapid population growth over the last 20 years, and though the COVID-19 pandemic has resulted in a halt to migration, the growth is expected to return to pre-COVID-19 levels in the short to medium term. The increase in population is accompanied by a changing local demographic profile, reflected in an ageing population and diversified population with dramatically changing needs at a local level.
29. SGS Economics and Planning are of a view that the existing regional and parish boundaries now face underlying challenges with commonly used geographies and population growth.
30. The final report includes the following recommendation: "From a secular population and land use perspective, it is recommended that the Anglican Church consider reviewing the existing parishes and Region definition/ boundaries. As a minimum, better alignment with commonly used geographies (i.e., Council boundaries and ABS Standard Areas) would significantly improve alignment with data, policy plans, and settlement patterns. It is also recommended that boundaries reflect the three cities identified in the Greater Sydney Plan. More consistent parish sizes would allow for a more efficient parish planning and more effective use of church assets across the Diocese for better ministry outcomes."
31. Such external observations are not determinative in making decisions about the structure of parish ministry, yet the report does contain compelling evidence that attention needs to be given to how parishes are structured now and into the medium-term future.

#### *Current variations in parish populations*

32. Parishes range in population size from 1,000 to 90,000.

#### *Viability*

33. The measure of parish viability is a specified minimum amount of parish income (Net Operating Receipts). For a recognised church, viability is measured by the number of adult attendees and level of offertory income.
34. For parishes, the total offertory (excluding all other income) is a better measure of people resources. A parish's very rough measure to sustain and develop ministry and mission is having an offertory income of \$250,000 or greater. There are obvious exceptions where parishes with less income can be sustained, but at \$250,000, there is sufficient income for staffing (1 and 2/3 FTE), housing, maintenance, and ministry expansion. This level of offertory income assumes sufficient people resources.
35. Currently, 140 parishes have an offertory below \$250,000. Several parishes benefit from other forms of income; nevertheless, nearly 40% of all diocesan parishes deal with some level of resource restraint. There are wonderful exceptions to this picture, yet there is a sustained pattern that is discernible: a new and enthusiastic rector is appointed. Over the next few years, enthusiasm is diminished as hoped-for growth does not materialise, or initial growth is not maintained. Long-term patterns stabilise the internal

life of the parish. Good ministry occurs, people are disciplined, but the weight of keeping the parish going with all the external and internal obligations and small resources leads to sub-optimal performance.

#### *Parish expectations*

36. Over the last 50 years, parish ministry has moved from a **voluntary organisation** that pools resources and money, where parish leadership was reasonably consistent; to what is today more of a **small business enterprise** with a significant number of internal and external requirements.
37. The voluntary association era had the following characteristics:
- (a) Parishes all similar – little strategy needed;
  - (b) Trained to minister the word of God, every ordained minister can become a rector;
  - (c) Sunday services – straightforward, with a common prayer book, common music;
  - (d) Parish council/wardens – minimal expectations;
  - (e) The cultural context was a white, Anglo-Saxon Christianised society.
38. By contrast, in parishes today:
- (a) Parishioners have higher expectations with consequent increased potential for strain in relationships with staff and parishioners;
  - (b) Every rector has to understand the unique history and culture for each parish, in order to formulate independent strategy and implementation;
  - (c) Rectors now manage staff teams and a larger number of ministry volunteers, with high expectations;
  - (d) There is a significant increase in the number of external and internal requirements for parish councillors and wardens;
  - (e) The cultural context is highly diverse.
39. It is reasonable to anticipate that in the future, the current factors will increase in significance for the parish as societal and demographic changes occur.

#### *Wardens' responsibilities*

40. The responsibilities and obligations of wardens have significantly increased over the last decade. There is a growing problem in finding suitable and willing church members who will undertake the wardens' responsibilities. This is especially the case in the large number of parishes that cannot pay for administrative support and instead rely on wardens' available discretionary time.

#### *Societal changes*

41. Anglican affiliation is forecast to continue to decline significantly over the next ten years before stabilising around 2031. This is primarily driven by an increasing trend towards 'no religious affiliation', which in-turn, flows to increasing 'no religious affiliation' in children, which carries throughout their life. Affiliation rates, in turn, affect Anglican reach potential.
42. There are likely to be fewer nominal, occasional church attendees automatically choosing to attend an Anglican church at Christmas and/or Easter out of a sense of duty to their religious affiliation. Any decision to do so will be based more on the individual church's location and awareness of its interaction with their community.
43. The Anglican Church will not rely on its historic affiliation rates to maintain or increase its relevance to a wider population. This relevance will be much more linked to how effective churches, and especially parishioners, can be in living out their faith and the Christian values as they seek to demonstrate care and compassion in the communities in which they live and operate.
44. The trends in Anglican affiliation form another observation about the rapidly changing social setting for parish ministry.

## Development of “Hub and Spoke” parish structure

45. Just as there was a major look at the parish’s nature 50 years ago, parish ministry’s current and future context strongly suggests that a new way of configuring parishes be developed and strategically encouraged.
46. This report proposes that a “Hub and spoke” parish structure be strategically pursued and encouraged, though any involvement is to be voluntary.
47. “Hub and spoke” is used to describe a way of combining two or more parishes in a sub-regional area so as to enable resources to be shared and common mission purposes to be pursued. Traditionally this is described as an “amalgamation”, but historically amalgamations are a reactive mechanism to deal with decline and non-viability in one parish. “Hub and spoke” is preferred as a distinct term for a proactive response in that it aims to join parishes while they are still independently viable, in order to create more opportunity for ministry and mission to be undertaken.
48. The proposed reconfiguration of parishes is not driven by a reaction to a decline in numbers or poor management, as is the current case in other Anglican dioceses worldwide. Instead, it has arisen out of a desire to enhance the diocesan network’s mission effectiveness, given demographic and societal changes.
49. What is proposed is not expected to be implemented with an immediate effect. It is a long-term strategic direction that will have a cumulative effect.
50. Though there are a few primary factors that inform the proposal, such as the current shortage of rectors, they are not determinative in suggesting a restructure.
51. The assumption is that the intent of the Anglican parish system remains. Parishes are the main building block for diocesan ministry and mission. The very nature of parish geographic coverage that presupposes an assumption that the gospel is for every person in every community remains a given. The significance of this is that the Diocese is committed to retaining gospel ministry to new growth areas and difficult ministry areas that seem to bear little fruit.
52. Further, as a diocese, we believe in cooperation, networking, and partnership. The “hub and spoke” structure allows this to be developed in a sub-regional area that will potentially allow more effective use of financial and people resources.
53. There will remain compelling reasons why parishes of all sizes will stay as they are, but the “hub and spoke” option will be an option that may have advantages in many areas of the Diocese.

## Next steps

54. “Hub and spoke” pilots have been undertaken. In one example, three parishes in a sub-regional area concluded that in their circumstances, though there are complexities in navigating the changes, the hub and spoke model is the best option to sustain and grow the ministry of the gospel in the area. With a more straightforward organisational and administrative structure and the ability to share children’s and youth resources, the benefits of a “hub and spoke” model were found to be compelling.
55. Two working groups are in operation. Bishop Chris Edwards chairs a working group on determining the best practice for establishing and sustaining a “hub and spoke” parish, allowing new ‘hub and spoke’ rectors to interact with and learn lessons from more established ‘hub and spoke’ rectors. Bishop Gary Koo chairs a working group on the leadership requirements for a rector of a “hub and spoke” parish. Not all presbyters have the capacity to lead an amalgamated parish.
56. It is clear that a significant review and update of both the *Parish Administration Ordinance 2008* and the *Parishes Ordinance 1979* is necessary, to both allow and to maximise the administrative efficiencies that are intended with the hub and spoke model.

## Regions

### Establishment of Regions

57. In 1991 Synod considered a summary report from the Standing Committee (30/89) on the “Future of Regionalism and Diocesan Development”. The report is a useful reference point in understanding our current Diocesan Regional structure.
58. Three possible future structures for the Diocese were examined:
  - (a) Establish both Parramatta and Wollongong Regions as separate Dioceses;
  - (b) Establish a program of continued devolvement of Regions across the whole Diocese;
  - (c) Develop any other appropriate options for the future oversight of the existing Wollongong and Parramatta Regions.
59. As was the case in the early 1970s, the option of Wollongong becoming a separate diocese was quickly dismissed.
60. Another option canvassed but dismissed was the idea that Sydney be established as a new Province comprising three dioceses.
61. The 1991 report finally recommended that the Diocese pursue a “new regionalism” which would expand the number of Regions across the Diocese, devolving as much authority and decision making and distribution of funds to the Regional level, i.e., the Regional Council. This was described as “pastoral oversight and jurisdiction, maximum authority and [having] a regional administrative body with maximum autonomy.”
62. New Regionalism was pursued throughout the 1990s with the establishment of South Sydney, North Sydney and Georges River as Regions. It is a reasonable assessment that the expectation of the new Regionalism was never achieved. Financially it was difficult to sustain, putting pressure on the Endowment of the See (**EOS**). More substantially, the devolution of powers and responsibilities to the Regions never materialised. By 2009, with the fallout from the GFC, even the significance of Regional Councils as the decision-making body for the distribution of funds for ministry was greatly reduced.
63. Over time, Regionalism’s original intent has continued to adapt: local episcopal pastoral oversight and centralised governance and administration have emerged as a result. These ongoing adaptations were primarily driven by modern technology/communication advantages, which has allowed a more efficient centralised diocesan administration.
64. To help understand how Regionalism has developed over the last 25 years, the original argument in the 1991 report that favoured a new Regionalism is compared with current circumstances.

### Comparing the original arguments for Regionalism with current circumstances

#### *1970s: Moving to Regionalism will address the felt isolation of some areas of the Diocese*

65. While distance is still a factor, modern technology and communication have allowed easy and immediate access to St Andrew’s House.
66. In the last decade, the more remote parishes have established stronger local bonds through the establishment of Mission Areas.
67. Population growth in many of these “isolated” areas has also reduced the perception of isolation.

#### *1970s: The link between the Archbishop and his clergy and parishes is diminished without Regionalism*

68. Modern technology and communication mean there is a direct relationship between the Archbishop and clergy/parish never anticipated in 1991. The recent COVID-19 experience has demonstrated this direct and significant relationship to the Archbishop.

69. The ongoing advantage of Regionalism is that the local Bishop has a personal and pastoral relationship with rectors and, to a much lesser extent, a few assistant ministers and key wardens. The Bishop is the filter point for issues and disputes.

*1970s: Regionalism would establish strong and more accessible administrative centres*

70. This suggestion was a product of its time. Modern technology and communication have nearly entirely removed this argument.
71. Currently available to any parish in the Diocese are the following:
- (a) Sydney Diocesan Services (**SDS**) Parish support – professional, competent support in governance, finance, legal, human resources and property. As this centralised capacity has increased, clergy/wardens have been trained to deal directly with SDS.
  - (b) Registry – modernised and accessible processing of licences and authorities.
  - (c) Human Resources – as this is developed, it will also retrain clergy/wardens (as is already occurring) to use the diocesan Parish HR officer as the first port of call.
  - (d) Legal – the capacity of the Diocese to give legal advice has significantly increased.
  - (e) The Anglican Church Property Trust (**ACPT**) and Anglican Church Growth Corporation (**the Growth Corporation**) – now allows centralised support for all significant property development.
  - (f) Professional Standards Unit (**PSU**) – over the last ten years, the central administrative role of PSU has increased, especially post-Royal Commission.
  - (g) Youth and Children’s Ministry advice – Youthworks Ministry Support Team regional advisors offer free, on-call advice and support to assist parishes deliver an effective youth and children’s ministry.

*1970s: Without Regionalism the Archbishop would become a more remote figure*

72. Technology and modern communication have overcome this concern. The Archbishop is more immediately connected than ever anticipated.

*1970s: Regionalism devolves authority to a local level*

73. It was initially envisaged that Regionalism would over time “require a greater devolution of power and a more extreme delegation.” This was to include the processing and issuing of licences/authorities; permission for remarriage; approving faculties and building plans; and controlling the process and recommendation of clergy appointments (Rector and Assistant Minister).
74. Rather than devolving authority, it is now mostly centralised. The local Regional Bishop primarily signs off on the centralised process.

#### *Conclusion*

75. In summary, we now operate with a Regionalism that no longer fits the rationale that led to its implementation.

#### How has the role of Regional Bishops changed?

76. Regionalism intended that the Regional Bishop would give the majority of his time to the Region. The expectation was that there would be minimal diocesan-wide responsibilities for Assistant Bishops. As Regionalism changed, the Regional Bishops have necessarily dedicated a significantly increased proportion of their time to Assistant Bishop’s responsibilities, serving the Diocese as a whole rather than focusing on issues within their region.
77. There are three interconnected factors as to why this has occurred.
- (a) The overall demands on and expectations of the Archbishop’s office have continually increased. The Archbishop can only sustain the responsibilities of his office with the help of a significant time commitment by Assistant Bishops. An indicative break-up of a Regional Bishop’s time would be a 50/50 split between Regional and Assistant Bishop responsibilities.

- (b) The centralisation of administration over the last 25 years has required more involvement from the Archbishop's office. At a minimum, the Archbishop's Office has a connection to PSU, Ministry Training and Development (**MT&D**), the ordination process, ordinances, Standing Committee, SDS, Glebe Administration Board (**GAB**), ACPT, Diocesan Resources Committee, HR oversight, Moore Theological College (**MTC**), the Growth Corporation, Strategy and Research Group (**SRG**), Anglican Media, EdComm, defending freedom of religion, Anglican Schools Corporation and Anglicare.
- (c) In a report to Synod in 2019, it was noted that the number of Standing Committee ad-hoc sub-committees had had a three-fold increase due to Synod resolutions over the last ten years. Additionally, the Standing Committee has itself agreed to establish a number of sub-committees on a range of matters and issues. For good reasons, the Archbishop's office has deemed it wise to have an episcopal presence on many of these ad-hoc sub-committees.

### The current rationale for Regionalism

- 78. The circumstances and consequences of establishing smaller dioceses make any consideration of this possibility a practical impossibility. However, the Diocese's size and geographical reach will mean that some other administrative and organisational arrangements such as Regions remain necessary.
- 79. So what are the reasons for continuing with Regionalism if much of the original arguments are no longer valid?
  - (a) Most rectors, a few assistant ministers (ordained and lay), and a few wardens want to know who is the personal contact in ministry matters. Even if there is available central administrative support, the personal pastoral relationship with the relevant Regional Bishop is significant.
  - (b) Regions remain a useful way of notionally configuring the Diocese such that it is pastorally manageable.
  - (c) It allows for broader representation of both clergy and lay on Standing Committee. However, the advantage of this is more about appearance than reality.
  - (d) The Archbishop can, at his discretion, delegate matters of parish concern to the local Regional Bishop.

### The future of Regionalism

- 80. Two initial comments. First, the original reason for establishing the Georges River Region arose from the (accurate) observation that it was such a non-Anglo, ethnically and culturally diverse area. It was often said, "the Georges River Region spoke of the future of the Diocese." That future has now arrived. Large parts of the Western Region and significant parts of the Wollongong Region are now culturally the same as the Georges River Region. With a few exceptions the whole Diocese now has the characteristics of the Georges River Region of 1996.
- 81. Second, the SGS Economics Report has suggested that the current Regional structure is not sustainable. The Regions should be "aligned with the functional areas of the Diocese." At a minimum, the current Regional boundaries will not keep track of the City's significant restructuring over the next 40 years into three major city hubs: Western Parkland City, Central River City and Eastern Harbour City, known as the three city metropolis model.
- 82. The NSW Government is significantly increasing infrastructure spending in pursuing the three city hubs that will change how Greater Sydney functions over the coming decades. The current regional boundaries were established up to 50 years ago, as was the case with Wollongong Region leading to certain idiosyncrasies that we can no longer afford to ignore. For example, the current boundaries of the Wollongong Region include the proposed Aerotropolis around the new western Sydney airport at Badgerys Creek!
- 83. As well as the shifts at the level of government planning, the anticipated changes in population in the Regions in the years ahead are significant, as the disparity in growth and projected population across the regions in following table demonstrates:

	2020	2026	2036	2046	2056
Georges River Region	1,095,070	1,203,892	1,339,944	1,488,770	1,637,572
Northern Region	937,047	1,011,253	1,090,348	1,169,647	1,248,912
South Sydney Region	913,993	987,486	1,107,695	1,201,313	1,294,902
Western Region	1,525,321	1,775,453	2,143,366	2,440,267	2,737,139
Wollongong Region	1,062,506	1,174,350	1,385,811	1,580,092	1,774,348

84. Forecasts for Sunday adult attendance in our churches show a greater level of disparity between the sizes of the Regions than overall population figures would suggest:

	2020	2026	2036	2046	2056
Georges River Region	5,233	5,691	6,174	6,772	7,370
Northern Region	11,792	12,629	13,484	14,399	15,315
South Sydney Region	7,052	7,558	8,655	9,418	10,180
Western Region	12,237	13,941	16,520	18,397	20,792
Wollongong Region	9,882	10,700	12,478	13,967	15,455

85. The Regions are already out of kilter, but rather than tinkering with the regional structure based on our present situation, it makes sense to begin the process of restructure now, with the expectation that this will be an ongoing process as the demographics of the city evolve. We cannot “set-and-forget” for another 30 years.
86. The most obvious change necessary to our Regional structure is for one Regional Bishop to be focused on the south-west growth corridor. One approach would be a wholesale reconfiguration of Regions to align with the three-city metropolis model. However, to do this now would be premature because the development in Western Sydney will occur over the next 20 years.
87. A better option is an incremental approach, with “Stage 1” changes made now, in anticipation of further “Stage 2” Regional reconfiguration in (say) 5 years, with the expectation that the Regional structure would continue to be reviewed and revised as necessary over time. This would allow us to begin shifting Regional structures in the directions that we anticipate them to continue moving, embedding cultural change and establishing the principles for further adjustments in the future.
88. In response to these developments, the Archbishop has been encouraged by the Regional Bishops to make some boundary changes to the current five Regions, effective from the middle of 2021, as shown in the map in the appendix.

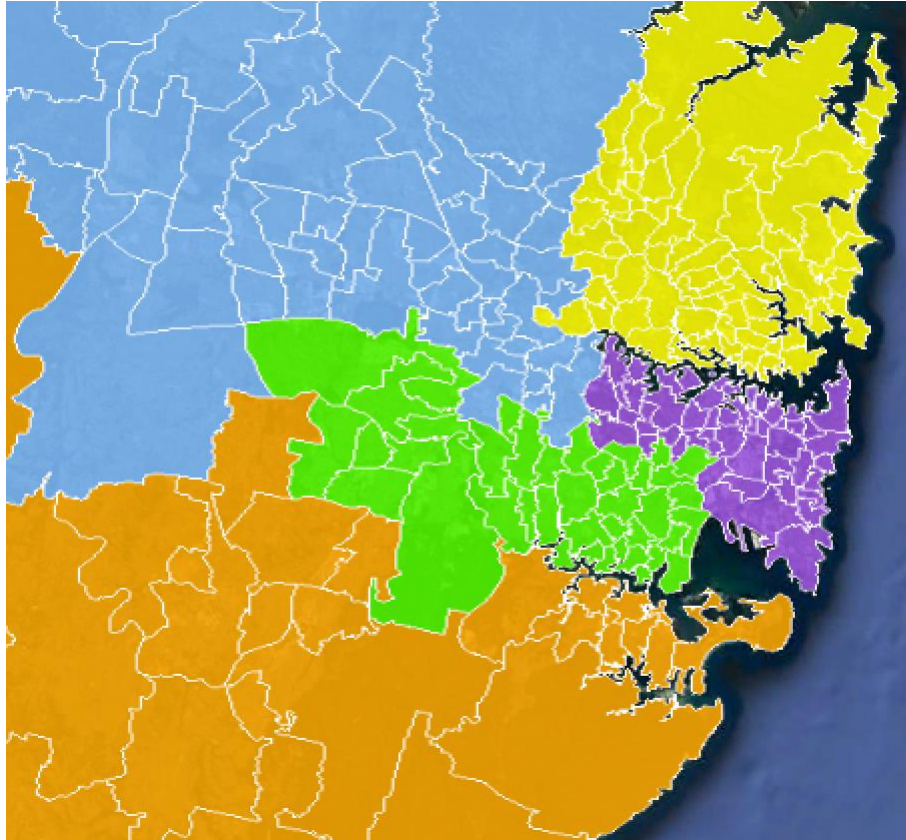
PETER HAYWARD  
**Bishop of Wollongong**

On behalf of the Archbishop and Regional Bishops

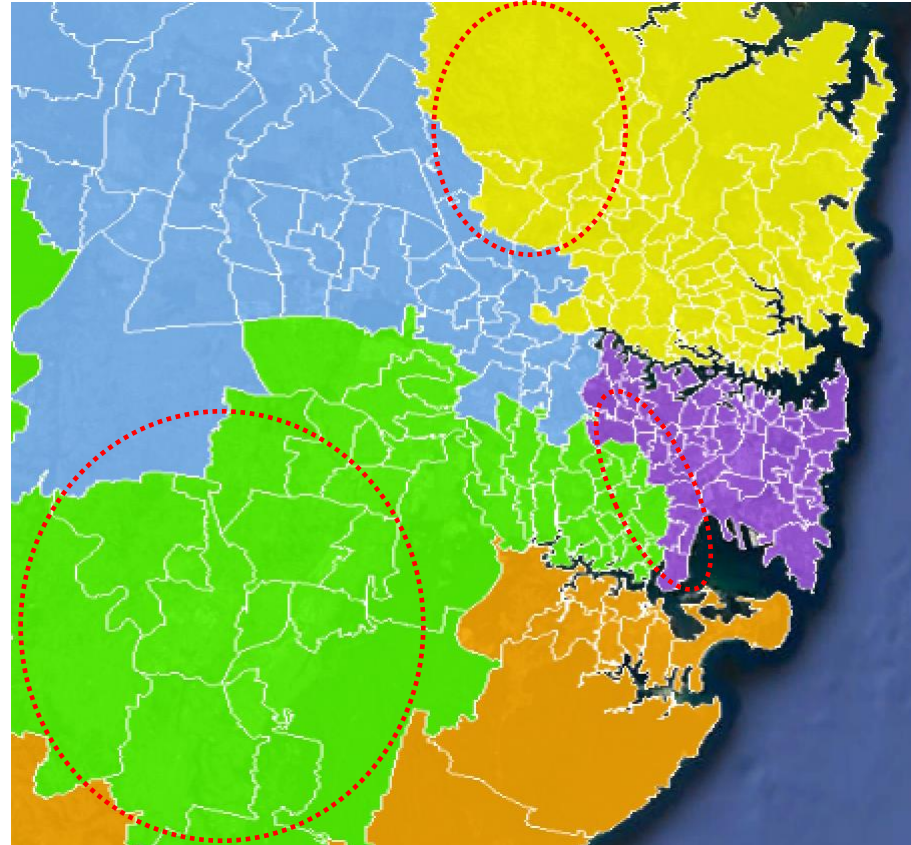
4 March 2021



Current Regions (Greater Sydney Area Only)



New regions (Changes in three zones)



**Parishes (Current)**

57	Western Region = Blue		
		↓ 5 Hills parishes to Northern Region – Castle Hill, Glenhaven, Dural, Cherrybrook, West Pennant Hills	
63	Northern Region = Yellow		
51	South Sydney = Purple		
		↑ 7 parishes from the “Bayside” LGA – Sans Souci, Kogarah, Brighton/Rockdale, Bayside, Marrickville, Earlwood, Canterbury	
41	Georges River Region = Green		
		↑ 13 parishes from the Macarthur Mission Area – Camden, Campbelltown, Cobbitty, Denham Court, Eagle Vale, Ingleburn, Menangle, Minto, Narellan, Oran Park, Rosemeadow, South Creek, The Oaks	
58	Wollongong = Orange		

**Parishes (New)**

52
68
58
47
45

# Parochial Cost Recovery Charges and Church Land Acquisition Levy for 2021

(A report from the Standing Committee.)

*A revised and updated reproduction of a report available online to Synod members since October 2020.*

## Key Points

- The total parochial network costs for 2021 are slightly more than the estimate provided to Synod in 2018.
- Notwithstanding action taken by the Anglican Church Property Trust Diocese of Sydney (ACPT) to consider options to limit the cost of the parish property and liability insurance program from 2021 onwards there has still been a further substantial increase in the cost of this program.
- The contribution required from parishes in 2021 to cover the cost of the ACPT's management fee has been reduced as a result of decision taken this year by the ACPT to offer a 50% reduction in that fee for the period May to June 2020.
- Both the Voluntary Relinquishment of Incumbency Fund and the Ministry Spouse Support Fund have sufficient accumulated funds, and consequently no reimbursement of either of those funds will be required from parochial network costs in 2021.
- The network costs will be recovered from parishes in 2021 by means of the variable PCR charge which is estimated now at approximately 6.84% (or 4.10% for parishes without property) of each parish's net operating receipts for 2019.
- In aggregate, the ministry costs for 2021 are now expected to be slightly higher than the estimate provided to Synod in 2018. The anticipated increase in the superannuation contribution has not occurred as there has been no increase in the recommended minimum stipend. However, this has been offset by the increased cost of Stipend Continuance Insurance.
- After being suspended during 2020 the Church Land Acquisition Levy is to be re-instated for 2021 at the previous rate of 2% of the net operating receipts of each parochial unit.

## Purpose

1. The purpose of this report is to inform the Synod of the nature and amount of the proposed parochial cost recovery charges and church land acquisition levy payable by parishes in 2021.

## Recommendation

2. Synod receive this report.

## Background

3. Under clause 2(4) of the *Parochial Cost Recoveries and Church Land Acquisitions Levy Ordinance 2018* (the **Ordinance**) Standing Committee is to report to the first ordinary session of the 52<sup>nd</sup> Synod in 2020 about –
  - (a) the ministry costs and parochial network costs payable in 2021 and an estimate of the amounts payable, and
  - (b) the cost recoveries charge estimated to be payable by each parochial unit in 2021 and details of how that charge is calculated.
4. Except as explained below, the nature and amount of the costs to be incurred and therefore the charge payable by parochial units is largely unchanged from the estimates provided in the Ordinance. The details are shown in the 2 tables attached –

Attachment A details each of the components of the Parochial Network Costs and the Ministry costs.

Attachment B details the amount of the variable PCR charge and Levy per parochial unit.

## **Parochial network costs**

5. It is anticipated that the amount of 7 of the 11 components of the parochial network costs to be recovered from parishes will be unchanged from the estimates provided to Synod in 2018.

### **Parish property and liability insurance program**

6. In 2019 we decided to limit the amount to be recovered from parishes in 2020 for the parish property and liability insurance program to just over \$5m, with the ACPT asked to fund the difference from its reserves. We then asked the ACPT to consider options to limit the cost of the parish property and liability insurance program from 2021 onwards.
7. In response to that request the ACPT reported that it proposed to take the following action to limit the cost of the parish property and liability insurance program for 2021 –
  - (a) discontinue 6 particular insurance products all of which were considered an acceptable commercial risk,
  - (b) increase the aggregate deductible on the Industrial and Special Risks (ISR) insurance policy (covering buildings and contents) and increase the excess per ISR claim.
8. We noted that, even after the actions proposed by the ACPT, the expected premium rises for 2021 would mean the likely cost of the parish property and liability insurance program for 2021 would be a further substantial increase over 2020. Accordingly, we asked the ACPT to –
  - (a) consider increasing the aggregate deductible under the ISR policy to the maximum that gives offsetting savings in premium/charges,
  - (b) increase the excess on each individual claim with further increases for 2<sup>nd</sup> and 3<sup>rd</sup> claims,
  - (c) explore the cost benefit of limiting the heritage cover to just the state listed properties,
  - (d) discontinue the General Liability - self-insure molestation policy, and
  - (e) recover the cost of two specific policies which primarily relate to St Andrews Cathedral and Chapter House from a direct allocation of funds we provided for that purpose under the annual Synod and Appropriations and Allocation Ordinance.
9. Notwithstanding having taken each of the actions described above, the cost of the parish property and liability insurance program for 2021 will be \$6.2m.
10. The main reason for the increase in the cost of the parish property and liability insurance program for 2021 is the continuing increases in the premium rate for the renewal of the Industrial and Special Risks (ISR) insurance policy (covering buildings and contents), and the associated heritage contingency cover.

### **Ministry Spouse Support Fund**

11. During its first year of operation in 2019 the Ministry Spouse Support Fund received \$150,000 in funding from the variable PCR charge and made payments of approximately \$54,000, leaving it with a balance at 31 December 2019 of a little over \$96,000. In the 6 months to 30 June 2020 the fund has received a further \$75,000 in funding from the variable PCR charge and has not been required to make any payments. Accordingly, at 30 June 2020 the Fund has an uncommitted balance of approximately \$171,000. The Fund will receive a further \$75,000 from the variable PCR charge by the end of 2020. Standing Committee's report to Synod estimates there may be 2 further payments, in addition to one of \$4,000 made recently, before the end of 2020.
12. Accordingly, it is proposed that for 2021 there should not be any further charge on parishes through the variable PCR charge to replenish the Ministry Spouse Support Fund. During 2021 a new assessment can to be made based on movements in the Fund up to that time to determine whether

an amount should be included in the Parochial Network Costs for 2022 to replenish the Ministry Spouse Support Fund.

### ACPT management fee payable by parishes with property

13. In June Standing Committee received a report from the ACPT advising that it had resolved to offer some financial relief to parishes through a 50% reduction in the ACPT management fee from May to December 2020. Standing Committee then agreed to a recommendation from the Diocesan Resources Committee to use the resulting over-recovery of the ACPT management fee in 2020 to create a modest reserve or buffer against some of the expected increases in other parochial network costs in 2021 (in particular the cost of the parish property and liability insurance program).
14. As a result of the reduction in the ACPT management fee for 2020 there is an amount of some \$176,667 ( $\$533,000 \times 50\% \times 8/12$  months) available to offset the amount of the ACPT management fee in 2021, reducing the expected cost of \$546,000 to a net \$370,000.

### Voluntary relinquishment of incumbency

15. During the period to 30 June 2020 the Archbishop's Discretionary Trust has not been required to make any contributions on behalf of the Diocese in connection with this new initiative. Accordingly, there will not be any reimbursement required from parochial network costs in 2021.

### Other matters

16. There are no other elements of the parochial network costs for 2020 which are expected to vary from the estimates approved by Synod in 2018, so the total cost to be recovered will now be \$8,320,000 (see Attachment A).
17. It appears at this stage the total of the 2019 net operating receipts across all parochial units is likely to be about \$123.9 million (compared with the estimate provided to Synod in 2018 of \$117.2 million). This is largely due to the higher than expected increase in 2019 net operating receipts compared to the previous years. The annual increase of 5.8% recorded in 2019 is the highest rate of increase for quite a number of years, and something for which we should all give thanks to God. As a result, the variable charge percentage payable by parochial units with property in 2021 is expected to be approximately 6.8%, which is a little less than the estimate of 7.0% provided in 2018.
18. Later this year Standing Committee will be asked to approve the actual variable charge percentage to be charged to parishes in 2021, once the actual 2019 net operating receipts for all parishes have been finalised.

### Ministry costs

19. The quantum of three of the components of the ministry costs for 2021 will now be slightly different to the estimates provided to Synod in 2018. In aggregate the ministry costs are expected to be marginally more per clergy than the estimate provided to Synod in 2018 (see Attachment A).

### Superannuation

20. The actual superannuation contribution is derived directly from the recommended minimum stipend. As a result of the extreme uncertainty that existed last year about economic conditions due to the COVID-19 pandemic, we deferred making any decision about stipend increases. In February 2021, we approved an increase of 2.4% to take effect from 1 July 2021.
21. As a result, for the first half of 2021 the superannuation contribution, which is the largest component of the ministry costs, will be less than the estimate provided to Synod in 2018 as that estimate had allowed for a 3% increase in the recommended minimum stipend in both 2020 and 2021. However, as a result of the increase in the recommended minimum stipend from 1 July 2021 it will now be necessary to increase the amount of the ministry cost component of the PCR charge for the second half of 2021.

### Long service leave

22. The actual long service leave (**LSL**) contribution will not be known until set by the General Synod LSL Fund in late 2020. Accordingly, for now the estimated LSL contribution has been maintained at the same figure advised to Synod in 2018.

### Stipend Continuance Insurance

23. The cost of all salary continuance insurance has risen very substantially in recent years. In December 2018 Standing Committee considered a recommendation from the Finance Committee to renew the Stipend Continuance Insurance Policy for 2019 onwards on terms which would have reduced the benefits slightly in order to contain the cost within the estimates incorporated in the ordinance passed by Synod in 2018. However, Standing Committee decided to renew the cover under the previous benefit structure which incurred a 25% increase in the premium rate. As a result, the Stipend Continuance Insurance Fund recorded a significant loss during 2019.
24. For 2020 the Standing Committee again decided to maintain the existing benefit structure and this required an increase in the amount of the recovery from parishes to \$3,022. It will be necessary to maintain the amount recovered from parishes at this same level for 2021 (which will be the last of the current 3 year fixed rate agreement). If benefits under the policy are to be maintained at the current levels parishes can expect a further significant increase in the premium for the stipend continuance insurance cover in 2022 and beyond.

### Clergy Assistance Program

25. The Finance Committee has advised that the recovery of the cost of this program for clergy licensed to parishes will need to be increased to \$150 per person in order to cover the costs of the program in 2021, compared with the estimate of \$120 contained in the ordinance passed by Synod in 2018. The increase is needed in order to recover the costs being incurred by Anglicare in delivering and administering a program which is now in its fifth year and continues to experience a significant level of demand.

### Other matters

26. While these estimates are the best figures currently available, the Ordinance allows Standing Committee to report an estimate of the amounts payable to Synod in October this year and then set the actual charge for 2021 based on the formula in the Schedule to the Ordinance, the actual amount of some elements of which may not be finalised until later in the year.
27. The Ordinance also specifies that in addition to the cost recoveries charge, in 2021 each parochial unit is to pay a church land acquisition levy calculated at 2% of the net operating receipts of that parochial unit for 2019. The Standing Committee has agreed that the Church Land Acquisition Levy, which was suspended for 2020 as part of the Standing Committee's response to the COVID-19 pandemic, should be reinstated in 2021 at its intended rate of 2% of net operating receipts.

For and on behalf of the Standing Committee.

DANIEL GLYNN  
**Diocesan Secretary**

6 April 2021

## Parochial Cost Recovery Charges &amp; Church Land Acquisitions Levy for 2021

	Actual for 2020	Synod Estimate for 2021	DRC/Standing Committee proposal for 2021
<b>Parochial Network Costs</b>			
Parish property and liability insurance program	5,070,000	5,538,369	6,200,000
Parish risk management program	241,000	247,000	247,000
Professional Standards Unit -			
Parish related costs	973,000	998,000	998,000
Reimbursing Synod Risk Reserve for non-standard expenses	50,000	50,000	50,000
Safe ministry training program	152,000	156,000	156,000
Ministry Spouse Support Fund	150,000	150,000	-
Provision for relief and remission of PCR charges	10,000	10,000	10,000
Parish contribution to the cost of Diocesan archives	71,000	73,000	73,000
SDS fee for managing the PCR Fund 951	211,000	216,000	216,000
ACPT management fee payable by all parishes with property	533,000	546,000	370,000
Voluntary relinquishment of incumbency fund		200,000	-
	<b>7,461,000</b>	<b>8,184,369</b>	<b>8,320,000</b>
	<i>\$ increase on previous year</i>		
	25%	10%	12%
Total Net Operating Receipts 2017 & 2018	116,897,424	117,245,117	122,841,864
<b>Variable PCR charge percentage</b> (parochial units with property)	<b>6.43941%</b>	<b>7.00%</b>	<b>6.8404095%</b>
<b>Variable PCR charge percentage</b> (parochial units without property)	<b>3.86365%</b>	<b>4.20%</b>	<b>4.1042457%</b>
<b>Ministry costs (per F/T minister)</b>			
<b>Ministers, Assistant Ministers (7+ years, Senior Assistant Ministers)</b>			
Superannuation contribution	11,536	12,045	11,536
Long service leave contribution	1,755	1,808	1,808
Clergy Care -			
Stipend Continuance Insurance	3,022	2,480	3,022
Clergy/Churchworker Assistance Program	120	120	150
Sickness & accident fund	125	125	125
<b>Cost per minister</b>	<b>16,558</b>	<b>16,578</b>	<b>16,641</b>
<b>Assistant Ministers</b>			
Superannuation contribution	10,381	10,840	10,381
Long service leave contribution	1,755	1,808	1,808
Clergy Care -			
Stipend Continuance Insurance	3,022	2,480	3,022
Clergy Assistance Program	120	120	150
Sickness & accident fund	125	125	125
<b>Cost per minister</b>	<b>15,403</b>	<b>15,373</b>	<b>15,486</b>
<b>Church Land Acquisitions Levy</b>			
Contribution to the acquisition of land for future church sites	-	2,344,902	2,456,837
Parish levy percentage	0.00%	2.00%	2.00%

Variable PCR Charge and Church Land Acquisitions Levy for 2021

Total Net Operating Receipts for 2019 (as at 30 September 2020)  
 Parochial Network Costs to be recovered in 2021  
**Variable PCR percentage**  
**Church Land Acquisitions Levy percentage**  
 Contribution to the acquisition of land for future church sites

\$	Parishes with property	Parishes without property
8,320,000	119,812,568	3,029,296
2,456,837	<b>6.8404095%</b> 2.00%	<b>4.1042457%</b> 2.00%

	Parish, Prov.P, R.Church, Prov.R.C.	Region	Parochial Unit	2019 Net Operating Receipts for parishes with property	2019 Net Operating Receipts for parishes without property	Variable PCR charge for 2021	Church Land Acquisition Levy for 2021
1	PP	S	Abbotsford	181,257		12,399	3,625
2	P	W	Albion Park	279,618		19,127	5,592
3	P	S	Annandale	694,659		47,518	13,893
4	P	N	Artarmon	327,815		22,424	6,556
5	P	S	Ashbury	332,249		22,727	6,645
6	P	S	Ashfield Five Dock and Haberfield	848,628		58,050	16,973
7	P	N	Asquith / Mt Colah / Mt Kuring-gai	401,751		27,481	8,035
8	P	WS	Auburn - St Philip	306,432		20,961	6,129
9	PP	WS	Auburn - St Thomas	171,769		11,750	3,435
10	P	W	Austinmer	513,168		35,103	10,263
11	P	N	Balgowlah	268,362		18,357	5,367
12	P	S	Balmain	136,744		9,354	2,735
13	P	G	Bankstown	139,741		9,559	2,795
14	P	N	Barrenjoey	427,489		29,242	8,550
15	P	WS	Baulkham Hills	294,289		20,131	5,886
16	PP	G	Bayside (formerly Arncliffe)	326,206		22,314	6,524
17	P	N	Beecroft	536,393		36,691	10,728
18	P	S	Bellevue Hill	262,681		17,968	5,254
19	P	G	Belmore with McCallums Hill & Clemton Park	149,651		10,237	2,993
20	P	N	Belrose	400,251		27,379	8,005
21	PP	WS	Berala	200,720		13,730	4,014
22	P	N	Berowra	363,441		24,861	7,269
23	P	W	Berry	259,416		17,745	5,188
24	P	G	Beverly Hills with Kingsgrove	276,283		18,899	5,526
25	P	WS	Blackheath	162,856		11,140	3,257
26	P	WS	Blacktown	491,144		33,596	9,823
27	P	G	Blakehurst	233,721		15,987	4,674
28	P	W	Bomaderry	166,609		11,397	3,332
29	P	S	Bondi and Waverley	670,526		45,867	13,411
30	p	W	Bowral	665,903		45,550	13,318
31	P	G	Brighton / Rockdale	194,823		13,327	3,896
32	P	S	Broadway	1,213,061		82,978	24,261
33	P	W	Bulli	405,472		27,736	8,109
34	P	S	Burwood	390,662		26,723	7,813
35	PP	G	Cabramatta	423,465		28,967	8,469
36	P	WS	Cambridge Park	146,383		10,013	2,928
37	P	W	Camden	705,296		48,245	14,106
38	P	W	Campbelltown	1,001,489		68,506	20,030
39	P	G	Campsie	257,393		17,607	5,148
40	P	G	Canterbury with Hurlstone Park	202,427		13,847	4,049
41	P	W	Caringbah	755,443		51,675	15,109
42	P	WS	Carlingford and North Rocks	1,636,846		111,967	32,737
43	P	WS	Castle Hill	2,842,342		194,428	56,847
44	P	S	Centennial Park	689,514		47,166	13,790
45	P	N	Chatswood	602,327		41,202	12,047
46	RC (np)	WS	Cherrybrook #		287,921	11,817	5,758
47	PP	G	Chester Hill with Sefton	389,744		26,660	7,795
48	P	N	Christ Church Northern Beaches	280,696		19,201	5,614

	Parish, Prov.P, R.Church, Prov.R.C.	Region	Parochial Unit	2019 Net Operating Receipts for parishes with property	2019 Net Operating Receipts for parishes without property	Variable PCR charge for 2021	Church Land Acquisition Levy for 2021
49	PRC (np)	G	Church at the Peak (Peakhurst South) #		296,749	12,179	5,935
50	P	S	Church Hill	1,248,039		85,371	24,961
51	P	S	Clovelly	416,516		28,491	8,330
52	PP	W	Cobbitty	283,172		19,370	5,663
53	P	S	Concord & Burwood	170,984		11,696	3,420
54	PP	S	Concord North	247,489		16,929	4,950
55	P	S	Concord West	175,231		11,987	3,505
56	P	S	Coogee	234,313		16,028	4,686
57	P	S	Cooks River	153,544		10,503	3,071
58	P	W	Corrimal	204,776		14,008	4,096
59	RC (np)	WS	Cranebrook with Castlereagh #		417,306	17,127	8,346
60	P	N	Cremorne	362,251		24,779	7,245
61	P	W	Cronulla	317,800		21,739	6,356
62	P	S	Croydon	844,681		57,780	16,894
63	PP	W	Culburra Beach	129,830		8,881	2,597
64	P	W	Dapto	885,047		60,541	17,701
65	P	S	Darling Point	870,950		59,577	17,419
66	P	S	Darling Street	678,663		46,423	13,573
67	P	S	Darlinghurst	629,036		43,029	12,581
68	P	N	Dee Why	286,960		19,629	5,739
69	PP	W	Denham Court	91,044		6,228	1,821
70	PP	WS	Doonside	80,357		5,497	1,607
71	P	S	Drummoyne	334,152		22,857	6,683
72	PP	G	Dulwich Hill	209,789		14,350	4,196
73	P	WS	Dundas / Telopea	596,488		40,802	11,930
74	P	WS	Dural District	593,121		40,572	11,862
75	P	W	Eagle Vale	298,529		20,421	5,971
76	P	G	Earlwood	266,131		18,204	5,323
77	P	N	East Lindfield	297,380		20,342	5,948
78	P	S	Eastgardens	564,131		38,589	11,283
79	P	N	Eastwood	778,732		53,268	15,575
80	P	WS	Emu Plains	403,119		27,575	8,062
81	P	S	Enfield and Strathfield	843,127		57,673	16,863
82	P	W	Engadine	717,307		49,067	14,346
83	P	S	Enmore / Stanmore	175,902		12,032	3,518
84	P	N	Epping	400,784		27,415	8,016
85	PP	N	Ermington	102,231		6,993	2,045
86	PP	G	Fairfield with Bossley Park	501,848		34,328	10,037
87	P	W	Fairy Meadow	323,849		22,153	6,477
88	P	W	Figtree	1,335,957		91,385	26,719
89	P	N	Forestville	570,776		39,043	11,416
90	P	N	Frenchs Forest (incorporating Beacon Hill)	457,100		31,268	9,142
91	P	N	Freshwater	310,701		21,253	6,214
92	P	G	Georges Hall	138,177		9,452	2,764
93	P	W	Gerringong	274,343		18,766	5,487
94	P	N	Gladesville	1,166,471		79,791	23,329
95	P	S	Glebe	385,419		26,364	7,708
96	P	WS	Glenhaven	489,908		33,512	9,798
97	P	WS	Glenmore Park and Mulgoa	827,448		56,601	16,549
98	P	N	Gordon	546,518		37,384	10,930
99	P	WS	Granville	211,845		14,491	4,237
100	PP	G	Greenacre	161,792		11,067	3,236
101	P	N	Greenwich	161,665		11,059	3,233
102	P	WS	Greystanes - Merrylands West	131,663		9,006	2,633
103	PP	WS	Guildford with Villawood	274,315		18,764	5,486
104	P	W	GyMEA	460,534		31,502	9,211
105	RC (np)	W	Harbour Church #		181,951	7,468	3,639
106	P	W	Helensburgh and Stanwell Park	349,836		23,930	6,997
107	P	N	Hornsby	186,563		12,762	3,731
108	PRC (np)	N	Hornsby Anglican Chinese Church #		157,385	6,459	3,148
109	P	N	Hornsby Heights	141,475		9,677	2,830



	Parish, Prov.P, R.Church, Prov.R.C.	Region	Parochial Unit	2019 Net Operating Receipts for parishes with property	2019 Net Operating Receipts for parishes without property	Variable PCR charge for 2021	Church Land Acquisition Levy for 2021
110	P	G	Hoxton Park	285,646		19,539	5,713
111	P	N	Hunters Hill	298,373		20,410	5,967
112	P	G	Hurstville	859,007		58,760	17,180
113	P	G	Hurstville Grove	486,083		33,250	9,722
114	P	W	Huskisson	163,813		11,206	3,276
115	P	W	Ingleburn (incorporating Glenquarie)	322,432		22,056	6,449
116	PP	W	Jamberoo	190,436		13,027	3,809
117	P	W	Jannali	813,868		55,672	16,277
118	P	W	Kangaroo Valley	119,020		8,141	2,380
119	P	WS	Katoomba	341,532		23,362	6,831
120	P	W	Keiraville	216,897		14,837	4,338
121	P	WS	Kellyville	962,389		65,831	19,248
122	P	S	Kensington Eastlakes	240,347		16,441	4,807
123	P	W	Kiama And Minnamurra	479,129		32,774	9,583
124	P	N	Killara	488,422		33,410	9,768
125	P	S	Kingsford	233,854		15,997	4,677
126	P	WS	Kingswood	251,336		17,192	5,027
127	P	N	Kirribilli (incorporating Neutral Bay from 1/1/20)	1,951,310		133,478	39,026
128	P	WS	Kurrajong	285,613		19,537	5,712
129	PP	G	Lakemba	30,121		2,060	602
130	P	WS	Lalor Park and Kings Langley	218,577		14,952	4,372
131	P	N	Lane Cove and Mowbray	676,572		46,280	13,531
132	P	N	Lavender Bay	311,676		21,320	6,234
133	P	WS	Lawson	139,537		9,545	2,791
134	P	S	Leichhardt	390,757		26,729	7,815
135	P	WS	Leura	128,719		8,805	2,574
136	P	WS	Lidcombe	302,625		20,701	6,053
137	P	N	Lindfield	537,907		36,795	10,758
138	P	WS	Lithgow	300,424		20,550	6,008
139	P	G	Liverpool	436,547		29,862	8,731
140	P	G	Liverpool South	150,270		10,279	3,005
141	P	N	Longueville	235,545		16,112	4,711
142	PP	S	Lord Howe Island	32,335		2,212	647
143	P	WS	Lower Mountains	594,939		40,696	11,899
144	P	G	Lugarno	147,470		10,088	2,949
145	P	N	Macquarie	511,210		34,969	10,224
146	P	S	Malabar	1,157,585		79,184	23,152
147	P	N	Manly	1,619,348		110,770	32,387
148	P	S	Maroubra	554,223		37,911	11,084
149	P	G	Marrickville	396,674		27,134	7,933
150	P	W	Menai	951,672		65,098	19,033
151	P	W	Menangle	152,899		10,459	3,058
152	P	WS	Merrylands	297,624		20,359	5,952
153	P	WS	Minchinbury	345,739		23,650	6,915
154	P	W	Minto	322,755		22,078	6,455
155	P	W	Miranda	1,031,056		70,528	20,621
156	P	W	Mittagong	446,433		30,538	8,929
157	P	N	Mona Vale	257,655		17,625	5,153
158	P	G	Moorebank	493,342		33,747	9,867
159	P	N	Mosman - St Clement's	802,314		54,882	16,046
160	P	N	Mosman - St Luke's	320,888		21,950	6,418
161	P	W	Moss Vale	201,346		13,773	4,027
162	PP	WS	Mt Druitt	139,540		9,545	2,791
163	P	W	Narellan	367,389		25,131	7,348
164	P	N	Naremburn / Cammeray	1,078,294		73,760	21,566
165	P	N	Narrabeen	887,422		60,703	17,748
166	P	N	Newport	225,305		15,412	4,506
167	P	S	Newtown with Erskineville	687,616		47,036	13,752
168	P	S	Norfolk Island	n/a			
169	P	N	Normanhurst	735,082		50,283	14,702
170	P	N	North Epping	448,940		30,709	8,979

	Parish, Prov.P, R.Church, Prov.R.C.	Region	Parochial Unit	2019 Net Operating Receipts for parishes with property	2019 Net Operating Receipts for parishes without property	Variable PCR charge for 2021	Church Land Acquisition Levy for 2021
171	P	N	North Ryde	294,902		20,173	5,898
172	P	N	North Sydney	1,677,565		114,752	33,551
173	P	N	Northbridge	469,134		32,091	9,383
174	P	WS	Northmead and Winston Hills	724,340		49,548	14,487
175	P	WS	Norwest	1,164,317		79,644	23,286
176	P	W	Nowra	416,239		28,472	8,325
177	P	W	Oak Flats	171,557		11,735	3,431
178	P	WS	Oakhurst	235,759		16,127	4,715
179	P	G	Oatley	215,392		14,734	4,308
180	P	G	Oatley West	186,485		12,756	3,730
181	PP	W	Oran Park	393,103		26,890	7,862
182	P	S	Paddington	191,810		13,121	3,836
183	P	G	Padstow	109,598		7,497	2,192
184	P	G	Panania	443,441		30,333	8,869
185	P	WS	Parramatta	1,484,289		101,531	29,686
186	P	WS	Parramatta North with Harris Park	334,869		22,906	6,697
187	P	G	Peakhurst / Mortdale	313,629		21,454	6,273
188	P	WS	Penrith	410,293		28,066	8,206
189	P	G	Penshurst	262,098		17,929	5,242
190	P	S	Petersham	302,151		20,668	6,043
191	PRC (np)	N	Philadelphia Anglican Church #		166,379	6,829	3,328
192	P	W	Picton	164,673		11,264	3,293
193	PP	WS	Pitt Town	768,592		52,575	15,372
194	PP	W	Port Kembla	179,821		12,300	3,596
195	P	N	Pymble	979,949		67,033	19,599
196	P	WS	Quakers Hill	742,874		50,816	14,857
197	P	S	Randwick	738,759		50,534	14,775
198	PP	G	Regents Park	51,404		3,516	1,028
199	PP	G	Revesby	101,825		6,965	2,037
200	P	WS	Richmond	235,979		16,142	4,720
201	PP	WS	Riverstone	131,046		8,964	2,621
202	P	G	Riverwood - Punchbowl	311,417		21,302	6,228
203	P	W	Robertson	201,326		13,772	4,027
204	P	WS	Rooty Hill	1,689,586		115,575	33,792
205	PP	W	Rosemeadow	242,716		16,603	4,854
206	P	N	Roseville	1,032,823		70,649	20,656
207	P	N	Roseville East	329,785		22,559	6,596
208	PP	WS	Rouse Hill	426,436		29,170	8,529
209	P	N	Ryde	781,038		53,426	15,621
210	PP	G	Sadleir	252,601		17,279	5,052
211	P	G	Sans Souci	191,122		13,074	3,822
212	P	N	Seaforth	274,394		18,770	5,488
213	P	WS	Seven Hills	306,928		20,995	6,139
214	P	W	Shellharbour	267,072		18,269	5,341
215	P	W	Shellharbour City Centre	432,708		29,599	8,654
216	P	W	Shoalhaven Heads	163,366		11,175	3,267
217	RC (np)	W	Soul Revival Church #		761,779	31,265	15,236
218	P	G	South Carlton	269,045		18,404	5,381
219	P	S	South Coogee	135,446		9,265	2,709
220	P	W	South Creek	447,350		30,601	8,947
221	P	S	South Head (formerly Vaucuse + Watsons Bay)	657,345		44,965	13,147
222	P	G	South Hurstville	268,219		18,347	5,364
223	P	S	South Sydney	240,056		16,421	4,801
224	P	WS	Springwood	810,701		55,455	16,214
225	PP	WS	St Clair	110,325		7,547	2,207
226	P	G	St George	201,304		13,770	4,026
227	P	G	St George North	899,609		61,537	17,992
228	P	N	St Ives	1,663,481		113,789	33,270
229	P	G	St Johns Park (formerly Smithfield Road)	196,597		13,448	3,932
230	P	WS	St Marys	205,617		14,065	4,112
231	RC (np)	WS	Stanhope #		227,514	9,338	4,550

**Parochial Cost Recovery Charges and Church Land Acquisition Levy for 2021** 275

	<b>Parish, Prov.P, R.Church, Prov.R.C.</b>	<b>Region</b>	<b>Parochial Unit</b>	<b>2019 Net Operating Receipts for parishes with property</b>	<b>2019 Net Operating Receipts for parishes without property</b>	<b>Variable PCR charge for 2021</b>	<b>Church Land Acquisition Levy for 2021</b>
232	P	S	Strathfield and Homebush	302,747		20,709	6,055
233	P	S	Summer Hill	391,890		26,807	7,838
234	PP	S	Surry Hills	818,404		55,982	16,368
235	PP	W	Sussex Inlet	140,789		9,631	2,816
236	P	W	Sutherland	383,008		26,199	7,660
237	P	W	Sutton Forest	261,187		17,866	5,224
238	P	S	Sydney - Cathedral of St Andrew	n/a		n/a	n/a
239	P	S	Sydney - Christ Church St Laurence	985,015		67,379	19,700
240	P	S	Sydney - St James, King Street	2,828,877		193,507	56,578
241	P	W	Sylvania	306,395		20,959	6,128
242	PP	N	Terrey Hills	120,829		8,265	2,417
243	P	W	The Oaks	153,223		10,481	3,064
244	P	N	Thornleigh - Pennant Hills	625,011		42,753	12,500
245	P	WS	Toongabbie	576,910		39,463	11,538
246	P	N	Turrumurra	1,410,651		96,494	28,213
247	P	N	Turrumurra South	382,737		26,181	7,655
248	P	W	Ulladulla	522,146		35,717	10,443
249	RC (np)	S	Unichurch (Uni. NSW) #		532,312	21,847	10,646
250	P	N	Wahroonga - St Andrew's	447,686		30,624	8,954
251	P	N	Wahroonga - St Paul's	206,022		14,093	4,120
252	P	N	Waitara	275,689		18,858	5,514
253	P	WS	Wentworth Falls	293,128		20,051	5,863
254	P	WS	Wentworthville	124,488		8,515	2,490
255	P	N	West Lindfield	237,224		16,227	4,744
256	P	WS	West Pennant Hills	1,036,823		70,923	20,736
257	P	N	West Pymble	945,940		64,706	18,919
258	P	N	West Ryde	518,229		35,449	10,365
259	P	W	West Wollongong	478,489		32,731	9,570
260	P	WS	Westmead	224,513		15,358	4,490
261	P	WS	Wilberforce	277,451		18,979	5,549
262	P	N	Willoughby	427,772		29,261	8,555
263	P	N	Willoughby Park	301,168		20,601	6,023
264	P	WS	Windsor	148,928		10,187	2,979
265	P	W	Wollondilly	218,922		14,975	4,378
266	P	W	Wollongong	1,018,714		69,684	20,374
267	P	S	Woollahra	172,842		11,823	3,457
268	P	G	Yagoona	361,575		24,733	7,232
				<b>119,812,568</b>	<b>3,029,296</b>	<b>8,320,000</b>	<b>2,456,837</b>

**Notes**

In accordance with the formula in the Schedule to the *Parochial Cost Recoveries and Church Land Acquisition Levy Ordinance 2018*, the 9 parochial units without property are charged only 60% of the normal variable PCR percentage, which approximates what the network costs would be if the property insurance component was excluded from the ACPT's parish property and liability insurance program.

# Review of Diocesan policy for dealing with allegations of unacceptable behaviour

(A report from the Standing Committee.)

## Purpose

1. The purpose of this report is to inform the Synod of the Standing Committee's review and subsequent amendment of the *Diocesan policy for dealing with allegations of unacceptable behaviour* applying to clergy and church workers in parishes (**Policy**), in accordance with the request of Synod resolution 46/15.

## Recommendation

2. Synod receive this report.

## Background

3. By resolution 46/15, Synod requested the Standing Committee undertake a review of the Policy after a period of 5 years from its commencement (**Resolution**). The Policy commenced on 1 January 2016.
4. The Resolution authorises the Standing Committee to make amendments to the Policy, provided any amendments are reported to the next ordinary session of the Synod.

## Changes to the Policy

5. The changes adopted by the Standing Committee seek to provide a viable alternative pathway for the resolution of complaints about unacceptable behaviour by clergy and church workers.
6. The Policy has received little use, while misconduct complaints to the Director of Professional Standards under the *Ministry Standards Ordinance 2017 (MSO)* appear to be increasing.
7. The MSO provides an important means for dealing with complaints about misconduct. However, it is a very time-consuming and resource intensive process. Undoubtedly, there are occasions (perhaps many) on which a complainant and respondent would prefer to access a faster and more flexible process to resolve the matters between them.
8. The changes to the Policy maintained the core aspects of the existing Policy while making the process more accessible and providing some avenues for information gathering and accountability so that those involved in the process can have confidence that it will lead to meaningful outcomes.
9. The changes uphold a person's right to make a complaint under the MSO at any time throughout the process. The amendments are not intended to remove options, but provide a pathway outside the MSO for suitable matters that may be more attractive to complainants and respondents than that set out in the present Policy.
10. The MSO continues to be the appropriate pathway for dealing with conduct that gives rise to questions about a person's fitness for ministry. The Policy does not deal with such conduct, and various safeguards have been built into the updated process to ensure that such matters are referred to the Director of Professional Standards.
11. The amendments address the following:
  - (a) Accessibility

The amendments seek to streamline the Policy, to enable a person to come to terms with the core elements of the process more quickly. The previous form of Policy contained considerable

detail that had to be absorbed in order to understand the process. While details are important, the changes have made the Policy more straightforward and moved certain content into appendices.

(b) Wider scope

Previously, allegations involving a breach of *Faithfulness in Service* where there is harm or a risk of harm could not be dealt with under the Policy. This covered a very wide range of conduct and seemed to preclude almost all forms of bullying from being addressed under the Policy.

The previous exclusion appeared to be based on clause 3.9 of *Faithfulness in Service* which requires knowledge of a breach of the Code resulting in harm or a risk of harm to be reported to the 'church authority' with responsibility for the member of clergy or church worker, or to the Director of Professional Standards.

However, the Code leaves open the possibility of reports to the Rector and the Regional Bishop if they are the 'church authority'. To provide greater flexibility, the changes allow these matters to be dealt with by the Rector or Regional Bishop under Steps 2 and 3 of the Policy (as applicable).

(c) Information gathering process

'Step 3 - Diocesan Resolution' in the Policy now includes an option for the Regional Bishop to appoint a person to gather information in relation to the alleged misbehaviour, to assist the Bishop to ascertain the relevant issues and identify appropriate approaches for resolution.

It is expected that the Regional Bishop will, in the usual course, appoint the Parish HR Partner (Ms Vikki Napier) or the Dispute Resolution Consultant for the PSU (Ms Elenne Ford) to undertake the task of gathering information regarding the allegation and producing a report. However, it is also open to the Bishop to appoint the Regional Archdeacon or any other suitable person.

The report will not make any findings or recommendations in relation to the allegations. It will simply disclose and summarise the factual information that has been obtained by the Bishop's appointee. The Bishop will review the report with a representative from the PSU to determine if the matter may be dealt with under the Policy or should be referred to the PSU.

The information gathering process is an important step to provide accountability and ensure the whole process is not simply about making concessions to appease an aggrieved person.

(d) Removing references to 'regional conciliators'

Previously, the Policy enabled the Regional Bishop to refer matters to 'regional conciliators', who were appointees trained in conflict resolution by Peacewise. However so few matters arose under the Policy that the regional conciliators had little opportunity to implement the training.

It was not considered worthwhile to appoint people as regional conciliators. Instead, it would be preferable to offer the Regional Bishop greater flexibility to appoint a person of his own choosing or to conduct the conciliation himself. Importantly, the parties must agree to the person conducting the conciliation, which provides a check and balance on the suitability of the conciliator.

(e) Confidentiality

The PSU will receive minimal information about matters dealt with under the Policy. For an allegation dealt with under Step 3 of the process, the Regional Bishop will notify the PSU of the date of receipt of an allegation and the name of the person against whom it has been made.

As such, the PSU will have a record that an allegation has been made against the person. This will enable the PSU to identify any person who is the subject of repeat allegations, and to notify the Regional Bishop. Repeat allegations, particularly in relation to similar conduct, may indicate to the Bishop that the complaint should proceed under the MSO.

Although a PSU representative will review the information report with the Regional Bishop, the PSU will not retain a copy of the report nor maintain records in relation to the matter.

The Regional Bishop will keep confidential records of matters dealt with under the Policy.

(f) Availability of the information report for the MSO process

If the matter is referred to the Director of Professional Standards to be dealt with under the MSO, any report produced under the Policy in relation to the matter will not be made available for any investigation under the MSO. This ensures that the process under the Policy is kept separate from the MSO process. Furthermore, making use of the report as part of the MSO process would require an amendment to the MSO.

For and on behalf of the Standing Committee.

DANIEL GLYNN  
**Diocesan Secretary**

7 April 2021

# Diocesan Policy for Dealing with Allegations of Unacceptable Behaviour by Clergy and Church Workers in Parishes

## OUR COMMITMENT

We are committed to ensuring that allegations of unacceptable behaviour by clergy or church workers are dealt with properly in accordance with a Bible-based process. Further detail concerning our commitment is set out in the Appendix.

## PURPOSE OF THIS POLICY

The purpose of this policy is to facilitate the resolution of allegations of unacceptable behaviour relating to clergy and church workers in a wise, godly and timely way. It encourages people to seek reconciliation, with priorities of love, repentance and forgiveness where needed (Eph 4:31-32).

## APPLICATION OF THIS POLICY

The policy applies to the handling of allegations of unacceptable behaviour by clergy or church workers in parishes. This means that an allegation made against someone else in the parish should not be dealt with under this policy (although the principles in the policy may still be helpful).

“Unacceptable behaviour” means any conduct which falls short of the standard of behaviour expected of clergy and church workers.

The following types of allegation must be referred by the complainant, rector or Regional Bishop (as applicable) to the Director of Professional Standards (or a Contact Person appointed by the Director):

- sexual misconduct and misconduct involving children, for the Director to determine whether action should be taken under the *Ministry Standards Ordinance 2017* rather than this policy; and
- criminal conduct or professional misconduct, for the Director will report such allegations to the police or relevant professional association, as appropriate.

Allegations of other conduct which breaches a standard in *Faithfulness in Service* where the person by or on whose behalf the allegation is made has suffered harm or is at risk of harm should be referred to the ‘church authority’ that has responsibility for the church worker or member of clergy (i.e., dealt with under Step 2 or Step 3 (as applicable) of the process set out in the flow chart in the Appendix). Alternatively allegations of this nature can also be referred to the Director of Professional Standards.

## STANDARD OF BEHAVIOUR

The standard of behaviour expected of clergy and church workers in our Diocese should be understood by reference to –

- *Faithfulness in Service* as adopted by the Synod, which is the code of personal behaviour for clergy and church workers in our Diocese, and
- the *Ministry Standards Ordinance 2017*, which is an administrative process for dealing with allegations of misconduct by clergy and church workers that call the person’s fitness for ministry into question.

## POLICY PRINCIPLES

1. **Raise issues early.** A concern about unacceptable behaviour by clergy or a church worker in a parish should be raised promptly. This can be a difficult step. The person who is concerned about the behaviour may want to seek advice from a wise Christian friend on a confidential basis first.

2. **Address locally.** Allegations of unacceptable behaviour should be dealt with as close as possible to their source (unless the nature of the allegation or the identity of the person about whom the allegation is made requires otherwise).
3. **Openness.** Anonymous allegations or allegations made by a person who wishes to remain anonymous cannot be dealt with under this policy.
4. **Fairness.** Allegations of unacceptable behaviour should be treated seriously and sensitively. They should be dealt with promptly, having due regard to procedural fairness. Procedural fairness includes the person about whom the allegation is made:
  - being informed of the allegations,
  - being provided with a reasonable opportunity to respond,
  - being treated without bias, and
  - being aware of progress in dealing with the allegation.
5. **Confidentiality.** This is important to safeguard the integrity of the process. Information or records relating to an allegation should be stored securely and only used for the purposes for which they were collected. However there are exceptions. If a matter is dealt with under Step 3 the Regional Bishop will notify the PSU of the date he receives the allegation and the name of the person against whom it is made, but nothing more. In this way the PSU will be able to see if a person is the subject of repeated allegations and notify the Regional Bishop accordingly. Serious allegations may need to be referred to the police or a government authority. Certain allegations or information may need to be referred to a professional body or the Professional Standards Unit of the Diocese. Further details are contained in the Notes in the Appendix.
6. **No victimisation.** No one making an allegation, or associated with an allegation or a person making an allegation, should be victimised.
7. **No trivial complaints.** Trivial, malicious or false allegations must not be made.
8. **Support.** Both parties to an allegation should receive appropriate information, support and assistance in resolving the matter.
9. **Bible-based principles.** Where possible and appropriate, allegations should be dealt with by discussion, cooperation and conciliation consistent with biblical principles. Conciliation aims to reach a mutually acceptable outcome which is fair and effective. It also aims to minimise the potential for on-going damage to relationships, and to help the ministry of the parish to continue effectively.
10. **Voluntary conciliation.** Conciliation is intended to be a non-legal alternative for dealing with allegations of unacceptable behaviour. It should only be used when both parties freely agree to conciliate without legal representation and to preserve the confidentiality of the conciliation process.
11. **Support persons.** At any meeting during a conciliation process, either or both parties may be accompanied by a support person. A support person may speak with the permission of the person they are supporting (unless the conciliator asks them not to speak, in order to facilitate the process).
12. **Reparation.** To resolve a matter meaningfully, sometimes an act of reparation (such as an apology) is needed from the person about whom the allegation is made. Sometimes, in the course of resolving a matter, the person making an allegation may understand better why certain actions were taken and accept that the actions were not unacceptable behaviour even if they don't agree with them.
13. **Protection.** It is not always appropriate to deal with an allegation by conciliation or solely by conciliation. For example, if an allegation raises questions about a person's fitness for ministry that are more properly handled under the *Ministry Standards Ordinance 2017* or there is concern that a conciliation process could give rise to a risk of harm to a participant. If so, other options for dealing appropriately with the allegation must be considered.



## **MODEL PROCEDURES**

The model procedures (and accompanying notes) for dealing with allegations of unacceptable behaviour under this policy are set out in the Appendix.

## A. STATEMENT OF COMMITMENT

The Bible says a lot about the responsibilities of Christian life and leadership, especially about grievances between Christians.

The Bible expects high standards of Christian leaders (Mark 10:42-45; 2 Timothy 2:14-26; Titus 1:5-9; James 3:1-2; 1 Peter 5:1-4). In particular, 1 Timothy 3:2-3 says –

*Now the overseer is to be above reproach, faithful to his wife, temperate, self-controlled, respectable, hospitable, able to teach, not given to drunkenness, not violent but gentle, not quarrelsome, not a lover of money. (NIV)*

Christians are to honour those God has placed in positions of authority (1 Timothy 5:17-20; Hebrews 13:7, 17). For example, 1 Thessalonians 5:12-13 says –

*Now we ask you, brothers and sisters, to acknowledge those who work hard among you, who care for you in the Lord and who admonish you. Hold them in the highest regard in love because of their work. Live in peace with each other. (NIV)*

Underlying all this – especially in the face of a grievance – are the priorities of love, repentance and forgiveness (Matthew 18:15-17; Galatians 5:22-6:4; Colossians 3:12-14; James 1:19-21). Ephesians 4:31-32 says –

*Get rid of all bitterness, rage and anger, brawling and slander, along with every form of malice. Be kind and compassionate to one another, forgiving each other, just as in Christ God forgave you. (NIV)*

Everyone in a position of leadership in our parishes is expected to exercise authority in a godly way. And we thank God for the godly leadership of both clergy and church workers in the Diocese.

But we also recognise that sometimes authority can be exercised in an unacceptable way.

This can cause significant damage to relationships, undermine ministry and ultimately bring the gospel of our Lord Jesus into disrepute.

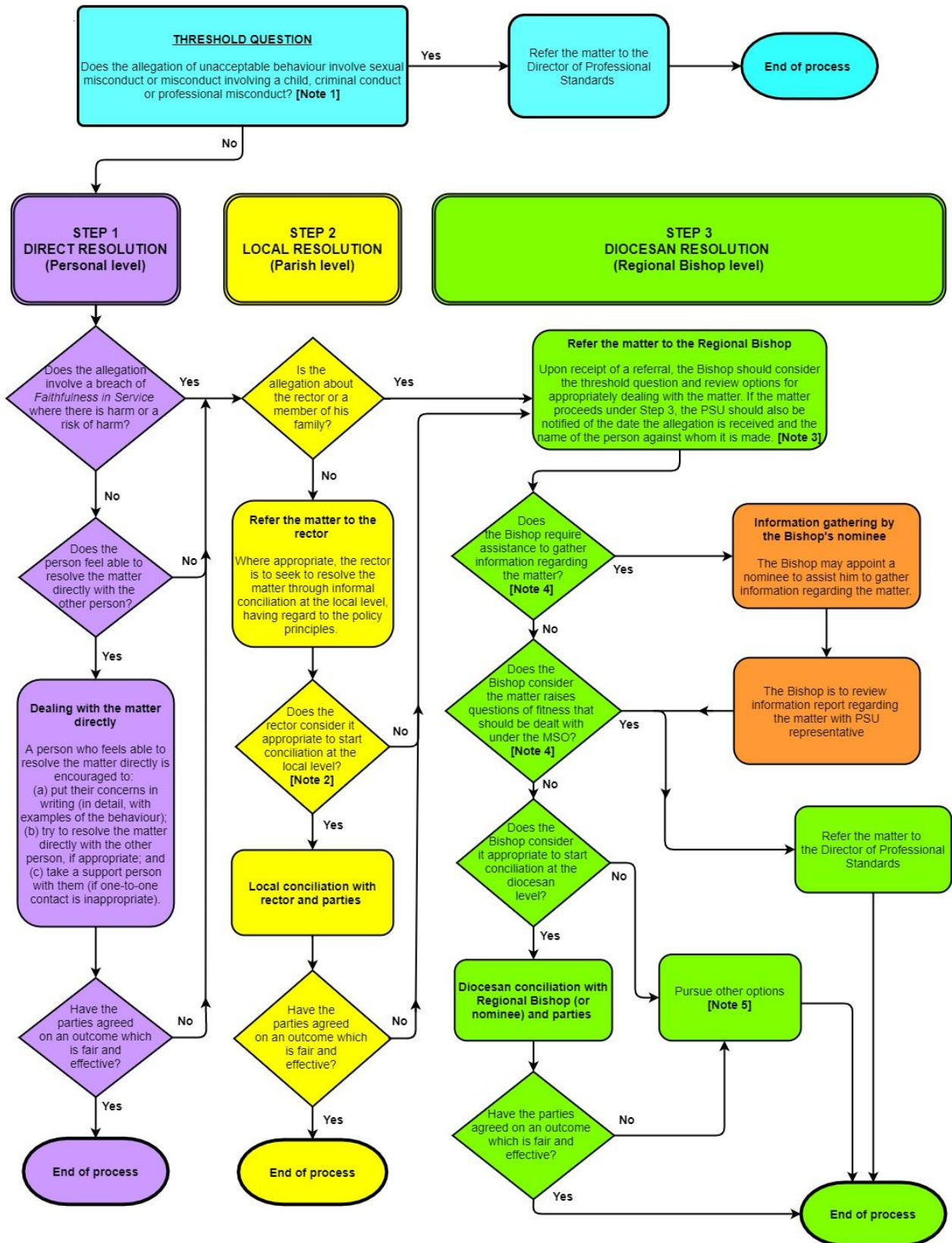
We are committed to ensuring that allegations of unacceptable behaviour are dealt with properly. An important part of this commitment is to have a process to encourage people to raise allegations of unacceptable behaviour by clergy and church workers in parishes, knowing that the allegations will be –

- treated seriously and sensitively, and
- dealt with promptly, fairly and effectively.

We affirm that faithful Christian leadership sometimes means clergy and church workers make decisions with which some people disagree or are offended by. Christian leadership like this can be a necessary part of growing our churches. In itself, it should not give rise to an allegation of unacceptable behaviour under this policy.

## B. MODEL PROCEDURES FOR DEALING WITH ALLEGATIONS OF UNACCEPTABLE BEHAVIOUR

Parties should have regard to the policy principles in using these procedures. The 'notes' in the flowchart refer to the accompanying notes for these procedures at Appendix C. **Please note that the complainant may AT ANY TIME refer the matter to the Director of Professional Standards to be dealt with under the Ministry Standards Ordinance 2017.**



## C. ACCOMPANYING NOTES FOR MODEL PROCEDURES FLOWCHART

### Note 1. Threshold question

The complainant, rector or Regional Bishop (as applicable) must promptly notify the Director of Professional Standards if they consider that the allegation involves:

- (a) sexual misconduct or misconduct involving children; or
- (b) criminal conduct, including sexual abuse or child abuse, and allegations of professional misconduct.

Unless the Director indicates that the matter may be dealt with under this policy, any further action in relation to the matter under this policy must cease.

### Note 2. Local resolution – conciliation by the rector

The rector should not start or otherwise undertake conciliation of any matter at the local parish level if, having made due enquiry, the rector considers:

- (a) it is not appropriate to deal with the allegation this way, for example because of its seriousness, because of the relationship between the parties or due to having a conflict of interest;
- (b) there is no reasonable prospect of resolving the matter this way, for example because one party refuses to participate in a conciliation; or
- (c) the allegation is trivial, malicious or demonstrably false.

If the rector does not start (or otherwise ends) a conciliation process at the parish level, he should provide written reasons to the complainant and inform the complainant that they may refer the matter to the Regional Bishop. The rector should also store any records relating to the matter in a confidential file.

### Note 3. Diocesan resolution – referral of matter to the Regional Bishop

If a matter is referred to the Regional Bishop, the Regional Bishop should reconsider the threshold question again and satisfy himself that the matter does not need to be referred to another body or person. If applicable, he should also consider whether the matter has been adequately considered under Steps 1 and 2. If the matter is to proceed under Step 3, the Regional Bishop should notify the PSU of the date he received the allegation and the name of the person against whom it is made, but nothing more. The Regional Bishop should then pursue appropriate options with the agreement of the complainant to assist in resolving the matter.

As the first step, the Regional Bishop should consider whether to engage the Parish HR Partner or appoint another nominee (e.g., the Regional Archdeacon) to undertake the task of gathering information regarding the allegation and producing a report. There may be reasons for not gathering information; for example, if the material facts are substantially agreed or if the Regional Bishop considers that time is of the essence in resolving the matter. The information report produced by the Parish HR Partner or other nominee will make only findings of fact regarding the matter. The report will not determine whether the allegation has been substantiated or make any recommendations to deal with the allegation.

Once the Regional Bishop receives the information report, he will review the report with a representative of the Professional Standards Unit and identify appropriate options to assist the complainant in resolving the matter. The PSU may note that a grievance has been raised against the church worker or member of clergy under the policy, but will not have access to the information report or keep other records concerning the matter even if the matter is referred for action under the *Ministry Standards Ordinance 2017*.

As part of the review, the Regional Bishop should consider whether the matter raises questions about the person's fitness for ministry. If so, the matter should not be resolved through conciliation (other than where it forms part of the process under the *Ministry Standards Ordinance 2017*). This is because in such instances the matter raises broader considerations than resolving a grievance between the parties and raises questions about whether the person's ministry should be made subject to limitations or otherwise regulated.

### Note 4. Diocesan resolution – conciliation of matter

The Regional Bishop should seek to facilitate resolution between the parties by mutual agreement using a conciliation process unless he, having made due enquiry, considers that conciliation is not appropriate (see Note 3 above). As part of this, the Regional Bishop should confirm with the complainant that they do not wish to have their complaint dealt with under the *Ministry Standards Ordinance 2017*.

If the Regional Bishop does not start (or otherwise ends) a diocesan conciliation process, he should provide written reasons to the complainant and pursue other options for dealing with the matter, if appropriate. He should also store any records relating to the matter in a confidential file.

Diocesan conciliation process

The Regional Bishop may conciliate the matter (with the parties' agreement) or appoint another person with the agreement of the parties. Any conciliation process must be conducted in accordance with the principles contained in this policy.

Ending the diocesan conciliation process

At any time a complainant may refer their complaint to the Director of Professional Standards to be considered under the *Ministry Standards Ordinance 2017*. If this occurs, the processes under this policy will cease immediately and the complaint will be dealt with in accordance with the Ordinance.

The Regional Bishop should end a diocesan conciliation process if the matter has not been resolved within 3 months of the commencement of the process.

Any outcome agreed between the parties should be fair and effective. The outcome should be documented, signed and dated by each party, and the Regional Bishop. The outcome will usually include a review of the matter by the Bishop at a time or times after the matter has ended. A copy of the signed and dated outcome should be provided to both parties, and the Bishop (if he is not the conciliator).

**Note 5. Diocesan resolution – pursue other options**

If the Regional Bishop determines that use of the diocesan conciliation process is inappropriate or has not led to an outcome that is fair and effective in the circumstances, he should pursue other options to assist resolution of the matter. This may include, but is not limited to:

- (a) recommending that the respondent have “guidance or specialised help” (as per *Faithfulness in Service*); and
- (b) referring the matter to the Director of Professional Standards to deal with the matter under the *Ministry Standards Ordinance 2017* (with the agreement of the complainant).

# Proposal to change the status of the provisional parish of Terrey Hills to a parish

(A report of the Northern Region Council.)

## Proposal

1. The proposal is to change the provisional parish of Terrey Hills to the parish of Terrey Hills.

## Recommendation

2. The Northern Regional Council recommends that the provisional parish of Terrey Hills be reclassified as a parish with effect from 1 July 2021.

## Support of the Northern Region Council

3. On 22nd August 2018 the Northern Region Council resolved to support the request that the Provisional Parish of Terrey Hills be created under the provisions of the *Parishes Ordinance 1979* and that the Council's in principle support be given to the provisional parish, once created, moving to full parish status as quickly as possible.
4. The Regional Council had hoped that St Paul's might make a presentation to the 2020 Synod however COVID-19 restrictions prevented the Synod from meeting and the opportunity was missed.
5. It is the Council's hope that the May 2021 session of Synod might allow St Paul's to be classified as a full parish, with an effective date of 1st July 2021.

## Parish information

6. St Paul's Terrey Hills became a provisional parish on 1 January 2019 after separating from the Parish of Christ Church St Ives.
7. St Paul's Anglican Church is based in Terrey Hills which has an estimated population of just over 3,000 people, of which 27% claim an affiliation with the Anglican Church. Unlike many parts of the Diocese, the church serves an area that is remarkably "religious". According to the 2016 census only 5% of the population claims no religious affiliation. 54.9% of the people living in Terrey Hills are over the age of 15 and who identify as being in the labour force are employed full time, 37.2% are working on a part time basis. Terrey Hills has an unemployment rate of 2.9%.
8. The main occupations of people living in Terrey Hills are:
  - (a) Professionals (25.9%)
  - (b) Managers (16.6%)
  - (c) Clerical and administrative workers (15.6%)
  - (d) Technicians and trades workers (15.4%)
  - (e) Sales workers (9.2%)
  - (f) Community and personal service workers (7.5%)
  - (g) Labourers and Machinery operators (8.4%)
9. 56% of the Terrey Hills population falls between 25-44 year olds. There are approximately 1,200 residences in Terrey Hills. Over 80% of them are owner occupied (42% are fully owned, and 40% are in the process of being purchased by home loan). 15.2% of the homes are rented.
10. The median individual income in 2016 was \$702 per week and the median household income is \$1,902 per week.

11. There is a large number of families in the area which, perhaps due to the conservative culture of the area, support a number of Christian Schools in or close by Terrey Hills.
  - (a) Mosman Prep has its outdoor educational campus located in Terrey Hills, which is used to provide a change to the learning environment from a classroom to an open area. It is also used as a sporting facility for weekend sport and training.
  - (b) Northern Beaches Christian School (NBCS) is also located in Terrey Hills. NBCS is an Independent co-educational school providing early learning, primary and secondary day school within a Christian context. NBCS has over 1,200 students.
  - (c) Covenant Christian School is nearby in Belrose and has 880 students.
  
12. St Paul's had its beginnings as a Sunday School under a tree in Terrey Hills in 1940. Church services were commenced in 1954 with supervision by various visiting clergy and ministries established (notably) by students from Moore Theological College. Services continued to be led this way until 1960 when Terrey Hills was made part of the then new Provisional District of Christ Church, St. Ives. This was formalised in 1964. The church was hand built by St Paul's members and opened in 1965. St Paul's was served as a congregation of Christ Church from this time until 1997 when the first full-time minister of St Paul's, the Rev. Gavin Parsons, was appointed.
  
13. In 2017 members of St Paul's requested that their congregation be classified as a Provisional Parish with a view to being a Parish as soon as possible thereafter. The Northern Regional Council approved of the classification and were keen for St Paul's to continue to full parish status apace. The Rector of St Ives, the Rev. Andrew Graham, had appointed the Rev. Scott Tarrant as Senior Assistant Minister with responsibility for St Paul's. His ministry quickly built on the legacy of the Rev. David Coy who had preceded him. With considerable goodwill, and on the recommendation of the Regional Bishop, the Archbishop appointed Scott as St Paul's first Rector.
  
14. St Paul's provides a range of ministries including:
  - (a) Sunday morning gatherings, with children's ministries (approx. 70 adults and 30 children).
  - (b) During the COVID-19 Pandemic the weekly services were available online. Approx. 24 hits were recorded weekly. It is impossible to determine the number of people actually watching as the number does not take into account where 1 hit may have 2 or more viewers i.e. couples or whole families watching together.
  - (c) Community Groups, meeting weekly to study the bible in people's homes.
  - (d) SRE in the local Primary School.
  - (e) A Playgroup for toddlers which meets weekly during term time.
  - (f) Friday night Youth Group (which increased from fortnightly to weekly, despite the COVID restrictions).
  - (g) During COVID the church developed a local transport and shopping service to help those who were isolated or unable to travel. Even with COVID restrictions being eased, this service has proved popular in the community and a good way to make contact with people who were not associated with St Paul's.
  - (h) Christianity Explored is held each term as well as a "hybrid" version, "6 Easy Steps".
  - (i) There is also an active "Over 55's" group who have developed links with a local retirement village. Sadly many of the activities for this group had to be cancelled during COVID.

### **Criteria for Parish Status (Section 6) as Stated in the *Parishes Ordinance of 1979***

15. In accordance with Section 6 of the *Parishes Ordinance 1979*, the wardens of the parish certify as follows –
  - (a) Local revenue in 2020 exceeded minimum threshold.
  - (b) The Rector was paid the necessary stipends and allowances, and provided with a residence.
  - (c) All cost recovery charges were paid.
  - (d) A residence approved as suitable by the Archbishop is available for the Minister.
  - (e) There are buildings available in the parish for use by a congregation meeting for worship and other proposes.

- (f) These buildings are in good condition and suitable for purpose, and title is vested in the ACPT.
- (g) The parish is able to service all its debts.
- (h) The parish is in a sound financial condition.

### Particulars of all church trust property

16. Details of property held by the Anglican Church Property Trust upon trust for St Paul's are as follows, all which are in good condition –

Property	Value
Land	1,320,000
Church Building	564,954
Church Hall	484,331
Rectory	626,720
Rectory Land	828,000
Amenities block	68,926
<b>Total</b>	<b>3,892,931</b>

\* All information taken from 2020 Financial Statements

### Summary of consolidated receipts and payments

17. A summary of the financial position over the past three years.

	2018 As a congregation of Christ Church St Ives	2019	2020
<b>Income</b>			
Offertories	107,957	125,409	121,887
Other Income		10,282	22,683
<b>Total Income</b>	<b>107,957</b>	<b>135,691</b>	<b>144,570</b>

Operating expenses	2018 As a congregation of Christ Church St Ives	2019	2020
Ministry staff		79,880	82,292
PCR		24,431	22,504
Resources and Ministry		4,105	2,325
Parish Donations		20492	14641
Parish Administration		300	122
Ministry Property Expenses		5,223	7,455
Trading Activity Expenses		240	218
<b>Total Expenses</b>	<b>154,973</b>	<b>134,671</b>	<b>129,557</b>
<b>Surplus / (Loss)</b>	<b>(47,016)*</b>	<b>1,020</b>	<b>15,014</b>

\* A number of building maintenance issues were addressed in anticipation of St Paul's separating from Christ Church St Ives. These expenses are not recurring and have significantly improved the assets of the parish.

18. A summary of assets and liabilities as of end of fiscal year 2020 according to audited financial statements:



**Assets**

Total Current Assets	99,133
Total Non Current Assets	3,959,400
<b>Total Assets</b>	<b>4,058,533</b>

**Liabilities**

Total Current Liabilities	19,264
<b>Total Liabilities</b>	<b>19,264</b>

<b>Net Assets</b>	<b>4,039,268</b>
-------------------	------------------

For and on behalf of the Northern Regional Council.

CHRISTOPHER EDWARDS  
**Bishop of North Sydney**

11 March 2021

## Consecration of the Archbishop of Sydney Ordinance 2021

### Explanatory Statement

1. The *General Synod 1966 Consecration of Bishops Canon* (the **1966 Canon**) was adopted by this diocese by Ordinance No 42 of 1970. The 1966 Canon provides for the Metropolitan to be the 'chief consecrator' at consecrations of bishops in the province. If there is a vacancy in the office of Metropolitan, then under this Canon the 'acting Metropolitan' performs that function. The acting Metropolitan is the next senior diocesan bishop in the province.
2. As this diocese has not adopted the *General Synod Law of the Church of England Clarification Canon 1992*, and because there may be other circumstances where the acting Metropolitan should not conduct the consecration for other reasons, provision needs to be made for the situation where an acting Metropolitan is either not able to be, or it is desirable that they are not, the 'chief consecrator' to consecrate a new Archbishop.
3. This ordinance excludes the operation of the 1966 Canon and makes alternative provisions.
4. By way of information, the Diocese of North West Australia has already acted in this way.

For and on behalf of the Standing Committee.

DANIEL GLYNN  
**Diocesan Secretary**

7 April 2021

# Consecration of the Archbishop of Sydney Ordinance 2021

No \_\_\_\_\_, 2021

## Long Title

An Ordinance to provide for the consecration of an Archbishop to the Metropolitan See of Sydney.

## Preamble

Whereas

- A. This Diocese has not adopted the *Law of the Church of England Clarification Canon 1992*.
- B. To avoid the situation where the consecrating bishop is unable to function in the Diocese or where alternative provision should be made for other reasons it is expedient that the Synod exclude the *General Synod Consecration of Bishops Canon 1966* and make other provision for determining the name of the consecrating bishop.

The Synod of the Diocese of Sydney Ordains as follows.

### 1. Name

This Ordinance is the Consecration of the Archbishop of Sydney Ordinance 2021.

### 2. Exclusion of General Synod Canon

- (1) Pursuant to section 30(d) of the Constitution, the *Consecration of Bishops Canon 1966* is excluded on and from the date of assent to this Ordinance.
- (2) To the extent that Clause 5 of Determination II, Session 1905 of the General Synod of the Church of England in Australia and Tasmania as amended has any operation in this diocese that effect shall cease on and from the date of assent to this Ordinance.

### 3. Consecration of nominee not in episcopal orders

- (1) If the nominee elected as Archbishop of Sydney pursuant to the provisions of the *Archbishop of Sydney Election Ordinance 1982* is not in episcopal orders this clause 3 will apply.
- (2) The elected nominee shall be consecrated by a diocesan bishop of the Anglican Church of Australia assisted by two or more other bishops, upon the confirmation of the canonical fitness of the Archbishop-Elect, pursuant to the *Provincial Synod Ordinance for the Confirmation of Bishops' Elections (N.S.W.) Assenting Ordinance 1965*. After consulting with the Archbishop-Elect, the Standing Committee of the Synod shall by a two-thirds vote of its members, voting together, determine the name of a diocesan bishop to be the consecrating bishop. If the Standing Committee is not able to determine the name of the consecrating bishop then the Administrator will determine the name after consultation with the Archbishop-Elect.
- (3) Nothing in this ordinance shall preclude the consecrating bishop, on the advice of the Standing Committee, from inviting any other bishop to assist at the consecration.

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

Chair of Committee

I Certify that this Ordinance was passed by the Synod of the Diocese of Sydney on \_\_\_\_\_ 2021.

Secretary of Synod

I Assent to this Ordinance.

Administrator of Sydney

/ /2021

## 66/19 Review of the *Standing Committee Ordinance 1897*

### Amendments to: the *Synod Elections Ordinance 2000*, the *Standing Committee Ordinance 1897*, the *Synod Membership Ordinance 1995*

(A report of the Standing Committee.)

#### Key Points

##### Synod Elections Ordinance 2000 Amendment Ordinance 2021 ('Synod Elections Bill')

- The first session of the 52<sup>nd</sup> Synod was not convened in 2020 as a result of the COVID-19 public health order restrictions on mass gatherings. The Archbishop-in-council made certain regulations to enable the Synod elections for the first session of the 52<sup>nd</sup> Synod to be conducted by online ballot rather than at a session of the Synod.
- The Synod Elections Bill will insert a procedure for conducting elections by online ballot where it is impossible or impractical to conduct an election at an ordinary session of the Synod or to convene a session of the Synod. The proposed procedure mirrors the procedure that the Standing Committee made by regulation to conduct the elections in October 2020.

##### Standing Committee Ordinance 1897 Amendment Ordinance 2021 ('Standing Committee Bill')

- The Standing Committee Bill will replace the current provisions for a postal ballot to fill casual vacancies in the office of Regional Elected Member of the Standing Committee, with provisions for the conduct of online ballots.
- The Standing Committee Bill also provides for existing members of Standing Committee who would otherwise become disqualified for membership as a result of regional boundary changes, to continue until the end of their then-current term.

##### Synod Membership Ordinance 1995 Amendment Ordinance 2021 ('Synod Membership Bill')

- The Synod Membership Bill will remove the right for the Diocesan Secretary to vote at sessions of the Synod. This amendment has been requested by the Diocesan Secretary.

## Purpose

1. The purpose of this report is to explain the effect of the Synod Elections Ordinance 2000 Amendment Ordinance 2021 (the **Synod Elections Bill**), the Standing Committee Ordinance 1897 Amendment Ordinance 2020 (the **Standing Committee Bill**) and Synod Membership Ordinance 1995 Amendment Ordinance 2021 (the **Synod Membership Bill**).

## Recommendations

2. Synod receive this report.
3. Synod pass the Bills for the –
  - (a) Synod Elections Ordinance 2000 Amendment Ordinance 2021,
  - (b) Standing Committee Ordinance 1897 Amendment Ordinance 2021, and
  - (c) Synod Membership Ordinance 1995 Amendment Ordinance 2021
 as ordinances of the Synod.

## Background

### A. Synod Elections Ordinance 2000 Amendment Ordinance 2021

4. The first session of the 52<sup>nd</sup> Synod was due to be convened in 2020. However the public health order restrictions applying to mass gatherings as a result of the COVID-19 pandemic made it unlawful to hold a session of the Synod at that time. The Synod was therefore not convened in 2020.

5. During its ordinary sessions, the Synod conducts ballots to fill vacancies in offices and positions within numerous diocesan schools and organisations. If Synod elections are not held in a year (particularly the first year of a Synod), the election cycle for the respective offices and position will be thrown out of kilter, resulting in some persons holding office for shorter durations than usual and others holding office for longer durations. Some persons would have also been intending to retire from their office or position at the session which, if not held, would lead to the need to choose between continuing for another year or resigning and creating a casual vacancy.
6. The *Synod Elections Ordinance 2000* contains provisions that allow the Archbishop-in-Council to make regulations for some “matter or thing not provided for in the rules which may be necessary for an election to be conducted effectively”. The *Synod Elections Ordinance 2000* contemplates elections being held outside of a session but does not have a procedure for conducting those elections. The Archbishop-in-Council therefore made a regulation to conduct the elections for the first session of the 52<sup>nd</sup> Synod by online ballots in 2020.
7. The Synod Elections Bill will amend the *Synod Elections Ordinance 2000* to insert a procedure for conducting elections by online ballot where it is impossible or impractical to conduct an election at an ordinary session of the Synod or to convene a session of the Synod. The proposed procedure mirrors the procedure that the Archbishop-in-Council made by regulation to conduct the elections for the first session of the 52<sup>nd</sup> Synod. It is preferable for the procedure to be set out in the Principal Ordinance rather than as a regulation of the Archbishop-in-Council.

Sub-rule 1.2(3): Communications by electronic means

8. Clause 2(a) of the Synod Elections Bill will insert a new interpretive provision so that where the *Synod Elections Ordinance 2000* refers to sending or delivering something this will include doing so by electronic means. The majority of communications in respect to elections are now conducted electronically.

Rule 8.2: Impossibility or impracticality etc of conducting an election or convening an ordinary session of the Synod

9. Clause 2(b) of the Synod Elections Bill will amend the existing rule in respect to circumstances where it is impossible or impractical to conduct an election or convene an ordinary session of the Synod.
10. Rule 8.2 does not directly address the circumstance where it is impossible or impracticable to convene the session of Synod, however it is impossible to conduct an election if a session cannot be convened. The amendment will expressly include a circumstance where it is impossible or impracticable to convene a session as being within the ambit of rule 8.2.
11. The more significant amendment is the insertion of a new sub-rule 8.2(2). The *Synod Elections Ordinance 2000* does not presently contain any provisions for conducting elections remotely outside a session of the Synod. Rule 8.5 empowers the Archbishop-in-Council to make regulations with respect to any “matter or thing not provided for in the rules which may be necessary for an election to be conducted effectively”. In 2020, the Archbishop-in-Council relied on rule 8.5 to make regulations for online ballots since the *Synod Elections Ordinance 2000* does not currently contain a procedure for conducting elections following a determination under rule 8.2. If the Synod Elections Bill is passed, the rules for conducting elections in any future circumstance where the Synod cannot be convened will be those set out in the Second Schedule of the Synod Elections Bill.
12. For completeness, it should be noted that the existing sub-rule 8.2(2) does refer to conducting such an election in the same manner as an election conducted prior to the first appointed day of the session. However there are in fact no such provisions in the Ordinance. The words in the existing rule 8.2(2) are referring to a procedure for postal ballots that was removed from the Ordinance in 2013 by the *Synod Elections (Efficiency and Transparency) Amendment Ordinance 2013*. Rule 8.2 should have been amended at the same time but was not. As it turns out, that oversight has been helpful in creating the basis for regulations to be made by the Archbishop-in-Council.

Second Schedule: Substituted rules where it is impossible or impractical to conduct an election at an ordinary session of the Synod or convene a session

13. Clause 2(c) of the Synod Elections Bill will insert a Second Schedule in the *Synod Elections Ordinance 2000* which sets out the election procedure that will apply if a determination is made under

rule 8.2 that it is impossible or impractical to conduct an election at an ordinary session of the Synod or to convene a session. In such event, Parts 4 and 5 in the Second Schedule will apply in place of Parts 4 and 5 in the main Schedule that regulate elections conducted at a session of the Synod.

#### *Uncontested elections*

14. In the case of an unconsented election, the only act that would ordinarily be undertaken at a session of the Synod is the declaration that the relevant persons are elected to their respective offices. Rule 4.1 (Sch 2) will provide for notification of those elected by the Returning Officer posting a notice on the “nominated website address” (being the address that is specified in the notice of election under rule 3.1).

#### *Contested elections*

15. The timeline and general procedures for contested elections by online ballot are based on the provisions for postal ballots that were removed from the *Synod Elections Ordinance 2000* in 2013 by the *Synod Elections (Efficiency and Transparency) Amendment Ordinance 2013*, but replacing references to paper forms and physical posting with electronic substitutes.
16. The online ballot will involve the use of a third party survey engine (e.g., SurveyMonkey) to send a unique link to each member, setup in such a way to provide both anonymity and assurance of only one vote per member.
17. Rule 5.1(b) (Sch 2) will make provision for members to submit material in support of a nominee for publication on an unadvertised but publicly accessible page on the SDS website. The material must be provided in completed form within 4 business days of the notice of contested election being posted and be approved in writing by every person referred to in the material (where reasonable to do so), including any nominee and their nominators, whether referred to by name or not.

### **B. Standing Committee Ordinance 1897 Amendment Ordinance 2020**

18. One effect of the Standing Committee Bill is to replace the current provisions in the *Standing Committee Ordinance 1897* with respect to filling casual vacancies in the office of Regional Elected Member of the Standing Committee by postal ballot with provisions for the conduct of online ballots. The procedures for online ballots in the *Synod Elections Ordinance 2000* (i.e., those described above) will apply as if the Archbishop-in-Council had made a determination under rule 8.2 of that Ordinance.
19. The Standing Committee Bill will also amend the casual vacancy provision in subclause 2(1)(h) concerning Regional Elected Members who cease to be from the Region for which they have been elected. An exception will be inserted to provide that a casual vacancy does not arise where a person ceases to be from the Region as a result of an alteration to the boundaries of the Region. The Archbishop has altered certain Regional Boundaries with effect from 1 July 2021. These alterations would, but for the proposed amendment, result in casual vacancies for several members of the Standing Committee. The amendment will mean that those members will, all else being equal, continue to hold office until the first session of the 53rd Synod.
20. The Standing Committee Bill will further remove the right for the Diocesan Secretary to vote at meetings of the Standing Committee. This amendment was requested by the Diocesan Secretary.
21. Finally, the Standing Committee Bill will correct an infelicity whereby the *Standing Committee Ordinance 1897* refers to the “first session of the next Synod” instead of the “first ordinary session of the next Synod”.

### **C. Synod Membership Ordinance 1995 Amendment Ordinance 2021**

22. The Synod Membership Bill will remove the right for the Diocesan Secretary to vote at sessions of the Synod. This amendment has been requested by the Diocesan Secretary.

DANIEL GLYNN  
**Diocesan Secretary**

7 April 2021

# Synod Elections Ordinance 2000 Amendment Ordinance 2021

No , 2021

## Long Title

An Ordinance to amend the *Synod Elections Ordinance 2000*.

The Synod of the Diocese of Sydney Ordains as follows.

### 1. Name

This Ordinance is the Synod Elections Ordinance 2000 Amendment Ordinance 2021.

### 2. Amendment

The *Synod Elections Ordinance 2000* is amended as follows –

- 5 (a) insert a new sub-rule 1.2(3) of the Schedule as follows –  
 “(3) In this Schedule, unless the context otherwise indicates, sending or delivering something includes doing so by electronic means.”,
- (b) substitute rule 8.2 of the Schedule with the following –
- 10 **“8.2 Impossibility or impracticality etc of conducting an election or convening an ordinary session of the Synod**
- (1) This rule applies –
- (a) if the Archbishop-in-Council determines that it is impossible or impracticable to –
- 15 (i) convene an ordinary session of the Synod at which an election for an office would be required to be conducted, or
- (ii) conduct an election at or during an ordinary session of the Synod, or
- (b) if, for any reason, an election does not take place at the session.
- (2) The rules for the conduct of the election are modified by replacing Parts 4 and 5 of the Schedule with Parts 4 and 5 set out in the Second Schedule.
- 20 (3) The Archbishop-in-Council is to specify a date which is to be regarded as the first appointed day of the ordinary session for the purposes of the election.”, and
- (c) insert a Second Schedule as follows –

#### “Second Schedule

#### **Substituted rules where it is impossible or impractical to conduct an election at an ordinary session of the Synod or convene a session**

#### **Part 4 - Uncontested Elections**

##### **4.1 Uncontested elections**

30 If, by 5.00 pm on the precis closing day, the number of persons nominated for election to an office does not exceed the number of persons to be elected –

- (a) the Returning Officer is to forthwith give notice to the President of –
- (i) the offices for which the nominations were made, and
- (ii) the names of the persons nominated,
- 35 (b) as soon as practicable following receipt of the notice in rule 4.1(a), the President is to declare elected to their respective offices the persons named in the notice, and
- (c) the Returning Officer is to post a copy of the notice indicating those persons who have been elected at the nominated website address.

##### **4.2 Different terms of office**

If, in an election –

- (a) the number of nominees does not exceed the number of persons to be elected, and

(b) the persons to be elected are not required to serve the same terms of office,

the retiring members (if any) who have been nominated are to be declared elected for the longer terms of office in order of the length of service of each since last being elected to office. Any distinction required to be made between other persons is to be decided by lot in such manner as the President directs.

## Part 5 – Contested Elections

### 5.1 Contested elections

If, by 5:00 pm on the precis closing day, the nominees for election to an office is greater than the number of persons to be elected, a ballot is to be held in the following manner –

- (a) As soon as practicable, the Secretary is to send Synod Members and the Chair of the relevant organisation a notice which specifies –
- (i) the offices for which a ballot is to be conducted,
  - (ii) the name of each person nominated to those offices and the suburb or locality of their residence, along with their precis,
  - (iii) the names of the 2 members who signed the nomination in accordance with the Rules,
  - (iv) the date by which a link to the online ballot will be circulated (the ‘ballot opening date’, per rule 5.1(c)), and
  - (v) the date on which the ballot will close (the ‘ballot closing date’, per rule 5.1(d)).
- (b) The notice in rule 5.1(a) is to include an invitation for Synod Members to submit material to the Secretary in support of the nomination of a nominee or nominees, to be hosted on an unadvertised but publicly accessible page on the website nominated by the Standing Committee, subject to –
- (i) the material being provided by the Synod Member in completed form within four business days of the notice of contested election being posted, and
  - (ii) the provision of the written approval of every person referred to in the material (where reasonable to do so), including any nominee and their nominators, whether referred to by name or not.
- (c) On the date (the ‘ballot opening date’) five business days after the notice sent under rule 5.1(a), the Returning Officer shall send by email to each Synod Member –
- (i) a unique link to an online ballot allowing the Synod Member to indicate the name of the person or names of each of the persons for whom the member wishes to vote, preserving as far as reasonable the anonymity of the Synod Member, while providing only one vote per Synod Member,
  - (ii) a statement of the ballot closing date (per rule 5.1(d)), and
  - (iii) a link to an unadvertised but publicly accessible page on the website nominated by the Standing Committee, containing any notices made in accordance with rule 5.1(b).
- (d) The ballot shall close at 5:00 pm on the date (the ‘ballot closing date’) five business days following the ballot opening date (per rule 5.1(c)).
- (e) As soon as practicable after 5:00 pm on the ballot closing date, the Returning Officer is to send to the President a report containing –
- (i) a complete list of the names of the nominees and the number of votes recorded for each nominee, with the names on the list to be arranged in the order of the number of votes recorded beginning with the highest, and
  - (ii) having regard to the number of persons to be elected and the list referred to in rule 5.1(e)(i) – a statement of the name or names of the person or persons to be declared elected.



- (f) As soon as convenient after receiving the Returning Officer's report, the President is –
- (i) to declare elected the person or persons referred to in the statement required by rule 5.1(e)(iii), and
  - (ii) to cause a copy of the Returning Officer's report to be sent to each Synod Member.

**5.2 Different terms of office**

If, in an election for which a ballot is held in the manner set out in this Part, the persons to be elected are not required to serve the same term of office, the persons who receive the highest number of votes are to be declared to be elected for the longer terms of office.

**5.3 Equality of votes**

If in any ballot any 2 or more members receive an equality of votes making the result of the ballot doubtful, the ballot shall be subject to a recount. If, in the event of the votes still being equal, the office or offices in doubt are to be decided by lot in such manner as the President directs.”

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

Chair of Committee

I Certify that this Ordinance was passed by the Synod of the Diocese of Sydney on 2021.

Secretary of Synod

I Assent to this Ordinance.

Administrator of Sydney

/ /2021

## Synod Elections Ordinance 2000

(Reprinted under the Interpretation Ordinance 1985.)

The Synod Elections Ordinance 2000 as amended by the Diocesan Officers (Retirement) Repeal Ordinance 2001, the Synod Elections Amendment Ordinance 2003, the Synod Elections Amendment Ordinance 2008, the Synod (Electronic Communications) Amendment Ordinance 2013, the Synod Elections (Efficiency and Transparency) Amendment Ordinance 2013, the Regions (Mission Areas) Amendment Ordinance 2013, the Conduct of the Business of Synod Ordinance 2000 Amendment Ordinance 2014 and the Synod (Governance of Diocesan Organisations) Amendment Ordinance 2015.

### Table of Provisions

#### Clause

- |    |       |  |
|----|-------|--|
| 1. | ..... | Name   |
| 2. | ..... | Adoption of rules for the conduct of elections |
| 3. | ..... | Repeal of previous rules                       |
| 4. | ..... | Commencement                                   |

#### Schedule

##### Part 1 – Introduction

- |     |       |              |
|-----|-------|--------------|
| 1.1 | ..... | Introduction |
| 1.2 | ..... | Definitions  |

##### Part 2 – Returning Officer and Deputy Returning Officer

- |     |       |  |
|-----|-------|--|
| 2.1 | ..... | Appointment of the Returning Officer and<br>Deputy Returning Officer |
| 2.2 | ..... | Functions of the Returning Officer                                   |
| 2.3 | ..... | Functions of the Deputy Returning Officer                            |

##### Part 2A – Election Returns

- |      |       |                 |
|------|-------|-----------------|
| 2A.1 | ..... | Election return |
|------|-------|-----------------|

##### Part 3 – Notice of Elections and Nominations

- |      |       |  |
|------|-------|--|
| 3.1  | ..... | Notice of elections                              |
| 3.2  | ..... | Nominations                                      |
| 3.2A | ..... | Provisional notices of contested election        |
| 3.3  | ..... | Precis of nominees for elections                 |
| 3.4  | ..... | Withdrawal of nominations                        |
| 3.5  | ..... | Death etc of a nominee after the close of precis |
| 3.6  | ..... | List or lists of nominations                     |

##### Part 4 – Uncontested Elections

- |     |       |                           |
|-----|-------|---------------------------|
| 4.1 | ..... | Uncontested elections     |
| 4.2 | ..... | Different terms of office |

##### Part 5 – Contested Elections

- |     |       |  |
|-----|-------|--|
| 5.1 | ..... | Contested elections  |
| 5.2 | ..... | Notice of contested elections and precis of<br>nominees    |
| 5.3 | ..... | Omitted  |
| 5.4 | ..... | Conducting a ballot at or during a session of<br>the Synod |
| 5.5 | ..... | Form of Ballot Paper                                       |
| 5.6 | ..... | Method of completing ballot papers                         |
| 5.7 | ..... | Spoilage etc of ballot papers                              |
| 5.8 | ..... | Different terms of office                                  |
| 5.9 | ..... | Equality of votes  |

##### Part 6 – Recounts

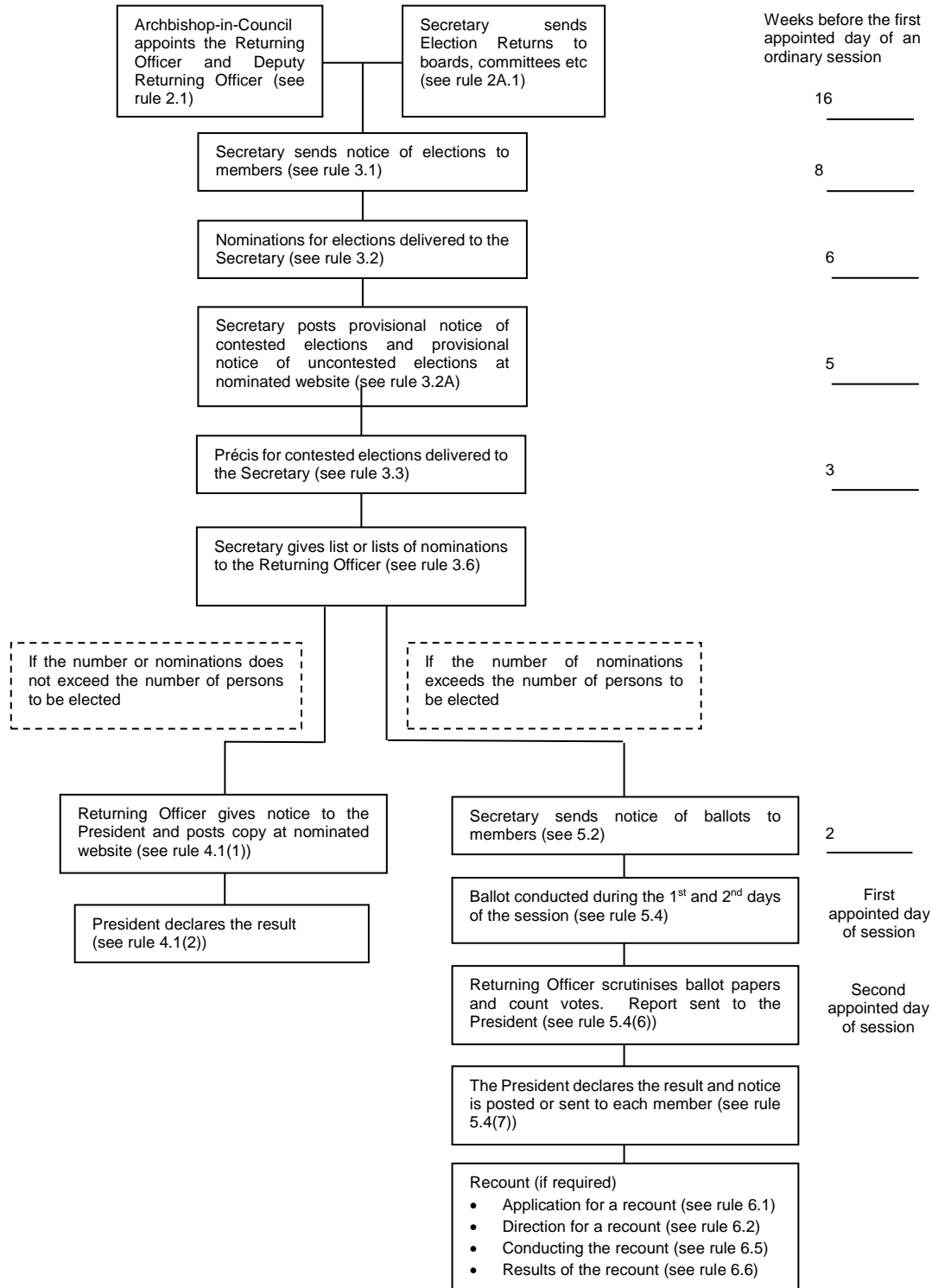
- |     |       |                           |
|-----|-------|---------------------------|
| 6.1 | ..... | Application for a recount |
| 6.2 | ..... | Direction for a recount   |
| 6.3 | ..... | Notice of a recount       |



**Schedule**  
**Synod of the Diocese of Sydney**  
**Rules for the Conduct of Synod Elections**  
**Part 1 – Introduction**

**1.1 Introduction**

These rules set out the procedure for conducting elections by Synod members. The procedure is summarised in the following diagram.



The rules in this Schedule contain the detail of this procedure, and deal with other matters.

## **1.2 Definitions**

(1) In this Schedule:

“Archbishop-in-Council” means the Archbishop acting with the concurrence of the Standing Committee,

“ballot closing date” has the meaning in rule 5.3(2),

“member” means a member of the Synod,

“nomination closing day” has the meaning in rule 3.2(1),

“precis closing day” has the meaning in rule 3.3(1),

“President” means the President of the Synod, and

“office” includes a position,

“Returning Officer” means:

(a) the Returning Officer appointed under rule 2.1, except as provided by paragraph (b), or

(b) if, for the purposes of a recount, a person has been appointed as the Returning Officer under rule 6.2(1)(b), the person so appointed, and

“Secretary” means the Secretary of the Synod.

“statement of personal faith” means the Statement of Personal Faith set out in Appendix 3 of the Governance Policy for Diocesan Organisations passed by the Synod on 20 October 2014 as amended from time to time.

(2) In this Schedule, the year in which a person was first elected to an office is the last year in which the person commenced holding the office for a continuous period. For this purpose, a period is continuous unless it is broken by a period of at least 12 months.

## **Part 2 – Returning Officer and Deputy Returning Officer**

### **2.1 Appointment of the Returning Officer and Deputy Returning Officer**

No later than 16 weeks before the first appointed day of an ordinary session of the Synod, the Archbishop-in-Council is:

(a) to appoint a Returning Officer and a Deputy Returning Officer for the elections to be conducted during that session, and

(b) to notify the Secretary of the names of the persons so appointed.

### **2.2 Functions of the Returning Officer**

The Returning Officer is to exercise the functions of the Returning Officer in this Schedule. The Returning Officer may use such assistance as he or she considers necessary.

### **2.3 Functions of the Deputy Returning Officer**

If the Returning Officer is unable to exercise the functions of the Returning Officer in this Schedule, those functions are to be exercised by the Deputy Returning Officer appointed under rule 2.1.

## **Part 2A – Election Returns**

### **2A.1 Election return**

No later than 16 weeks before the first appointed day of an ordinary session of the Synod, the Secretary is to cause to be sent to the chairman, secretary or other responsible officer of every board, council or committee which the Secretary considers has an office for which an election is required to be conducted during that session a return requesting such information as is reasonably necessary to prepare the notice referred to in rule 3.1(1).

## **Part 3 – Notice of Elections and Nominations**

### **3.1 Notice of elections**

(1) No later than 8 weeks before the first appointed day of an ordinary session of the Synod, the Secretary is to cause to be sent to every member a notice which:

(a) specifies each election for an office required to be conducted during the session, and

(b) specifies the names of any person retiring from the office, and

(c) if a person retiring from the office is eligible for re-election, specifies –

(i) the year in which the person was first elected to the office, and

- (ii) the person's attendance record at meetings of the board, council or committee of which the office forms part during the 12 month period to 30 June in the current year, and
  - (iii) whether there is good reason to believe that the person is or is not willing to be nominated, and
  - (d) includes any statement provided by the chairman, secretary or other responsible officer of a board, council or committee of which the office forms part as to –
    - (i) the qualifications, skills and experience sought in any person elected, and
    - (ii) whether the gender balance on the board, council or committee is adequate, and which conforms to the requirements of rule 3.1(3), and
  - (e) specifies that a person to whom a disqualifying circumstance referred to in rules 7.1(2)(a)(v) to (x) applies may not knowingly be nominated for election to an office, and
  - (f) invites nominations of persons for each election by the nomination closing day, and
  - (g) specifies the website address (the "nominated website address") at which the notices referred to in rules 3.2A and 4.1(1) will be posted.
- (2) For the purposes of rule 3.1(1)(c)(iii), the Secretary is taken to have good reason to believe that a person retiring from an office is or is not willing to be nominated for re-election if:
- (a) the person has informed the Secretary that he or she is or is not willing to be nominated, or
  - (b) the chairman, secretary or other responsible officer of any relevant board, council or committee of which the office forms part has certified in writing to the Secretary that the person retiring is or is not willing to be nominated.
- (3) A statement referred to in rule 3.1(1)(d) –
- (a) must be not more than 35 words in length, and
  - (b) must not endorse a specific person or specific persons by name as suitable for election to an office.
- (4) The Archbishop-in-Council may prescribe from time to time the form of the notice referred to in rule 3.1(1).

### **3.2 Nominations**

- (1) A nomination for an election referred to in the notice of the Secretary under rule 3.1 is to be delivered to the Secretary no later than 5.00 pm on that day (the "nomination closing day") which is 6 weeks before the first appointed day of the session.
- (2) A nomination is:
- (a) to be in writing, and
  - (b) to specify the office for which the nomination is being made, and
  - (c) to specify the name of, and a postal and email address for, the nominee, and
  - (d) to specify the details of the qualification held by the nominee, where a particular qualification is required for election to the office, and
  - (e) to be signed by 2 members, other than the nominee, as nominators, and
  - (f) in relation to a nomination for an office on a board or council which is a body corporate, to contain a certification from at least one of the nominators that the nominee is willing to sign the statement of personal faith if elected to such board or council and will do so before attending any meeting of the board or council held after his or her election, and
  - (g) to contain a certification from at least one of the nominators that the nominee has consented to the nomination, and
  - (h) if the nominee is a lay person, to contain a certification from at least one of the nominators that the nominee has consented to his or her name, contact details and any other personal information that is reasonably necessary for the proper administration of the Synod and the Diocese being collected, used and disclosed by the Registrar for these purposes, and
  - (i) to contain an email address for acknowledgement of the nomination.
- (3) A nomination which does not comply with rule 3.2(2) is invalid except that –
- (a) an error in the specified postal or email address for the nominee does not of itself invalidate a nomination, and
  - (b) the failure to provide a postal or email address for the nominee does not of itself invalidate a nomination if the Registrar already holds a postal or email address, as applicable, for the nominee.

(3A) A person to whom a disqualifying circumstance referred to in rules 7.1(2)(a)(v) to (x) applies may not knowingly be nominated by a member for election to an office.

(4) If a retiring person is eligible for re-election and the notice of the Secretary under rule 3.1 specifies there is good reason to believe that the retiring person is willing to be nominated, it is sufficient grounds for one of the nominators to certify that the nominee has consented to the nomination.

(5) The Secretary is to acknowledge each valid nomination by sending written notice to the email address referred to in rule 3.2(2)(i).

(6) The Secretary is to retain each nomination received by them until:

- (a) if an application for a recount is not made under rule 6.1(5), the time for the making of an application for a recount has passed, or
- (b) if an application for a recount is made under rule 6.1(5), the results of the recount are declared under rule 6.6(2).

(7) For the purposes of rules 3.2(2)(h) and 7.2(1A), the proper administration of the Diocese and the proper administration of the Synod have the meanings given in clause 5A(3) of the *Synod Membership Ordinance 1995*.

### **3.2A Provisional notices of contested and uncontested elections**

(1) If, by 5.00pm on the nomination closing day, the number of persons nominated for election to an office exceeds the number of persons to be elected, the Secretary, no later than 5 weeks before the first appointed day of the session, is to post a notice at the nominated website address –

- (a) advising that the number of persons nominated for election to the office exceeds the number of persons to be elected, and
- (b) specifying –
  - (i) the name of each person nominated to the office and the suburb or locality of their residence,
  - (ii) if a person nominated to the office is seeking re-election, the year in which the person was first elected to the office, and
  - (iii) the names of the 2 members who signed the nomination under rule 3.2(2), and
- (c) inviting the submission of a precis setting out the relevant qualifications, skills, experience and Christian ministry involvement of each nominee for the election.

(2) If, by 5.00pm on the nomination closing day, the number of persons nominated for election to an office does not exceed the number of persons to be elected, the Secretary is to post a notice at the nominated website address –

- (a) advising that the number of persons nominated for election to the office does not exceed the number of persons to be elected, and
- (b) specifying the names of the persons nominated.

### **3.3 Precis of nominees for elections**

(1) A precis of a nominee for an election referred to in rule 3.2A may be delivered to the Secretary no later than 5.00 pm on that day (the “precis closing day”) which is 3 weeks before the first appointed day of the session. A precis of a nominee is:

- (a) to be not more than 35 words in length, and
- (b) to be signed by the nominee.

(2) The Secretary is to arrange for each precis received under rule 3.3(1), or a statement to the effect that no precis has been received, to be printed in alphabetical order according to the surnames of the nominees.

### **3.4 Withdrawal of nominations**

(1) A nominee may withdraw from the election if written notice signed by the nominee is received by the Secretary no later than 5.00 pm on the precis closing day.

(2) If:

- (a) a nominee has died or ceases to be qualified or otherwise becomes ineligible to be elected to the office, and
- (b) the Secretary receives notice of the matter referred to in rule 3.4(2)(a) no later than 5.00 pm on the precis closing day,

the nomination is to be regarded as having been withdrawn.

(3) A nomination cannot be withdrawn after 5.00 pm on the precis closing day.

### **3.5 Death etc of a nominee after the close of precis**

(1) If, after 5.00 pm on the precis closing day and prior to the declaration of the result of an election under rule 4.1(2), 5.4(7) or 6.6(2), a nominee dies or ceases to be qualified or otherwise eligible to be elected to the office, the election is to be conducted in accordance with this Schedule and, if the nominee is declared elected, the nominee is to be regarded as having ceased to hold the office immediately after the making of the declaration.

(2) A vacancy in an office which arises under rule 3.5(1) is taken to be a casual vacancy.

### **3.6 List or lists of nominations**

After the precis closing day, the Secretary is to send to the Returning Officer a list or lists of:

- (a) the names and addresses of the members, and
- (b) each election for an office required to be conducted, and
- (c) the name and address of each nominee for an election and,
- (d) where a particular qualification is required for election – the details of the qualification held by each nominee.

## **Part 4 – Uncontested Elections**

### **4.1 Uncontested elections**

(1) If, by 5.00 pm on the precis closing day, the number of persons nominated for election to an office does not exceed the number of persons to be elected the Returning Officer is to forthwith give notice to the President of:

- (a) the offices for which the nominations were made, and
- (b) the names of the persons nominated,

and is to post a copy of this notice at the nominated website address.

(2) At the time provided for on the first appointed day of the session, the President is to declare elected to their respective offices the persons named in the notice in rule 4.1(1).

### **4.2 Different terms of office**

If, in an election:

- (a) the number of nominees does not exceed the number of persons to be elected, and
- (b) the persons to be elected are not required to serve the same terms of office,

the retiring members (if any) who have been nominated are to be declared elected for the longer terms of office in order of the length of service of each since last being elected to office. Any distinction required to be made between other persons is to be decided by lot in such manner as the President directs.

## **Part 5 – Contested Elections**

### **5.1 Contested elections**

If, by 5.00 pm on the precis closing day, the number of nominees for election to an office is greater than the number of persons to be elected, a ballot is to be held in the manner set out in this Part.

### **5.2 Notice of contested elections**

(1) The Secretary is to send to every member and the chairman of the relevant organisation a notice which specifies, or notices which specify:

- (a) the offices for which a ballot is to be conducted, and
- (b) the name of each person nominated to those offices and the suburb or locality of their residence, and
- (c) if a person nominated to one of those offices is seeking re-election, the year in which the person was first elected to the office, and
- (d) the names of the 2 members who signed the nomination under rule 3.2(2).

(2) The notice referred to in rule 5.2(1) is to be sent not less than 2 weeks before the first appointed day of the session and is to be accompanied by a document or documents containing –

- (a) any precis of nominees in the election or elections to which the notice relates, and
- (b) any statement provided under rule 3.1(1)(d) in respect to an office for which a ballot is to be conducted.

### **5.3 . . . . .**



**5.4 Conducting a ballot at or during a session of the Synod**

- (1) A ballot to be held at or during a session of the Synod is to be conducted between 2.00 pm and 9.00 pm on the first appointed day and second appointed day of the session.
- (2) The ballot is to be held at a place which:
  - (a) is convenient to the meeting place of the Synod, and
  - (b) is approved by the President.
- (3) Between 2.00 pm and 8.00 pm on the days on which the ballot is conducted, the Returning Officer is to provide to a member upon request a ballot paper in the form required by rule 5.5 for each election in which the member is entitled to vote.
- (4) A member who wants to vote in the ballot is:
  - (a) to complete the ballot paper in accordance with clause 5.6, and
  - (b) to place the ballot paper in a ballot box provided by the Returning Officer between the hours of 2.00 pm and 9.00 pm on the first appointed day and second appointed day of the session.
- (5) The ballot closes at 9.00 pm on the second day of the session.
- (6) As soon as possible after 9.00 pm on the second appointed day of the session the Returning Officer is:
  - (a) to cause the ballot papers to be scrutinised and the votes indicated on the formal ballot papers to be counted, and
  - (b) after the ballot papers have been scrutinised and the votes counted – to send to the President a report containing:
    - (i) a statement of the total number of the ballot papers which were formal and informal under rules 5.6(2) and 5.6(3), and
    - (ii) a complete list of the names of the nominees and the number of votes recorded for each nominee, with the names on the list to be arranged in the order of the number of votes recorded beginning with the highest, and
    - (iii) having regard to the number of persons to be elected and the list referred to in rule 5.4(6)(b)(ii) – a statement of the name or names of the person or persons to be declared elected.
- (7) As soon as convenient after receiving the Returning Officer's report, the President is:
  - (a) to declare elected the person or persons referred to in the statement required by rule 5.4(6)(b)(iii), and
  - (b) if the Synod is then in session, to cause a copy of the Returning Officer's report to be posted in a place where it may be readily seen by members, and
  - (c) if the Synod is not then in session, to cause a copy of the Returning Officer's report to be sent to each member.

**5.5 Form of Ballot Paper**

The Archbishop-in-Council may prescribe from time to time the form of ballot paper to be used in a ballot conducted under this Schedule.

**5.6 Method of completing ballot papers**

- (1) Votes in a ballot conducted under rule 5.4 are to be indicated by placing a cross (X) in the square opposite the name of the person or names of each of the persons for whom the member wishes to vote.
- (2) For the purposes of rule 5.6(1), the Returning Officer may treat a mark which is not a cross in the square opposite the name of a person as a cross if the Returning Officer considers the intention of the member to vote for the person is clear.
- (3) A ballot paper is not to contain more names marked with a cross than the number of offices to be filled.
- (4) A ballot paper which has been completed in accordance with rules 5.6(1), 5.6(2) and 5.6(3) is to be regarded as formal. A ballot paper which has not been completed in accordance with these rules is to be regarded as informal, and is not to be considered in determining the result of the ballot.

**5.7 Spoilage etc of ballot papers**

If:

- (a) the Returning Officer is satisfied that a ballot paper supplied to a member has been spoilt by a mistake or accident, and

(b) the original ballot paper is returned to the Returning Officer for immediate destruction, another ballot paper may be given to the member in the place of the original.

### **5.8 Different terms of office**

If, in an election for which a ballot is held in the manner set out in this Part, the persons to be elected are not required to serve the same term of office, the persons who receive the highest number of votes are to be declared to be elected for the longer terms of office.

### **5.9 Equality of votes**

If in any ballot any 2 or more members receive an equality of votes making the result of the ballot doubtful, the ballot shall be subject to a recount. If, in the event of the votes still being equal, the office or offices in doubt are to be decided by lot in such manner as the President directs.

## **Part 6 – Recounts**

### **6.1 Application for a recount**

- (1) An application for a recount for any ballot conducted under this Schedule may be made by:
  - (a) a person who was nominated in the election, but was not declared to have been elected under rule 5.4(7), or
  - (b) any 5 members who were eligible to vote in the ballot.
- (2) An application for a recount is not to be made if a recount has already been scheduled to take place, or had already taken place, in respect of the same ballot.
- (3) An application for a recount is:
  - (a) to be in writing, and
  - (b) to be signed by the applicant or applicants referred to in rule 6.1(1), and
  - (c) to specify the reason or reasons why the recount has been applied for, and
  - (d) specify an email address for the giving of notices to the applicant or applicants.
- (4) The applicant or applicants for a recount may request in the application that a person, other than the Returning Officer appointed under rule 2.1, act as Returning Officer for the recount.
- (5) An application for a recount is to be made to the Secretary:
  - (a) if the Synod is then in session – by 5.00 pm on the day after the day on which the result of the election was declared under rule 5.4(7)(b), or
  - (b) if the Synod is not then in session – by 5.00 pm on that day being 4 days after the date on which a copy of the Returning Officer's report was sent to members under rule 5.4(7)(c).
- (6) Upon receipt of an application for a recount, the Secretary is to notify the President immediately and send him a copy of the application.

### **6.2 Direction for a recount**

- (1) If the President thinks there is good reason for a recount:
  - (a) he is to direct a recount, and
  - (b) if the applicant or applicants have requested under rule 6.1(4) that a person, other than the Returning Officer appointed under rule 2.1, act as Returning Officer for the recount – he is to appoint another person to act as Returning Officer for the purposes of the recount.
- (2) The President is to notify the Secretary immediately in writing that he has directed a recount and of the name and address of the person appointed to act as Returning Officer for the purposes of the recount.
- (3) Upon receipt of a notification from the President under rule 6.2(2) the Secretary is forthwith:
  - (a) to notify the applicant or applicants of:
    - (i) the direction given by the President under rule 6.2(1), and
    - (ii) the name of any Returning Officer appointed by the President under rule 6.2(1)(b), and
  - (b) if the President has directed a recount – notify the Returning Officer of:
    - (i) the direction given by the President under rule 6.2(1), and
    - (ii) the name of the applicant or names of the applicants, and the email address referred to in rule 6.1(3)(d), and

- (iii) the name of, and the postal and email address for, each other person who was nominated in the election, and
- (iv) the name of the person having custody of the ballot papers.

### **6.3 Notice of a recount**

- (1) The Returning Officer is to give at least 24 hours notice of a proposed recount to:
  - (a) the applicant or applicants for the recount at the email address referred to in rule 6.1(3)(d), and
  - (b) each other person who was nominated in the election, and
  - (c) the person having the custody of the ballot papers.
- (2) A notice under rule 6.3(1) is to specify the date, time and place where the recount is to take place.
- (3) The person having the custody of the ballot papers, and any other papers used in the ballot, is to produce those papers to the Returning Officer at the date, time and place specified in the notice under rule 6.3(1).

### **6.4 Appointment of scrutineers for the recount**

The following persons may each appoint a scrutineer to be present at the recount:

- (a) the President,
- (b) the applicant or applicants for the recount,
- (c) each person nominated in the election.

### **6.5 Conducting the recount**

- (1) The Returning Officer, in the presence of any scrutineers appointed under rule 6.4, is to cause the ballot papers to be scrutinised and the votes indicated on the formal ballot papers to be counted. The Returning Officer may also inspect any other papers used in the ballot.
- (2) In carrying out his or her functions, the Returning Officer may use such assistance as he or she considers necessary.

### **6.6 Results of the recount**

- (1) As soon as possible after the recount has been completed, the Returning Officer is to prepare and send to the President a report containing:
  - (a) a statement of the total number of formal and informal ballot papers under rules 5.6(2) and 5.6(3), and
  - (b) a complete list of the names of the nominees and the number of votes recorded for each nominee, with the names on the list to be arranged in the order of the number of votes recorded beginning with the highest, and
  - (c) having regard to the number of persons to be elected and the list referred to in rule 6.6(1)(b) – a statement of the name or names of the person or persons to be declared elected.
- (2) As soon as convenient after receiving the Returning Officer's report, the President is:
  - (a) to declare elected the person or persons referred to in the statement required by rule 6.6(1)(c), and
  - (b) if the Synod is then in session – to cause a copy of the Returning Officer's report to be posted in a place where it may be readily seen by members, and
  - (c) if the Synod is not then in session – to cause a copy of the Returning Officer's report to be sent to each member.
- (3) A declaration made under rule 6.6(2) cancels the previous declaration made in respect of the ballot under rule 5.4, to the extent of any inconsistency between those declarations.
- (4) A person who is declared to have been elected under rule 6.6(2) takes office immediately, if he or she has not already done so. A person who was declared to have been elected under rule 5.4 but who is not declared to have been elected under rule 6.6(2) immediately ceases to hold office.

## **Part 7 – Filling of Casual Vacancies**

### **7.1 Casual vacancies**

- (1) A casual vacancy in any office arises in the circumstances specified in:
  - (a) rule 3.5(2), or
  - (b) rule 7.1(2), or
  - (c) the ordinance which creates that office.

(2) A casual vacancy in an office to which the holder was elected by the Synod, or which was filled by the Standing Committee under this Part 7, arises if –

- (a) the person holding that office –
  - (i) dies, or
  - (ii) resigns by notice in writing to the Diocesan Secretary, or
  - (iii) ceases to hold any qualification which was necessary for election to office, or
  - (iv) is absent without leave for 3 consecutive meetings and the board, council or committee by resolution declares the office to be vacant, or
  - (v) becomes an insolvent under administration, or
  - (vi) becomes of unsound mind or a person whose person or estate is liable to be dealt with in any way under the laws relating to mental health or is otherwise incapable of acting, or
  - (vii) is disqualified from managing a corporation within the meaning of the *Corporations Act 2001*, or
  - (viii) is disqualified from being a responsible entity of a registered entity by the Commissioner of the Australian Charities and Not-for-profits Commission, or
  - (ix) is convicted of an offence punishable by imprisonment for 12 months or longer, or
  - (x) becomes subject to a recommendation from a Tribunal or the Adjudicator under the *Discipline Ordinance 2006* (or from a comparable Tribunal or body in another diocese or church) that he or she be prohibited from holding the office or should be removed from the office, or
- (b) the office is in a board or council which is a body corporate and –
  - (i) the person holding that office has not signed the statement of personal faith before attending any meeting of the board or council held after his or her election or, having signed the statement of personal faith, declares that he or she is no longer able to subscribe to the statement of personal faith, or
  - (ii) the board or council resolves at a meeting by at least a three-quarters majority of all its members (excluding the person holding the office concerned) that, in its opinion, the person failed to disclose his or her actual material conflict of interest in a matter brought for the consideration of the board or council which –
    - (A) resulted in a resolution of the board or council which would not have been made had the actual material conflict of interest been disclosed, and
    - (B) justifies the person ceasing to hold office as a member, or
- (c) the Synod, or the Standing Committee if the Synod is not in session, by resolution declares the office to be vacant and specifies its reason for making that declaration, after the mover of the resolution has discussed the proposal with the chairman of the board, council or committee of which the office forms part.

(2A) If a disqualifying circumstance referred to in rules 7.1(2)(a)(v) to (x) applies to a person holding office at the time of his or her election and notice of such disqualifying circumstance is received by the Diocesan Secretary, the person is taken to cease holding a qualification necessary for election to the office for the purposes of rule 7.1(2)(a)(iii) on the later of the date of his or her election and the date such notice is received.

(3) If a person holding office resigns by notice in writing to the Diocesan Secretary, the Diocesan Secretary is to forthwith give notice of that resignation to the chairman or secretary, if any, of the board, council or committee of which the office forms part.

## **7.2 Filling of casual vacancies**

(1) Subject to the terms of any ordinance which creates the office, a casual vacancy in that office to which the holder is elected by the Synod may be filled by the Standing Committee when the Synod is not in session.

(1A) Any member of the Standing Committee who nominates a lay person for election to fill a casual vacancy under rule 7.2(1) must certify to the Standing Committee that the nominee has consented to his or her name, contact details and any other personal information that is reasonably necessary for the proper administration of the Synod and the Diocese being collected, used and disclosed by the Registrar for these purposes.

(2) If a casual vacancy arises in an office which may be filled by the Standing Committee under rule 7.2(1) –

- (a) the Chairman of the board, council or committee of which the office forms part is to be invited to provide the Standing Committee with a statement as to –

- (i) the qualifications, skills and experience sought in any person elected, and
  - (ii) whether the gender balance on the board, council or committee is adequate, and which conforms to the requirement in rule 3.1(3)(b), and
- (b) any member of the Standing Committee who nominates a person for election to fill the vacancy must inform the Standing Committee of the relevant qualifications, skills, experience and Christian ministry involvement of the person.

(3) If a casual vacancy arises in an office on a board or council which is a body corporate and which may be filled by the Standing Committee under rule 7.2(1), any member of the Standing Committee who nominates a person for election to fill the vacancy is to certify to the Standing Committee that the person is willing to sign the statement of personal faith if elected to such board or council and will do so before attending any meeting of the board or council held after his or her election.

(3A) A person to whom a disqualifying circumstance referred to in rules 7.1(2)(a)(v) to (x) applies may not knowingly be nominated by a member of the Standing Committee for election to fill a casual vacancy under rule 7.2(1).

(4) Subject to the terms of any ordinance applying specifically to the office –

- (a) a person who is elected to fill a casual vacancy under rule 7.2(1) holds office until the day on which the person whose vacancy he or she fills would have retired had the vacancy not occurred, and
- (b) that person is eligible for re-election.

(5) A vacancy in any office which was not filled in an election conducted at or during a session of the Synod is to be regarded as a casual vacancy and is to be filled in accordance with the terms of any ordinance applying specifically to that office. Otherwise, the vacancy may be filled:

- (a) by the Standing Committee under rule 7.2(1), or
- (b) as the Synod by resolution determines.

### 7.3 . . . . .

## Part 8 – General

### 8.1 . . . . .

#### 8.2 Impossibility or impracticability etc of conducting an election

(1) This rule applies:

- (a) if the Archbishop-in-Council determines that it is impossible or impracticable to conduct an election at or during a session of the Synod, or
- (b) if, for any reason, an election does not take place at the session.

(2) The election is to be conducted in the same manner as an election is to be conducted under this Schedule prior to the first appointed day of a session except that, for the purposes of the election, the Archbishop-in-Council is to specify a date which is to be regarded as the first appointed day of the ordinary session for the purposes of applying the relevant rules in this Schedule.

#### 8.3 Irregularities in an election

(1) If the President thinks that:

- (a) an election has not been conducted in accordance with this Schedule, and
- (b) the irregularity may have affected the result of the election,

he may direct that a new election take place.

(2) The President may not give a direction under rule 8.3(1):

- (a) after 1 week has elapsed from the declaration of the result of the election under rule 5.4, or
- (b) if there has been a recount under Part 6, after 1 week has elapsed from the declaration of the result of the recount under rule 6.6.

#### 8.4 Maintenance and production of statements of personal faith

A board or council which is a body corporate –

- (a) is to hold the statement of personal faith signed by each member of the board or council elected under these rules, and
- (b) upon request of the Standing Committee, is to produce to the Standing Committee a copy of the signed statement of personal faith held for a member of the board or council elected under these rules.

## 8.5 Regulations

The Archbishop-in-Council may make regulations to give effect to the rules in this Schedule, including to provide for any matter or thing not provided for in the rules which may be necessary for an election to be conducted effectively.

### Notes

By resolution 33/11 of 2011, Synod, pursuant to clause 7.2(5)(b) (previously clause 7.2(4)(b) of the Schedule to the Synod Elections Ordinance 2000, determined that any vacancy in the office of member of a regional council which was not filled at or during the first ordinary session of Synod may be filled by resolution of the regional council as if the vacancy were a casual vacancy occurring under clause 5(1) of the Regions Ordinance 1995.

### Table of Amendments

Clause 2	Amended by Ordinances Nos 42, 2013 and 38, 2014.
Schedule	
Rule 1.1	Amended by Ordinances Nos 42, 2013; 38, 2014 and 9, 2015.
Rule 1.2	Amended by Ordinances Nos 6, 2008; 42, 2013; 38, 2014 and 9, 2015.
Rule 2.1	Amended by Ordinances Nos 42, 2013 and 38, 2014.
Rule 2A.1	Inserted by Ordinance No 42, 2013 and amended by Ordinance No 38, 2014.
Rule 3.1	New clause inserted by Ordinance No 42, 2013 and amended by Ordinances Nos 38, 2014 and 9, 2015.
Rule 3.2	Amended by Ordinances Nos 6, 2008; 41, 2013; 42, 2013; 38, 2014 and 9, 2015.
Rule 3.2A	Inserted by Ordinance No 42, 2013 and amended by Ordinance No 38, 2014. Original clause omitted and new clause inserted by Ordinance No 9, 2015.
Rule 3.3	Amended by Ordinances Nos 42, 2013 and 38, 2014.
Rule 3.4	Amended by Ordinances Nos 42, 2013 and 38, 2014.
Rule 3.5	Amended by Ordinance No 42, 2013.
Rule 3.6	Inserted by Ordinance No 42, 2013 and amended by Ordinance No 38, 2014.
Rule 4.1	Amended by Ordinance No 42, 2013.
Rule 5.1	Amended by Ordinance No 42, 2013.
Rule 5.2	Amended by Ordinances Nos 42, 2013 and 38, 2014.
Rule 5.3	Omitted by Ordinance No 42, 2013.
Rule 5.6	Amended by Ordinance No 42, 2013.
Rule 6.1	Amended by Ordinances Nos 41, 2013, 42, 2013 and 38, 2014.
Rule 6.2	Amended by Ordinances Nos 41, 2013 and 38, 2014.
Rule 6.3	Amended by Ordinance No 41, 2013.
Rule 6.6	Amended by Ordinance No 42, 2013.
Rule 7.1	Amended by Ordinances Nos 59, 2001; 6, 2008 and 9, 2015.
Rule 7.2	Amended by Ordinances Nos 6, 2008; 41, 2013; 42, 2013 and 9, 2015.
Rule 7.3	Omitted by Ordinance No 42, 2013.
Rule 8.1	New clause inserted by Ordinance No 44, 2003. Omitted by Ordinance No 45, 2013.
Rule 8.4	New clause inserted by Ordinance No 9, 2015.
Rule 8.5	Original clause renumbered by Ordinance No 9, 2015.



# Standing Committee Ordinance 1897 Amendment Ordinance 2021

No. \_\_\_\_\_, 2021

## Long Title

An Ordinance to amend the *Standing Committee Ordinance 1897*.

The Synod of the Diocese of Sydney Ordains as follows.

### 1. Name

This Ordinance is the Standing Committee Ordinance 1897 Amendment Ordinance 2021.

### 2. Amendment

The *Standing Committee Ordinance 1897* is amended as follows –

- 5 (a) insert a new definition of “online ballot” in subclause 1(1) as follows –  
 “online ballot” means a ballot conducted in accordance with the rules in the  
*Synod Elections Ordinance 2000* as if the Archbishop-in-Council had made a  
 determination under rule 8.2 of the Schedule of that Ordinance’,
- (b) delete subclause 1(3),
- 10 (c) insert the following new subclause 1A(2) (and consequentially renumber the existing  
 subclause 1A(2) and subclauses there following) –  
 “(2) The Diocesan Secretary does not have the right to vote as a member of  
 the Standing Committee.”,
- (d) delete the matter “The Regional Archdeacon has a right to vote.” in the renumbered subclause  
 15 1A(3) and insert instead –  
 “The Regional Archdeacon of the same region as the absent Regional Bishop  
 has a right to vote.”,
- (e) substitute the text in subclause 1B(1)(b) with the following –  
 “by an online ballot, and in such case –
- 20 (i) the notice of the election is to be sent as soon as practicable after the  
 creation of that Region, and  
 (ii) the subsequent time frames for the election are to correspond to those that  
 apply to a ballot held before the first appointed day of a session of the  
 Synod.”,
- 25 (f) delete subclause 1B(1A),
- (g) insert the following at the end of subclause 2(1)(h) before the semi-colon –  
 “, except where this arises as a result of an alteration to the boundaries of the Region”,
- (h) substitute the text in subclause 3(3)(b) with the following –  
 “by an online ballot, and in such case –
- 30 (ii) the notice of the election is to be sent as soon as practicable after the  
 casual vacancy occurs, and  
 (ii) the subsequent time frames for the election are to correspond to those that  
 apply to a ballot held before the first appointed day of a session of the  
 Synod.”,
- 35 (i) delete subclause 3(3A), and
- (j) substitute the words “the first ordinary session of the next Synod” for each occurrence of the  
 words “the first session of the next Synod” where they occur throughout the Ordinance.

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

Chair of Committee

I Certify that this Ordinance was passed by the Synod of the Diocese of Sydney on  
2021.

Secretary of Synod

I Assent to this Ordinance.

Administrator of Sydney

/ /2021



# Standing Committee Ordinance 1897

(Reprinted under the Interpretation Ordinance 1985.)

The Standing Committee Ordinance of 1897 as amended by the Standing Committee Ordinance Amending Ordinance of 1915, Standing Committee (Amending) Ordinance 1930, Standing Committee Ordinance of 1897 Further Amending Ordinance 1932, Casual Vacancies Ordinance 1935, Bishops Coadjutor ex Officio Ordinance 1940, Standing Committee Ordinance of 1897 Further Amending Ordinance 1948, Assistant Bishops (Bishops Coadjutor) Ordinance 1971, Standing Committee Amendment Ordinance 1978, Standing Committee Ordinance 1897-1978 Amending Ordinance 1984, the Diocesan Officers (Retirement) Ordinance 1987, the Miscellaneous Amendments Ordinance (No 1) 1991, the Standing Committee Amendment Ordinance 1991, the Committee Membership Amendment Ordinance 1995, the Standing Committee Ordinance 1897 Amending Ordinance 1995, the Regions (Transitional Provisions and Miscellaneous Amendments) Ordinance 1995, the Regional Electors Amendment Ordinance 1997, the Standing Committee (Elections) Amendment Ordinance 1998, the Miscellaneous Amendments Ordinance 2001, the Diocesan Officers (Retirement) Repeal Ordinance 2001, the Synod and Standing Committee (Membership) Amendment Ordinance 2003, the Regions Amendment Ordinance 2006, the Standing Committee Ordinance 1897 Amendment Ordinance 2010, the Synod Elections (Efficiency and Transparency) Amendment Ordinance 2013, the Standing Committee Amendment Ordinance 2014, the Synod (Governance of Diocesan Organisations) Amendment Ordinance 2015, the Synod and Standing Committee (Membership) Amendment Ordinance 2015, the Sydney Anglican Home Mission Society Council (Merger with Anglican Retirement Villages Diocese of Sydney) Ordinance 2016 and the Standing Committee Ordinance 1897, Regions Ordinance 1995 Amendment Ordinance 2018 and the Standing Committee Ordinance 1897 Amendment Ordinance 2019.

## Table of Provisions

Clause	
1	Definitions
1AA-	Constitution of the Standing
1B	Committee
2	Casual Vacancies
3	Filling of Casual Vacancies
4	Duties and Powers
5	Custody of Property
6	Conduct of Business, Quorum, etc
7	Minutes to be Kept
8	Report of Proceedings
9	Date of Coming into Force
10	Ordinance Repealed
11	Name of Ordinance

+ + + + + + + + + + +

### Long Title

An Ordinance to provide for the Constitution of a Standing Committee of the Synod of the Diocese of Sydney and to define their powers and duties.

### Preamble

Whereas it is expedient to provide for the constitution of a Standing Committee of the Synod of the Diocese of Sydney and to define their powers and duties, the said Synod in pursuance of the powers conferred upon it by the Constitutions for the management and good government of the United Church of England and Ireland within the Colony of New South Wales, and of all other powers, vested in the said Synod, ordains and rules as follows.

### 1. Definitions

(1) In this Ordinance –

“Constitutions” means the Constitutions in force pursuant to the *Anglican Church of Australia Constitutions Act 1902 (NSW)*.

“Elected Member” means a member of the Standing Committee referred to in paragraph (b), (c), (d) or (e) of subclause 1A(1).

“parochial unit” means a parish, provisional parish, assisted provisional parish or other ecclesiastical district recognised under the *Parishes Ordinance 1979*.

“Qualified Minister” means a person in Holy Orders who is a member of the Synod and is not an ex-officio member of the Standing Committee.

“Qualified Lay Person” means a lay person who is a member of the Synod.

“Regional Elected Member” means a member of the Standing Committee referred to in paragraph (d) or (e) of subclause 1A(1).

“Regional Electors” means, in relation to a Region, the following persons –

- (a) the Regional Bishop and the Regional Archdeacon;
- (b) each Qualified Minister licensed to a parochial unit in the Region;
- (c) each Qualified Lay Person who is a member of the Synod as a representative of a parochial unit in the Region; and
- (d) each other member of the Synod who is a parishioner of a church in the Region and is not a Regional Elector for another Region.

“Synod Elected Member” means a member of the Standing Committee referred to in paragraph (b) or (c) of subclause 1A(1).

(2) In this Ordinance a person is from a Region if –

- (a) in the case of a Qualified Minister that person is licensed to a parochial unit in that Region; and
- (b) in the case of a Qualified Lay Person that person is a parishioner of a church in that Region.

(3) In this Ordinance the previous form of the *Synod Elections Ordinance 2000* is the form of that Ordinance immediately before the *Synod Elections (Efficiency and Transparency) Amendment Ordinance 2013* came into force.

#### **1AA. Constitution of the Standing Committee**

- (1) The Archbishop is president of the Standing Committee.
- (2) The President may take part in debate.
- (3) If the Archbishop is absent or unable or unwilling to preside in respect of any business of the Standing Committee, the President is the next person present at the meeting of the Standing Committee who would at that time exercise the powers vested in the Archbishop under the Constitutions if the Archbishop was absent from the Province.
- (4) A person acting as President under subclause (3) may not vote on any item of business while he is President.

#### **1A. Constitution of the Standing Committee (continued)**

- (1) The Standing Committee is constituted with the following members –
  - (a) The Regional Bishops, the Archdeacon for Women’s Ministry, the Chancellor, the Registrar, the Dean, the Diocesan Secretary, the Chief Executive Officer of Sydney Diocesan Services and the Principal of Moore Theological College, ex-officio.
  - (b) 4 Qualified Ministers elected by the members of Synod.
  - (c) 8 Qualified Lay Persons elected by the members of Synod.
  - (d) 2 Qualified Ministers from each Region elected by the Regional Electors of that Region.
  - (e) 4 Qualified Lay Persons from each Region elected by the Regional Electors of that Region.
  - (f) The Regional Archdeacons.
- (2) A Regional Archdeacon who is a member of the Standing Committee under paragraph (1)(f) does not have the right to vote. In the absence of a Regional Bishop the Regional Archdeacon has a right to vote.

(3) The election of the Elected Members is to be held during the first session of each Synod and, subject to this Ordinance, such persons hold office until the first day of the first session of the next Synod.

(4) The following rules apply to the election of the Elected Members –

- (a) A person who has the necessary qualifications may be nominated for election as either –
  - (i) a Synod Elected Member, or
  - (ii) a Regional Elected Member.
- (b) If a person is nominated for election as a Synod Elected Member and a Regional Elected Member, the nomination for election as a Regional Elected Member is invalid.
- (c) Each election shall otherwise be conducted in accordance with the *Synod Elections Ordinance 2000*.

**1B. Constitution of the Standing Committee (continued)**

(1) If a new Region is created, the Regional Electors of the Region are to elect the Regional Elected Members for that Region –

- (a) during the next ordinary session of the Synod, or
- (b) by postal ballot conducted under the previous form of the *Synod Elections Ordinance 2000* provided that –
  - (i) a notice of the election under rule 3.1 of the Schedule to the previous form of the *Synod Elections Ordinance 2000* is to be sent as soon as practicable after the creation of that Region, and
  - (ii) the subsequent time frames for the election are to correspond to those that apply to a ballot held before the first appointed day of a session of the Synod.

(1A) A postal ballot to fill a vacancy in the membership of the Standing Committee under clause 1B(1) may, with the approval of the Standing Committee given by resolution, be conducted by electronic means.

(2) Subject to this Ordinance the persons elected under subclause (1) hold office until the first day of the first session of the next Synod.

(3) If a Region is abolished, the Regional Elected Members cease to be members of the Standing Committee on and from the date of abolition of the Region.

**2. Casual Vacancies**

(1) A casual vacancy in the office of an Elected Member occurs on –

- (a) resignation in writing addressed to the Diocesan Secretary;
- (b) death;
- (c) insolvency under administration;
- (d) loss of membership of the Synod;
- (e) incapacity to act or absence from 3 consecutive meetings of the Standing Committee without leave;
- (f) becoming an ex-officio member;
- (g) becoming an Elected Member in another capacity;
- (h) in the case of a Regional Elected Member, ceasing to be from the Region for which that person was elected as a member of the Standing Committee;
- (i) a resolution by the Synod, or by the Standing Committee when the Synod is not in session, declaring a vacancy and specifying the person, this Ordinance, and the reason therefore.

(2) A vacancy in the office of an Elected member which is not filled at an election referred to in clause 1A or a ballot referred to in clause 1B, for the purposes of this Ordinance, is taken to be a casual vacancy.

**3. Filling of Casual Vacancies**

- (1) A casual vacancy among the Synod Elected Members may be filled by the Synod by an election conducted during the next ordinary session of the Synod. When the Synod is not in session the casual vacancy may be filled by the Standing Committee.
  - (2) Subject to clause 2, the term of office of a person filling a casual vacancy under subclause (1) expires –
    - (a) if the casual vacancy is filled by the Synod – on the first day of the first session of the next Synod; and
    - (b) if the casual vacancy is filled by the Standing Committee – on the first day of the next session of the Synod.
  - (3) A casual vacancy in the office of a Regional Elected Member may be filled by the Regional Electors of the Region by an election conducted –
    - (a) during the next ordinary session of the Synod, or
    - (b) by postal ballot conducted under the previous form of the *Synod Elections Ordinance 2000* provided that –
      - (i) a notice of the election under rule 3.1 of the Schedule to the previous form of the *Synod Elections Ordinance 2000* is to be sent as soon as practicable after the casual vacancy occurs, and
      - (ii) the subsequent time frames for the election are to correspond to those that apply to a ballot held before the first appointed day of a session of the Synod.
- (3A) A postal ballot to fill a vacancy in the membership of the Standing Committee under clause 3(3) may, with the approval of the Standing Committee given by resolution, be conducted by electronic means.
- (4) Subject to clause 2, the term of office of a person filling a casual vacancy under subclause (3) expires on the first day of the first session of the next Synod.

**4. Duties and Powers**

- (1) It shall be the duty of the Standing Committee to make arrangements for the sessions of the Synod, and to prepare the business to be brought before the Synod, with power to propose such business as may appear to the Committee to be necessary or desirable to be brought before the Synod, in addition to that arising out of matters which have been referred to them, and to print a Report of the proceedings of the Synod from time to time, and all documents ordered by the Synod to be printed.
- (2) The Standing Committee are empowered to defray the necessary working expenses of the Synod and of the Standing Committee, and to pay such further sums as may from time to time be authorised by the Synod.
- (3) The Standing Committee shall be a Council of Advice to the Bishop in any matter in which he may desire their advice. The Standing Committee shall consider and report upon any matter which the Synod may from time to time refer to them, and shall carry out or assist in carrying out the resolutions from time to time passed by the Synod and entrusted to them, or not otherwise provided for. The Standing Committee may deliberate and confer upon all matters affecting the interest of the Church and cognisable by the Synod, may make such enquiries as they shall deem to be requisite, and may communicate with the Government and all such bodies and persons as they shall consider necessary, and may present petitions and addresses to all such bodies and persons. PROVIDED that any action taken by the Committee not already sanctioned by the Synod shall have full force unless disallowed by the Synod at its next session.
- (4) The Standing Committee shall discharge such other duties and exercise such other powers as the Synod shall from time to time prescribe.
- (5) The Standing Committee may from time to time resolve that any of its business (other than the making of ordinances, the making of appointments or the filling of casual vacancies) be determined by a Regional Council or a committee or committees having members –
  - (a) who are appointed from time to time by the Standing Committee;
  - (b) who hold office for such terms and in accordance with such conditions as the Standing Committee may specify; and
  - (c) at least one third of whom are Standing Committee members.

(6) Where the Standing Committee resolves or has resolved under subclause (5) that certain of its business be determined by a Regional Council or a committee or committees –

- (a) in the case of a committee –
  - (i) the quorum for a meeting includes at least one member who is a member of the Standing Committee, and
  - (ii) a member of the committee who is a member of the Standing Committee may require any matter to be referred back to Standing Committee before the exercise of the subcommittee's delegated authority, and
- (b) such Regional Council, committee or committees may, with the approval of the Standing Committee and subject to such conditions as the Standing Committee may impose, resolve that such business or any part of such business be determined by another person or body.

(7) A person who is an insolvent under administration is not eligible to be appointed to a committee referred to in subclause (5). A person appointed to such a committee ceases to be a member of that committee if that person becomes an insolvent under administration.

### **5. Custody of Property**

The Standing Committee shall have the custody of all books, documents or other property belonging to the Synod, and all other property belonging to the Church in the Diocese of Sydney not vested in any other body or person.

### **6. Conduct of Business, Quorum, etc**

(1) A notice of a meeting of the Standing Committee may be given to a member verbally or by serving it on the member personally or by sending it to the postal or email address supplied by the member for the giving of notices to the member but, if no address has been supplied by a member to the secretary or acting secretary of the Standing Committee, then to the address which is believed by the person giving the notice to be the place of business or of work or of residence of that member or an email address held by the Registrar for the member.

(2) Where a notice is sent by post, service shall be deemed to be effected by properly addressing prepaying (in the case of a notice sent by post) and posting or otherwise appropriately dispatching the notice and to have been effected on the day next following the day (neither day being a Saturday, Sunday or public holiday) after the date of its posting or dispatch.

(3) The Standing Committee may meet and exercise all powers conferred upon it notwithstanding that notice of the meeting may not have been given to all members of the Standing Committee in accordance with subclauses (1) and (2) of this clause if the notice has not been given –

- (a) due to inadvertence or an accidental omission, or
- (b) by reason of insufficient time;

Provided, in the case referred to in paragraph (b), by resolution supported by two-thirds of all members of the Standing Committee, the Standing Committee resolves that the nature of the business to be discussed and the powers to be exercised are such that delay is likely to prejudice the order and good government of the Anglican Church of Australia in the Diocese or a part thereof.

(4) No business shall be transacted at any meeting of the Standing Committee if a quorum is not present at the time when the business is to be transacted. If a quorum is not present within half an hour from the time appointed for a meeting of the Standing Committee, the meeting shall be dissolved. A quorum shall be not less than one-half of all members of the Standing Committee.

(4A) The members of the Standing Committee may pass a resolution without a meeting of the members being held if –

- (a) the secretary or acting secretary of the Standing Committee sends a copy of the proposed resolution to all members of the Standing Committee and specifies a reasonable timeframe within which members may indicate their support for or objection to the proposed resolution being passed, and
- (b) at least 75% of members indicate within the specified timeframe that they support the proposed resolution being passed, and
- (c) no more than 2 members object within the specified timeframe either to the proposed resolution being passed or the proposed resolution being passed without a meeting.

The secretary or acting secretary shall notify the Standing Committee of any resolution passed without a meeting at its next meeting and shall record in the minutes kept for that meeting the resolution together with any supporting attachments. A resolution so recorded shall be treated as a minute of the proceedings of the Standing Committee for the purposes of clause 7(1).

(5) Subject to this Ordinance and any other relevant ordinance, the Standing Committee from time to time may frame, alter, and repeal rules and regulations for the conduct of all business coming before it.

#### **7. Minutes to be Kept**

(1) Minutes of the proceedings of the Standing Committee shall be entered in a book kept for that purpose and, subject to subclause (2), the Committee shall cause such minute book to be laid before the Synod at the commencement of every session.

(2) The secretary or acting secretary of the Standing Committee is authorised to omit from the Minute Book laid before the Synod any minute and any attachment to a minute which contains details of –

- (a) current legal proceedings or claims which may become the subject of legal proceedings,
- (b) the terms of any settlement of legal proceedings which require confidentiality,
- (c) any matter which the Archbishop acting on the advice of the Chancellor considers is properly treated as commercial-in-confidence, or
- (d) any other matter the Standing Committee declares by resolution to be confidential for the purposes of this subclause.

#### **8. Report of Proceedings**

The Standing Committee shall present an Annual Report of their proceedings to the Synod, which shall include a statement of their receipts and expenditure during the year, audited by the auditors appointed by the Synod.

#### **9. Date of Coming into Force**

This Ordinance shall come into force upon the first day of the first session of the next Synod.

#### **10. Ordinance Repealed**

The Ordinance intituled the “Standing Committee Ordinance of 1895” is hereby repealed.

#### **11. Name of Ordinance**

This ordinance is the *Standing Committee Ordinance 1897*.

---

#### **Notes**

This Ordinance came into effect on 20 September 1898.

Clause 5 of the *Miscellaneous Amendments Ordinance 1997* provides as follows –

“Notwithstanding clauses 1A and 3(1) of the *Standing Committee Ordinance 1897*, an election by the Synod to fill a casual vacancy in the office of member of the Standing Committee referred to in paragraphs 1A(1)(b) and (c) of the *Standing Committee Ordinance 1897* shall be conducted in accordance with the provisions of the *Elections Ordinance 1970*, other than clause 37A.”

The amendments made by Ordinance No 34, 2015 commence on the day immediately following the last day of the 2nd session of the 50th Synod.

#### **Table of Amendments**

|            |   |
|------------|---|
| Clause 1   | Original clause amended by Ordinances Nos 1, 1915; 11, 1930; 9, 1932; 9, 1948; 27, 1971; 29, 1978; 28, 1987; 37, 1991 and 23, 1995. New clause inserted by Ordinance No 33, 1995 and amended by Ordinances Nos 31, 1997; 36, 2006; 42, 2013; 27, 2018 and 43, 2019. |
| Clause 1AA | Inserted by Ordinance No 43 2019.   |

- Clause 1A New clause inserted by Ordinance No 33, 1995 and amended by Ordinances Nos 31, 1998; 32, 2001; 47, 2003; 6, 2010; 42, 2013; 34, 2015; 9, 2016 and 43, 2019.
- Clause 1B Inserted by Ordinance No 33, 1995 and amended by Ordinance No 32, 2001. New clause inserted by Ordinance No 42, 2013. New clause inserted by Ordinance No 27, 2018.
- Clause 2 Original clause amended by Ordinances Nos 11, 1935 and 28, 1987. New clause inserted by Ordinance No 33, 1995 and amended by Ordinances Nos 59, 2001; 47, 2003; 36, 2006 and 42, 2013.
- Clause 3 Original clause amended by Ordinances Nos 11, 1935 and 28, 1987. New clause inserted by Ordinance No 33, 1995 and amended by Ordinances Nos 36, 2006; 42, 2013; 9, 2015 and 27, 2018.
- Clause 4 Amended by Ordinances Nos 44, 1991; 23, 1995; 9, 2014 and 43, 2019.
- Clause 6 Amended by Ordinances Nos 26, 1984 and 9, 2014.
- Clause 7 Amended by Ordinance No 9, 2014.
- Clause 11 Amended by various ordinances including Ordinance No 32, 2001 and the Interpretation Ordinance 1985.



# Synod Membership Ordinance 1995 Amendment Ordinance 2021

No. \_\_\_\_\_, 2021

## Long Title

An Ordinance to amend the *Synod Membership Ordinance 1995*.

The Synod of the Diocese of Sydney Ordains as follows.

### 1. Name

This Ordinance is the Synod Membership Ordinance 1995 Amendment Ordinance 2021.

### 2. Amendment

5 The *Synod Membership Ordinance 1995* is amended by numbering the existing text in clause 52A as subclause (1) and inserting the following thereafter as a new subclause (2) –

“(2) The Diocesan Secretary does not have the right to vote as a member of the Synod.”

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

Chair of Committee

I Certify that this Ordinance was passed by the Synod of the Diocese of Sydney on  
2021.

Secretary of Synod

I Assent to this Ordinance.

Administrator of Sydney

/ /2021



## Extract from the Synod Membership Ordinance 1995

### Part 9 – Other Members of Synod

#### **51. The Chancellor**

The Chancellor is a member of the Synod and must be summoned to each session of the Synod.

#### **52. The Registrar**

The Registrar is a member of the Synod and must be summoned to each session of the Synod.

#### **52A. Diocesan Secretary**

The Diocesan Secretary is a member of the Synod and must be summoned to each session of the Synod.

#### **52B. Regional Bishops**

The Regional Bishops are members of the Synod and must be summoned to each session of the Synod.

#### **52C. Archdeacon for Women's Ministry**

The Archdeacon for Women's Ministry is a member of the Synod and must be summoned to each session of the Synod.

#### **52D. Principal of Moore Theological College**

The Principal of Moore Theological College is a member of the Synod and must be summoned to each session of the Synod.

#### **53. Warden of St Paul's College and College Representatives**

(1) The Warden of St Paul's College is a member of the Synod and must be summoned to each session of the Synod.

(2) Two Qualified Persons, elected by the council of St Paul's College from among themselves, must, subject to the giving of the notice under subclause (3), be summoned to the Synod.

(3) The Warden must cause a certificate of election to be delivered to each member of the council so elected and must give, or cause to be given, to the Registrar written notice –

- (a) specifying the names of the persons elected and the date of election; and
- (b) specifying postal and email addresses for those persons; and
- (c) certifying that those persons have given the consent required by clause 5A and that a written record of such consents has been retained.



## Allowing diocesan organisations to align with the broader purposes of the Diocese

(A report from the Standing Committee.)

A reproduction of a report available online to Synod members since October 2020.

### Key Points

- Members of diocesan boards typically have a limited capacity to consider the broader purposes of the Diocese when making decisions in respect to their organisations due to the effect of narrowly worded objects clauses in their constituting ordinances.
- This limitation is compounded by -
  - their duties as members set out in *ACNC Governance Standard 5* and/or their constituting ordinance, and
  - the special conditions for income tax exemption that require a charity to comply with its objects clause and not apply its income and assets for other purposes.
- This limitation could be substantially alleviated by modifying or supplementing the objects and member duty clauses that apply to diocesan organisations in a manner analogous to the scheme that applies to the subsidiaries of a parent company under section 187 of the Corporations Act.
- Consistent with the approach taken in section 187 of the Corporations Act, the proposed changes allow board members to act in a manner which advances the broader charitable purposes of the Diocese but does not mandate such action.
- The *Diocesan Governance Policy for Diocesan Organisations* could be used as the policy vehicle for initiating these changes.
- A diocesan organisation acting in a trustee capacity is bound to apply its trust property in a manner that furthers the charitable purposes of the trust, notwithstanding that the organisation itself may have broader purposes. The trusts would need to be varied to incorporate the broader purposes.
- Additional limitations apply in the case of schools, and also organisations that are public benevolent institutions or operate public funds that have deductible gift recipient status.

### Purpose

1. The purpose of this report is to propose amendments to the *Governance Policy for Diocesan Organisations* which address the limited opportunity that most diocesan boards have to consider the broader purposes of the Diocese when making decisions in respect to their organisations.

### Recommendations

2. Synod receive this report.
3. Synod consider the following motion to be moved “by request of the Standing Committee” –

‘Synod agrees to amend the policy guidelines in Appendix 2 of the *Diocesan Governance Policy for Diocesan Organisations* by –

- (a) inserting a new paragraph 2 under the heading “Purpose” as follows (with consequential renumbering of existing paragraphs) –

“In recognition that the diocesan organisation is part of a network of parishes and organisations which is collectively seeking to advance the broader charitable purposes of the Diocese, the diocesan organisation

should be expressly permitted to pursue its purposes in a manner which advances the broader charitable purposes of the Diocese, including such purposes as are declared or recognised from time to time by the Synod. See also paragraph 32.”

- (b) inserting a new paragraph 32 under the heading “Duties, powers and limitations” as follows (with consequential renumbering of existing paragraphs) –
  - “A board member is taken to act in good faith in the best interests of the diocesan organisation and to further the purposes of the diocesan organisation for the purposes of paragraph 31(b) if:
    - (a) the diocesan organisation is expressly permitted to pursue its purposes in the manner referred to in paragraph 2;
    - (b) the board member acts in good faith in pursuing the purpose of the diocesan organisation in a manner which advances the broader charitable purposes of the Diocese; and
    - (c) the diocesan organisation is not insolvent at the time the board member acts and does not become insolvent because of the board member's act.”

## Background

4. During the course of providing secretarial support to a range of diocesan organisations, Sydney Diocesan Services (**SDS**) has become increasingly aware of the conflicts of interest that can arise between such organisations as they pursue their respective objectives. The increased awareness of conflicts of interest and the proper management of such conflicts is reflected in the important reforms that have taken place since the GFC in relation to the composition and functioning of diocesan boards. It also reflects the increasing emphasis placed by the Australian Charities and Not-for-profits Commission (**ACNC**) on the management of conflicts of interest.<sup>1</sup> In most cases such conflicts of interest are able to be resolved in a mutually beneficial and appropriate manner consistent with the objectives of the organisations concerned.
5. However, some conflicts of interest are not capable of easy resolution. Some recent and/or ongoing examples are –
  - (a) The work undertaken by the ACPT and GAB in developing a strategy for diocesan investments. Despite the best efforts of both bodies, it was ultimately not possible to present to the Standing Committee a joint recommended way forward.
  - (b) The choice faced by some diocesan organisations between maintaining all their cash investments in the Diocesan Cash Investment Fund (with the effect of mutually benefiting all investors in the fund) and withdrawing a portion of such investments from the DCIF to earn slightly higher returns via direct term deposits (with the effect of mutually reducing the benefit of the fund for all investors).
  - (c) The decision by some diocesan schools to engage with providers other than the Anglican Education Commission (even prior to the issues raised under section 83C of the Education Act).
6. A key reason for these difficulties appears to be an understandable reluctance of board members to pursue solutions which may be inconsistent with the objects of the organisation. The particular problem is that the objects for many diocesan organisations have been narrowly drafted in a way which treats them as stand-alone undertakings rather than as part of a network of churches and organisations. In such circumstances, diocesan boards and their members may have only a limited opportunity to consider the broader purposes of the Diocese when making decisions in respect to their organisations.
7. This paper sets out the proposed amendments to the *Governance Policy for Diocesan Organisations*.

<sup>1</sup> See <https://www.acnc.gov.au/tools/topic-guides/conflict-interest>

## Discussion

### Analogy of a corporate group structure

8. The relationship between the Synod and the diocesan organisations it constitutes under the *Anglican Church of Australia Bodies Corporate Act 1938* is, in many respects, analogous to the relationship between a parent company and its subsidiaries under the *Corporations Act 2001 (Cth)* (particularly where the Synod or the Standing Committee can appoint a majority of the board members of a Diocesan organisation).
9. Under section 187 of the *Corporations Act*, a director of a corporation that is a wholly-owned subsidiary of a body corporate is taken to act in good faith in the best interests of the subsidiary if –
  - (a) the constitution of the subsidiary expressly authorises the director to act in the best interests of the holding company, and
  - (b) the director acts in good faith in the best interests of the holding company, and
  - (c) the subsidiary is not insolvent at the time the director acts and does not become insolvent because of the director's act.
10. The policy reasons given for including section 187 in the *Corporations Law* in 1998 were as follows –
  - The section is designed to give directors some certainty in the performance of their obligations as corporate structures are becoming increasingly complex.
  - The rise of corporate groups means that more potential conflicts of interest could arise.
  - There is also a limited pool of people from which directors are drawn in Australia and many directors of public companies are taking on multiple directorships, increasing the likelihood of conflicts of interest.
11. Section 187 reflects the common law in this area. For example, in the 1976 High Court decision of *Walker v Wimbourne* it was suggested that if a company (Company A) pays money to another company (Company B), this may have derivative benefits for Company A, if Company B “is enabled to trade profitably or realises its assets to advantage.” However the decision to benefit Company B must still be made “from the standpoint of Company A and judged according to the criterion of the interests of that [Company A].”<sup>2</sup>
12. In a 1993 decision of the NSW Court of Appeal, the court upheld a director’s use of company funds to repay a bank loan owed by another company in the group. The director did this so the bank would continue to support the group as a whole. The Court held that the payment could legitimately be viewed as being of benefit to the individual companies. The director had “considered with justification that the welfare of the group was intimately tied up with the welfare of the individual companies.”<sup>3</sup>
13. While the relationships between the Synod and diocesan organisations may be analogous to the relationship between a parent company and its subsidiaries, there are some important differences which mean section 187 does not apply to the Synod and diocesan organisations. Firstly, diocesan organisations are not subsidiaries of the Synod as a parent entity because, among other reasons, the Synod is not a body corporate.<sup>4</sup> Secondly, the duty to act in good faith in the best interests of the company in the *Corporations Act 2001*<sup>5</sup> does not apply to the director of a charity that is registered with the ACNC<sup>6</sup>, though there is an equivalent duty in the ACNC Governance Standards (which apply to charities that are not Basic Religious Charities).
14. Despite these differences, the capacity of a wholly-owned subsidiary to act in the best interest of its holding company and for such actions to be taken to be an act in good faith and in the best interests of the subsidiary, provides a helpful model which could be adopted for the purposes of the Synod and the diocesan organisations it constitutes.

---

<sup>2</sup> (1976) 137 CLR 1, 11 (per Mason J)

<sup>3</sup> *Equiticorp Finance Ltd v Bank of New Zealand* (1993) 11 ACLC 952

<sup>4</sup> Part 1.2, Division 6 *Corporations Act 2001 (Cth)*

<sup>5</sup> Section 181. This duty is qualified for directors of wholly-owned subsidiaries who can act in the best interests of a holding company in certain circumstances - section 187, *Corporations Act 2001 (Cth)*.

<sup>6</sup> Section 111L, *Corporations Act 2001 (Cth)*

## ACNC Governance Standards

15. Registered charities are required to take reasonable steps to ensure that their responsible persons are subject to, understand and carry out the duties in *ACNC Governance Standard 5*.
16. This Standard includes Duty 2 To act honestly in the best interests of the charity and for its charitable purposes.<sup>7</sup> The ACNC explain this duty as follows in the Guidance Notes –
 

Responsible persons make decisions by honestly considering what would be in the best interests of the charity, and would further its charitable purposes (as set out in the charity's governing documents). For example, this duty is breached if a responsible person uses the charity's property to benefit another organisation, where there was no real benefit to the charity or it didn't further its charitable purposes.
17. *ACNC Governance Standard 5* also includes duties that are relevant to members who sit on multiple boards, which may prevent that member from acting to further broader diocesan interests in certain circumstances. These include –
  - (a) Duty 4 Not to misuse information you gain as a responsible person – which could be breached if information obtained as a member of one board was confidential and was shared by the member in the course of their membership of another board.
  - (b) Duty 5 To disclose any actual or perceived conflicts of interest – which may include a situation where a member has a conflict of loyalties. Generally such conflicts can be resolved through disclosure. However disclosure does not absolve the members of the duty to act in the best interests of the organisation when making a decision for that organisation.
18. Basic Religious Charities, including most central diocesan organisations, are not subject to the ACNC Governance Standards.
19. However even if a diocesan organisation is not subject to the ACNC Governance Standards as a BRC, the *Diocesan Governance Policy for Diocesan Organisations* replicates for inclusion in the constituting Ordinances of incorporated diocesan organisations the ACNC duties (including the duty to act in good faith in the best interests of the organisation and to further the purpose of the organisation). It is therefore common for the constituting ordinance of such organisations to set out duties that are applicable to the members.

## Special conditions for income tax exemption

20. In order to maintain exemption from income tax, all charities must meet the following conditions on an ongoing basis –
  - (a) comply with all the substantive requirements in its governing rules; and
  - (b) apply its income and assets solely for the purpose for which the entity is established.<sup>8</sup>
21. One effect of these conditions is that a charity must comply with its objects clause and cannot apply its income and assets for other purposes.<sup>9</sup>

## Provisions of the Governance Policy for Diocesan Organisations

22. The policy guidelines in Appendix 2 of the *Diocesan Governance Policy for Diocesan Organisations* set out various matters with which the constituting ordinance of a diocesan organisation should “usually conform”. These include a requirement that –

<sup>7</sup> The ACNC Governance Standards do not have a similar qualification to that contained in section 187 of the Corporations Act.

<sup>8</sup> Section 50-50(2), *Income Tax Assessment Act 1997 (Cth)*

<sup>9</sup> There are also some specific considerations in respect to schools given section 83C of the *Education Act 1990 (NSW)*. Any application of assets and income to further broader diocesan interests would need to be “for the operation of the school” and constitute market value for the benefit to the school. The Second Reading speech for the legislation that introduced section 83C included a statement that: “We will not restrict the capacity of non-government schools to meet the needs and expectations of their communities, and to follow their particular mission or ethos”. This implies that “the operation of the school” includes furthering the purposes of the school as an Anglican school.

The purpose of the diocesan organisation should be clearly expressed. Such purpose must align with the religious, educational or other charitable purposes of the Diocese whether such purposes are within or beyond the Diocese or the State and must ultimately promote the kingdom of Christ and give glory to God.

23. However if broader diocesan purposes are to be considered, it is insufficient that the purposes are merely “aligned”, so that the organisation advances the purposes of the Diocese through its particular sphere of responsibility.<sup>10</sup> Following the model offered by section 187 of the Corporations Act, the organisation would also need the ability to pursue its particular purposes in a manner which advances the broader purposes of the Diocese.
24. Provided such a change is reflected in the constituting ordinance of a diocesan organisation, its board members would (all else being equal) be regarded as fulfilling their duties as members by considering the broader purposes of the Diocese in their decision-making.<sup>11</sup>
25. To this end, it is proposed that the following new paragraph 2 be inserted under the heading “Purpose” in the policy guidelines in Appendix 2 of the *Diocesan Governance Policy for Diocesan Organisations* –

In recognition that the diocesan organisation is part of a network of parishes and organisations which is collectively seeking to advance the broader charitable purposes of the Diocese, the diocesan organisation should be expressly permitted to pursue its purposes in a manner which advances the broader charitable purposes of the Diocese, including such purposes as are declared or recognised from time to time by the Synod. See also paragraph 32.

26. It is also recommended that the following new paragraph 32 be inserted under the heading “Duties, powers and limitations” in the policy guidelines in Appendix 2 of the *Diocesan Governance Policy for Diocesan Organisations* –

‘A board member is taken to act in good faith in the best interests of the diocesan organisation and to further the purposes of the diocesan organisation for the purposes of paragraph 31(b) if:

- (a) the diocesan organisation is expressly permitted to pursue its purposes in the manner referred to in paragraph 2;
- (b) the board member acts in good faith in pursuing the purpose of the diocesan organisation in a manner which advances the broader charitable purposes of the Diocese; and
- (c) the diocesan organisation is not insolvent at the time the board member acts and does not become insolvent because of the board member’s act.’

27. This formulation closely follows the approach taken in section 187 of the *Corporations Act 2001 (Cth)* for the directors of wholly-owned subsidiaries and allows board members to act in a manner which advances the broader charitable purposes of the Diocese but does not mandate such action.

### Schools – section 83C of the Education Act 1990

28. The situation is a little more complicated for diocesan schools.
29. Section 83C of the *Education Act 1990* prevents the NSW Minister for Education providing funding for the benefit of a school that operates for profit. A school operates for profit if the Minister is satisfied that –
  - (a) any part of the assets or income of the school are used for any purpose other than the operation of the school, or
  - (b) any payment is made by the school to a related entity for property, goods or services:

<sup>10</sup> For example, the *Glebe Administration Board Ordinance 1930* states that its purpose is “to advance the purposes of the Anglican Church of Australia in the Diocese” by managing and controlling the property of Diocesan Endowment, and any other property of which it is trustee in accordance with the terms of those trusts (clause 4).

<sup>11</sup> Some limitations apply in the case of public benevolent institutions (e.g. Anglicare) and other entities that operate public funds that have deductible gift recipient status (e.g. Anglican Aid).

- (i) at more than reasonable market value,
- (ii) that are not required for the operation of the school, or
- (iii) in any other way that is unreasonable in the circumstances having regard to the government funding provided to the school.

30. Therefore to the extent any acts to advance the broader charitable purposes of the Diocese involve the application of any part of the assets or income of a school, the application must be consistent with the school's obligations under section 83C.

#### Trusts – breach of trust and fiduciary duties

- 31. There are also some complexities in relation to diocesan organisations that are acting in a trustee capacity.
- 32. Amending the objects and member duty provisions of a diocesan organisation will not have the effect of varying the trusts of property of which the organisation is trustee. The trustee will be bound to apply the trust property in a manner that furthers the charitable purposes of the trust.
- 33. Trustees also have fiduciary obligations, which include avoiding conflicts of interest and not gaining a personal benefit or a benefit for a third party.
- 34. However, while amending the objects and member duty provisions of a diocesan organisation would not give the organisation liberty to act contrary to the trusts of any property of which it is trustee, it would require the organisation to further these broader interests to the extent doing so is consistent with the trusts and its fiduciary duties.

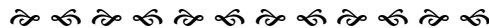
For and on behalf of the Standing Committee.

DANIEL GLYNN  
**Diocesan Secretary**

2 October 2020

## Governance Policy for Diocesan Organisations

| <b>Contents</b>                         | <b>Paragraph</b> |
|---|------------------|
| Background                              | 1-4              |
| Purpose of this document                | 5-7              |
| The nature of Christian leadership      | 8-11             |
| Application of this Policy              | 12-16            |
| Appendix 1: Governance Standards        |                  |
| Appendix 2: Policy Guidelines           |                  |
| Appendix 3: Statement of Personal Faith |                  |



### Background

1. Representative members of the Anglican Church of Australia in New South Wales meet in synods to attend to governance needs arising from membership in the unincorporated association known as The Anglican Church of Australia. The New South Wales Parliament has provided a legislative framework for the seven New South Wales Anglican Diocesan Synods to carry out responsible and effective governance. The *Anglican Church of Australia Constitutions Act 1902* empowers each Anglican synod in New South Wales to make ordinances for the order and good government of the Anglican Church of Australia within that diocese. The *Anglican Church of Australia Trust Property Act 1917* gives a synod the power –
  - (a) to vary the trusts on which church trust property is held,
  - (b) to appoint and remove trustees of such property, and
  - (c) to constitute councils and committees to govern and control the management and use of such property.

In addition the *Anglican Church of Australia (Bodies Corporate) Act 1938* gives an extraordinary power to a Synod in New South Wales to constitute such councils and committees as bodies corporate for the management and governance of an organisation of the Anglican Church or for holding, managing or dealing with church trust property.

2. In the context of the Diocese of Sydney, there are currently about 60 diocesan organisations constituted by the Synod. There are also a number of bodies not constituted by the Synod in respect of whose organisation or property the Synod is nonetheless empowered to make ordinances. These organisations pursue diocesan purposes through a wide range of activities, including welfare, aged care, schooling, youth work, theological education, and administrative, secretarial and investment services. About 20 of these are incorporated by or under legislation including the *Anglican Church of Australia Trust Property Act 1917* or the *Anglican Church of Australia (Bodies Corporate) Act 1938*.
3. The Synod acknowledges that diocesan organisations have taken steps on their own boards to ensure proper and effective board governance. Nevertheless, the Synod as the 'parliament of the diocese' also has a responsibility to the wider community to facilitate proper and effective governance as part of its oversight of all diocesan organisations.
4. Currently, the Synod seeks to discharge this responsibility by electing a majority of the board members of diocesan organisations and requiring diocesan organisations which manage church trust property to provide an annual report to the Synod including its financial statements and auditor's report.

### Purpose of this document

5. The adoption of a Synod Policy on the governance of diocesan organisations will enable the Synod to articulate more clearly how it intends exercising its powers to better achieve two broad expectations in the area of governance.
6. The first expectation is that those responsible for governing diocesan organisations will seek the highest standards of governance appropriate to the size and nature of each organisation.



7. The second expectation addresses the reason for pursuing the highest standards of governance, namely, to maximise the extent to which a diocesan organisation meets the object for which it is constituted. The object of any diocesan organisation is to advance one purpose or another of the Diocese. Ultimately such purposes seek to promote the kingdom of Christ and give glory to God.

### The nature of Christian leadership

8. Leadership is a gift of God for the purposes of order and good government. Among the people of God, church leaders are gifted by God for the teaching, discipline and modelling of godliness to those under their care. Secular leaders are likewise accountable to God for their governance, which is for the good of the community they serve, since they also act as “God’s servants” (Rom 13:4). Boards of Christian organisations should therefore have similar standards of integrity, truth and commitment with respect to their governance responsibilities. In particular, Jesus’ use of the imagery of both shepherd and servant for his own ministry, as well as that of his apostles, ought to characterise those who would govern Christian organisations.
9. Scripture states: “We aim at what is honourable not only in the Lord’s sight but also in the sight of others” (2 Cor. 8:21). In light of this, it is appropriate that Christian organisations take pains to ensure the appearance (as well as the substance) of propriety and accountability. This includes abiding by the highest governance standards observed by secular organisations, e.g. corporations, where they are applicable.
10. The Synod acknowledges and gives thanks for the board members of diocesan organisations who give generously of their time, energy and skills to exercise the governance responsibilities with which they have been entrusted.
11. The Synod encourages board members of diocesan organisations to work in partnership with the Synod in seeking the highest standards of governance. Such standards are to be underpinned by prayer, sacrificial service, a dependence upon God for wisdom and a proper regard to best practice so that decisions made will enhance the organisation’s effectiveness to promote the kingdom of Christ and give glory to God.

### Application of this Policy

12. In this Policy –
  - “board” means the body of persons responsible for governing a diocesan organisation.
  - “chief executive officer” means the person who is responsible to the board for the leadership and management of the diocesan organisation.
  - “Diocese” means the Anglican Church of Australia in the Diocese of Sydney.
  - “diocesan organisation” means a body –
    - (a) constituted by ordinance or resolution of the Synod, or
    - (b) in respect of whose organisation or property the Synod may make ordinances, but excludes the Synod, the Standing Committee and any of their subcommittees.
  - “Governance Standards” means the standards referred to in Appendix 1.
  - “Policy Guidelines” means the guidelines referred to in Appendix 2.
  - “Synod” means the Synod of the Diocese and includes, when the Synod is not in session, the Standing Committee of the Synod.
13. In support of the mission of the Diocese, this policy sets out the Governance Standards and Policy Guidelines that the Synod considers should apply to diocesan organisations.
14. The Synod will use these Governance Standards and Policy Guidelines as the basis for assessing and, as appropriate, changing (or seeking changes to) the ordinances, policies and procedures that apply to diocesan organisations.
15. The Governance Standards and Policy Guidelines are also intended to align with and give appropriate expression to the governance standards for registered entities made under the *Australian Charities and Not-for-profits Commission Act 2012*.
16. The Synod anticipates that it will amend this policy from time to time in order to better align the Governance Standards and Policy Guidelines with the purposes of the Diocese and to reflect any changes to the ACNC governance standards. For this purpose the Synod encourages on-going input from boards.

## Appendix 1: Governance Standards

The Synod regards the following Governance Standards as applicable to all diocesan organisations and expects diocesan organisations to implement each of the Governance Standards in an appropriate and demonstrable way.

### A. Christian leadership shaped by the Bible

- (a) The board members of a diocesan organisation elected by the Synod, the chair of the board and the chief executive officer must profess a personal Christian faith shaped by the Bible.
- (b) Other board members should profess a personal Christian faith shaped by the Bible.
- (c) The Archbishop must be able to address the board of a diocesan organisation on any pastoral or policy issue concerning the Anglican Church of Australia as it applies to the diocesan organisation, including the appointment of a chief executive officer for the organisation.
- (d) The board of a diocesan organisation should include members with formal theological training.

### B. Mission clarity

*(cf. ACNC governance standard 1 – purposes and not-for-profit nature of a registered entity)*

- (a) The purpose of a diocesan organisation must be clearly expressed in its constituting ordinance, must align with the religious, educational or other charitable purposes of the Diocese whether such purposes are within or beyond the Diocese or the State and must ultimately promote the kingdom of Christ and give glory to God.
- (b) Information about the purpose of a diocesan organisation must be made available to the public, including any members, donors, employees and volunteers, as well as those that benefit from its activities.
- (c) A diocesan organisation must comply with its purpose and ensure that all its activities are demonstrably linked either directly or incidentally to the pursuit of its purpose.

### C. Not-for-profit character

*(cf. ACNC governance standard 1 – purposes and not-for-profit nature of a registered entity)*

- (a) The property of a diocesan organisation must not be distributed for the private benefit of individuals either during the operation of the organisation or on its winding-up.
- (b) A diocesan organisation must comply with its not-for-profit character and take reasonable steps to ensure compliance.

### D. Accountability and transparency

*(cf. ACNC governance standard 2 – accountability to members)*

- (a) A diocesan organisation must maintain an adequate level of accountability and transparency to the Synod and its members.
- (b) A majority of the board members of a diocesan organisation must be elected by the Synod.
- (c) A diocesan organisation which manages church trust property must submit to the Synod for tabling an annual report and such other reports as Synod requires and must take reasonable steps to ensure such reports are accurate, complete and provided on a timely basis.
- (d) Members of the Synod must have reasonable access to the annual reports of diocesan organisations tabled at the Synod and must have an adequate opportunity to ask and have answered questions about the governance of diocesan organisations.
- (e) A diocesan organisation which has a class of members which is distinct from the members of its governing board must maintain similar levels of accountability and transparency for such members.

### E. Corporate responsibility

*(cf. ACNC governance standard 3 – compliance with Australian laws)*

- (a) A diocesan organisation must ensure its on-going operations, the safety of people in its care and the safety of its assets through compliance with applicable Australian laws and ordinances of the Synod.

- (b) A diocesan organisation must maintain as a reference for its board members a record, preferably in the form of a handbook, of the ordinances by which it is constituted or regulated and any other documents or policies by which it is governed.

**F. Suitability of board members**

*(cf. ACNC governance standard 4 – suitability of responsible entities)*

- (a) The board of a diocesan organisation must develop effective processes to ensure –
  - (i) the collective qualifications, skills, experience and gender balance of its members are adequate having regard to its purpose and the activities it undertakes in pursuit of its purpose, and
  - (ii) the induction of new members and the ongoing training and development of existing members, and
  - (iii) board renewal under the direction of the chair.
- (b) A person who is –
  - (i) disqualified from managing a corporation within the meaning of the *Corporations Act 2001*, or
  - (ii) disqualified by the ACNC Commissioner, at any time during the preceding 12 months, from being a responsible entity of a registered entity under the *Australian Charities and Not-for-profits Commission Act 2012*,
 is not eligible to be a board member of a diocesan organisation.

**G. Board member responsibility**

*(cf. ACNC governance standard 5 – duties of responsible entities)*

- (a) A diocesan organisation must take reasonable steps to ensure that its board members are subject to and comply with the following duties –
  - (i) to exercise the powers and discharge the duties of the diocesan organisation with the degree of care and diligence that a reasonable individual would exercise as a board member of a diocesan organisation, and
  - (ii) to act in good faith in the best interests of the diocesan organisation and to further the purposes of the diocesan organisation, and
  - (iii) not to misuse their position as a board member, and
  - (iv) not to misuse information obtained in the performance of their duties as a board member of a diocesan organisation, and
  - (v) to disclose perceived or actual material conflicts of interest of the board member, and
  - (vi) to ensure that the financial affairs of the diocesan organisation are managed in a responsible manner, and
  - (vii) not to allow the diocesan organisation to operate while insolvent.
- (b) A diocesan organisation must take reasonable steps to ensure compliance with these duties and to remedy any non-compliance.

## Appendix 2: Policy Guidelines

The Synod considers that the constituting ordinances of diocesan organisations which are bodies corporate should usually conform to the following Policy Guidelines. However the Synod recognises that for some diocesan organisations it may not be appropriate to conform to all these Policy Guidelines. This will be the case particularly for those Policy Guidelines which go beyond the Governance Standards. Where it is proposed to amend the constituting ordinance of a diocesan organisation to conform with the Policy Guidelines, a full consultation process will be undertaken with the board of the organisation before any such amendments are made. Where a board of a diocesan organisation believes that a particular Policy Guideline should not apply, it would usually be appropriate for the board to provide a brief explanation of its position as part of the consultation process.

### *Purpose*

1. The purpose of the diocesan organisation should be clearly expressed. Such purpose must align with the religious, educational or other charitable purposes of the Diocese whether such purposes are within or beyond the Diocese or the State and must ultimately promote the kingdom of Christ and give glory to God.

### *Board size and composition*

2. The total number of board members should be no less than 9 and no more than 14.
3. A majority of board members must be elected by the Synod.
4. The membership of the board should not include the Chief Executive Officer.
5. The membership of the board should include –
  - (a) at least two clergy licensed in the Diocese of Sydney, and
  - (b) at least two members with (at minimum) a three year theological degree from Moore Theological College or another college that is endorsed by the Archbishop for the purpose of this clause, noting that the requirements of paragraphs (a) and (b) may be met by the same two people.
6. The membership of the board may include no more than two persons appointed by the board.
7. Where a significant majority of members are elected by the Synod, the membership of the board may include persons appointed by any representative alumni association.

### *Role of the Archbishop*

8. If the Archbishop is a board member he should be entitled to chair meetings of the board when present.
9. If the Archbishop is not a board member he should be entitled –
  - (a) to receive board papers at his request, and
  - (b) to attend board meetings, and
  - (c) to address the board on any pastoral or policy issue concerning the Anglican Church of Australia as it applies to the diocesan organisation including the appointment of a chief executive officer for the organisation.

The Archbishop should be able to appoint a nominee to exercise these entitlements on his behalf.

### *Election, appointment and term of office of board members*

10. A board member should be elected or appointed for a term not exceeding 3 years. One third of Synod elected members should therefore retire at each ordinary session of the Synod or, in the case of members elected by the Standing Committee, at the first meeting of the Standing Committee following each ordinary session.
11. Any person who wishes to be elected, appointed or to remain as a board member must sign a statement of personal faith in a form determined by the Synod. The form of the statement is set out in Appendix 3.
12. A casual vacancy should arise in the office of a board member if the member –
  - (a) dies,
  - (b) resigns in writing to the chairman of the board or to the Diocesan Secretary,
  - (c) is an insolvent under administration,
  - (d) is of unsound mind or whose person or estate is liable to be dealt with in any way under the laws relating to mental health or is otherwise incapable of acting,
  - (e) is disqualified from managing a corporation within the meaning of the *Corporations Act 2001*;

- (f) has at any time during the preceding 12 months been disqualified from being a responsible entity of a registered entity by the Commissioner of the Australian Charities and Not-for-profits Commission;
- (g) is convicted of an offence punishable by imprisonment for 12 months or longer,
- (h) is subject to a recommendation from a tribunal or body under the Discipline Ordinance 2006 (or from a comparable tribunal or body in any other diocese or church) that he or she be prohibited from holding office or should be removed from office as a board member,
- (i) is absent without leave for 3 consecutive meetings of the board and the board resolves that the person's membership should cease,
- (j) fails to sign the statement of personal faith, or declares that he or she is no longer able to subscribe to the statement, or
- (k) fails to disclose his or her actual material conflict of interest in any matter brought for the consideration of the board which, in the opinion of the board, resulted in a resolution of the board which would not have been made if the actual material conflict of interest had been disclosed, and the board resolves by at least a three-quarters majority that the person's membership should cease as a result of this failure,

and a person should be disqualified from being elected or appointed as a board member if any of the circumstances referred to in paragraphs (c) to (h) and (j) apply to the person.

- 13. Casual vacancies arising for Synod elected members should be filled by the Standing Committee. The person who fills the casual vacancy should hold office until the day on which the person whose vacancy he or she has filled would have retired had the vacancy not occurred.
- 14. In the absence of an alternative methodology in the constituting ordinance of a diocesan organisation which achieves effective board renewal in the context of that organisation under the direction of the chair, a retiring board member should only be eligible for re-appointment or re-election where such re-appointment or re-election would not in the normal course result in that member being a board member for more than 14 consecutive years. For this purpose, years are consecutive unless they are broken by a period of at least 12 months.
- 15. Board members should not to be remunerated for their service as board members except by way of reimbursement for reasonable out-of-pocket expenses.

*Chair and other office holders*

- 16. The chair and any other officer of the board should be elected by board members for a term not exceeding 3 years. Such persons are eligible to stand for re-election but should not serve in the same office for more than 9 consecutive years.
- 17. A person is not eligible to be appointed or elected as the chair of a board unless he or she has first signed a statement of personal faith in a form determined by the Synod. The initial form of such a statement is set out in the Appendix 3.
- 18. A person should not be the chair of the board of a diocesan organisation if a member of the person's immediate family is employed by the diocesan organisation, unless the board has considered the circumstances and unanimously agreed to it by secret ballot.

*The Chief Executive Officer*

- 19. The board should have the power to appoint and remove the Chief Executive Officer.
- 20. The Chief Executive Officer is responsible to the board for the leadership and management of the diocesan organisation.
- 21. A person is not eligible to be appointed as the Chief Executive Officer unless he or she has first signed a statement of personal faith in a form determined by the Synod. The initial form of such a statement is set out in the Appendix 3.

*Board meetings*

- 22. Meetings of the board may be convened by the chair or a specified number of board members.
- 23. Board members should be able to attend meetings either personally or by suitable electronic means.
- 24. A quorum for meetings of the board should be no less than one half of its members.
- 25. The board should be able to pass resolutions without a meeting if –
  - (a) a copy of the proposed resolution is sent to all board members and a reasonable timeframe within which members may indicate their support for or objection to the proposed resolution being

passed is specified, and

- (b) at least 75% of board members indicate within the specified timeframe that they support the proposed resolution being passed, and
  - (c) no board member objects within the specified timeframe either to the proposed resolution being passed or the proposed resolution being passed without a meeting.
26. The Chief Executive Officer should have the right to attend and speak at board meetings unless the board determines that he or she should not be present for a particular meeting, or part thereof.
27. The board must cause minutes to be made of –
- (a) the names of the persons present at all board meetings and meetings of board committees,
  - (b) all disclosures of perceived or actual material conflicts of interest, and
  - (c) all resolutions made by the board and board committees.
28. Minutes must be signed by the chair of the meeting or by the chair of the next meeting of the relevant body following an agreed resolution to do so. If so signed the minutes are conclusive evidence of the matters as between the members stated in such minutes.

*Duties, powers and limitations*

29. The diocesan organisation should have such powers as are necessary for the diocesan organisation to fulfil its purpose.
30. The board should, in governing the diocesan organisation, exercise all the powers of the diocesan organisation.
31. Board members are subject to and must comply with the following duties –
- (a) to exercise the powers and discharge the duties of the diocesan organisation with the degree of care and diligence that a reasonable individual would exercise if they were a board member of a diocesan organisation, and
  - (b) to act in good faith in the best interests of the diocesan organisation and to further the purposes of the diocesan organisation, and
  - (c) not to misuse their position as a board member, and
  - (d) not to misuse information obtained in the performance of their duties as a board member of a diocesan organisation, and
  - (e) to disclose perceived or actual material conflicts of interest of the board member, and
  - (f) to ensure that the financial affairs of the diocesan organisation are managed in a responsible manner, and
  - (g) not to allow the diocesan organisation to operate while insolvent.
32. A board member who has an actual or perceived material conflict of interest in a matter that relates to the affairs of the board must disclose that interest to the board and should not participate in any consideration of that matter by the board unless the board, by resolution, notes the interest and permits the member to participate.
33. The board should maintain records of applicable eligibility criteria for board membership and conflicts of interest disclosed by board members.
34. The board should have the power to delegate the performance of any of its functions to one or more committees provided any such committee is chaired by a board member and reports the exercise of its delegated functions to the next board meeting.
35. The diocesan organisation should not offer its property as security for any liability other than a liability of the diocesan organisation or a body controlled by the diocesan organisation.
36. Any mortgage, charge, debenture or other negotiable instrument given by the diocesan organisation over its property (other than a cheque drawn on a bank account held by the diocesan organisation) should include a provision limiting the liability of the diocesan organisation to the amount available to be paid in the event it is wound up.

37. The diocesan organisation should comply with all applicable ordinances and policies of the Synod (as amended from time to time) including, as applicable –
- (a) the *Investment of Church Trust Property Ordinance 1990*,
  - (b) the *Accounts, Audits and Annual Reports Ordinance 1995*,
  - (c) the *Anglican Schools Ministry Ordinance 2016*, and
  - (d) the *Sydney Anglican Use of Property Ordinance 2018*, and
  - (e) the *Safe Ministry to Children Ordinance 2018*.

*Not-for-profit*

38. There should be a provision which affirms that because the property of the diocesan organisation is church trust property within the meaning of the *Anglican Church of Australia Trust Property Act 1917*, it must not as a matter of law be distributed for the private benefit of individuals, either during the operation of the organisation or on its winding-up.

*Winding up*

39. There should be a provision which affirms that if, on the diocesan organisation's winding up or dissolution, there remains after satisfaction of all its liabilities any property, such property must be applied for such purposes of the Diocese as the Synod may determine or, where appropriate, such purposes of the Diocese as the Synod may determine which are similar to the organisation's purposes. Where the diocesan organisation has been endorsed as a deductible gift recipient, there should be a provision which affirms that on the winding-up or dissolution of the organisation, the Synod must transfer the remaining property of the organisation to one or more deductible gift recipients which, in any case, is either a fund which comprises church trust property or another diocesan organisation.

### Appendix 3: Statement of Personal Faith

#### Statement of personal faith

1. I believe and hold to the truth of the Christian faith as set forth in the Nicene Creed, as well as the Apostles' Creed as set out below –

*I believe in God, the Father Almighty,  
maker of heaven and earth;  
and in Jesus Christ, his only Son our Lord,  
who was conceived by the Holy Spirit,  
born of the virgin Mary, suffered under Pontius Pilate,  
was crucified, dead, and buried.*

*He descended into hell.  
The third day he rose again from the dead  
He ascended into heaven,  
and is seated at the right hand of God the Father almighty;  
from there he shall come to judge the living and the dead.*

*I believe in the Holy Spirit;  
the holy catholic church;  
the communion of saints;  
the forgiveness of sins;  
the resurrection of the body,  
and the life everlasting.*

2. In particular I believe –
- that God's word written, the canonical Scriptures of the Old and New Testaments, is the supreme authority in all matters of faith and conduct;
  - that there is only one way to be reconciled to God which is through his Son, Jesus Christ, who died for our sins and was raised for our justification;
  - that we are justified before God by faith only; and
  - that this faith produces obedience in accordance with God's word, including sexual faithfulness in marriage between a man and a woman, and abstinence in all other circumstances.
3. I shall endeavour to fulfil my duties as a member/the Chief Executive Officer [*delete whichever is not applicable*] of the [*insert name of board*] in accordance with its Christian ethos and its constituting ordinance.
4. I agree that my continuance as a member/the Chief Executive Officer [*delete whichever is not applicable*] of the [*insert name of board*] is dependent upon my continuing agreement with this statement and I undertake to resign if this ceases to be the case.

---

Signature

---

Full name (in block letters)

Date:



---

**Amendments**

*Appendix 2 - Policy Guidelines*

- Paragraph 5 Substituted by resolution 18/19 of the Synod (15 October 2019).
- Paragraph 8 New paragraph inserted by resolution 9.3 of the Standing Committee (18 April 2017).
- Paragraph 9 Renumbered and amended by resolution 9.3 of the Standing Committee (18 April 2017).
- Paragraph 11 Amended by resolution 7.3 of the Standing Committee (15 February 2021)
- Paragraph 12 Amended by resolution 7.3 of the Standing Committee (15 February 2021)
- Paragraph 34 Amended by resolution 5.3 of the Standing Committee (14 September 2015).
- Paragraph 35 Amended by resolution 5.3 of the Standing Committee (14 September 2015).
- Paragraph 36 Amended by resolution 5.3 of the Standing Committee (14 September 2015).
- Paragraph 37 Substituted by Synod Resolution 13/19 (15 October 2019).

*Appendix 3 – Statement of Personal Faith*

- Paragraph 5 Amended by resolution 16/19 of the Synod (15 October 2019).

*Appendix 4 – Statement of Support for Christian Ethos*

- Deleted by resolution 7.3 of the Standing Committee (15 February 2021)



## Report on the Finances of the Endowment of the See and Housing for the Archbishop

1. This report provides details of the finances of the Endowment of the See (EOS) and the housing to be provided as a residence for the Archbishop, as required by the *Archbishop of Sydney Election Ordinance 1982*.

### Structure of the EOS

2. The structure of the EOS has recently changed. Prior to 1 April 2021 the EOS structure consisted of a corporate trustee and two funds. These were –
  - (a) The Endowment of the See Corporation – this is the Corporate Trustee under the *Endowment of the See Corporation Ordinance 2019*,
  - (b) The Endowment of the See Trust (EOST) – this fund was regulated by the *Endowment of the See Trust Ordinance 2019*, and
  - (c) The Endowment of the See Capital Fund (EOSC) – this fund was regulated by the *Endowment of the See Capital Ordinance 2012*.
3. With effect from 1 April 2021 the EOS was restructured and streamlined under the *Endowment of the See Amendment Ordinance 2021*. As a result of that ordinance the assets of the EOST were added to the assets of the EOSC to form a single amalgamated trust known as the Endowment of the See Property Fund (EOSPF). The EOSPF holds in one fund all the assets previously split between the EOST & EOSC. Similarly, income and expenditure previously split between the two funds is now received and spent from the one successor fund.
4. The governing ordinance of the EOSPF from 1 April 2021 is the *Endowment of the See Property Ordinance 2021*. Broadly speaking, this ordinance combines the functions of the EOST & EOSC ordinances into a successor fund ordinance.
5. The Endowment of the See Corporation retains its function as the corporate trustee of the EOSPF.

### Finances of the Endowment of the See

6. Prior to the amalgamation of the two EOS funds on 1 April 2021, the income and expenditure of each fund was as follows.
7. The EOST income was derived from various sources including –
  - Distributions from the St Andrew’s House Trust
  - Distributions from the EOS Long Term Investment Fund, (of which the Anglican Church Property Trust Diocese of Sydney (ACPT) is the trustee)
  - Income distributions from two other ACPT funds
  - Synod grants
  - sub-lease income.
8. The EOST was the fund from which most of the operating expenditure was paid, including the stipends of the Archbishop and assistant Bishops, the salaries of the Registry and support staff, office rent, costs of services provided by Sydney Diocesan Services and costs of the Diocesan Archives.
9. The EOSC held a 50% share in the St Andrew’s House Trust as its main asset together with property holdings at Forest Lodge on which a residence and ministry centre for the Archbishop is being constructed and properties at Pymble and Oatlands.
10. A summary of the Balance Sheets and Statements of Comprehensive Income (P&L) for the years ended 31 December 2018, 2019 and 2020 are attached.
11. The investment assets held by the EOSC were restructured during 2018 and 2019. As a result of the restructure –

- The cash holdings of the EOSC were transferred to the EOST
  - The investment in the ACPT Long Term Pooled Investment Trust was transferred to an ACPT fund 'The Endowment of the See Long Term Investment Fund' (Client Fund 367)
  - Income distributions from the St Andrew's House Trust were changed to be paid to the EOST rather than the EOSC
  - EOSC ceased to make income distributions to the EOST, and
  - The ACPT client fund 367 commenced to make quarterly income distributions to the EOST.
12. The results of these changes were to –
- Strip income and cash from the EOSC and direct it to the EOST, and
  - Enhance the liquidity and income of the EOST.
13. The value of the investment in the ACPT Long Term Pooled Investment Trust transferred to the ACPT Client Fund 367 in 2019 was \$20 million. As at 31 December 2020 the market value of these units was \$23.9 million and income distributions of \$724,000 had been paid from client fund 367 to the EOST in 2020. After the restructure, the value of the assets held in Client Fund 367 did not show as an asset in either the EOSC or the EOST as the EOS funds did not generally have the right to redeem the capital value of the units, it only received the income distributions from the fund. Similarly, the market value of the assets held in client fund 367 will not be recorded as an asset of the EOSPF.

### **Capital Commitments to build new Archbishop's residence**

14. At 31 December 2020 the EOSC had a capital expenditure commitment of \$6.7 million to build the new residence and ministry centre for the Archbishop at 22 Catherine Street Forest Lodge. The costs of the building were being paid from cash of \$8.5 million held in the EOST fund. Most of this cash was originally sourced from the sale of the Bishops court residence at Darling Point. Given the cost of the new residence, the available cash will be substantially depleted during 2021. The EOSC is considering whether to instruct the ACPT to redeem approximately \$3 million from ACPT client fund 367 to replenish cash holdings of the EOSPF. The relevant ordinance allows this as the only circumstance in which the capital of Client fund 367 can be redeemed.

### **Housing for the incoming Archbishop**

15. The Registrar has provided the following report about the provision of housing for the incoming Archbishop –

“The Endowment of the See Corporation (EOSC) has the responsibility to provide the stipend, allowances and residence for the Archbishop. For over 100 years the property at Darling Point known as Bishops court was the residence for successive Archbishops. Following the sale of Bishops court the EOSC (or Endowment of the See Committee as it was then) rented a house at Haberfield as a home for Archbishop Davies and his family. Prior to his retirement, Archbishop Davies moved to a home he had purchased to be a retirement residence and the EOSC provided a housing allowance.

In December 2020 the EOSC executed a contract for the construction of a substantial home (with other facilities) at 22 Catherine Street, Glebe. Plans and other information about the new residence are available. The construction of this property will not be completed until the second quarter of 2022 so alternative short term arrangements will need to be made for the incoming Archbishop. It is expected the EOSC will source and rent a suitable residence for the new Archbishop and his family and this will be available from the date the new Archbishop commences in the role until the new residence is available for occupancy. Depending on the current living arrangements of the incoming Archbishop, the EOSC will seek to minimize the disruption to the new Archbishop and his family.”

| <b>Balance Sheet Summary - year ended 31 December</b>   |                  |                   |                   |
|---|------------------|-------------------|-------------------|
|   |                  |                   |                   |
| <b>Endowment of the See Trust (formerly Endowment of the See Expenditure Fund, to 31 May 2019).</b> |                  |                   |                   |
|   | <b>2018</b>      | <b>2019</b>       | <b>2020</b>       |
|   | <b>\$</b>        | <b>\$</b>         | <b>\$</b>         |
| <b>Current Assets</b>   |                  |                   |                   |
| Cash and cash equivalents   | 103,372          | 122,008           | 138,730           |
| Receivables   | 195,891          | 314,388           | 838,523           |
| Short-term investments  | 4,346,402        | 9,158,568         | 8,585,278         |
| <b>Total</b>  | <b>4,645,665</b> | <b>9,594,964</b>  | <b>9,562,531</b>  |
| <b>Non Current Assets</b>   |                  |                   |                   |
| Other financial assets at fair value  | 435,060          | -                 | -                 |
| Plant & equipment   | 201,693          | 200,540           | 214,721           |
| Right of use assets   | -                | 879,927           | 537,569           |
| <b>Total</b>  | <b>636,753</b>   | <b>1,080,467</b>  | <b>752,290</b>    |
| <b>Total assets</b>   | <b>5,282,418</b> | <b>10,675,431</b> | <b>10,314,821</b> |
| <b>Current Liabilities</b>  |                  |                   |                   |
| Payables  | 414,189          | 329,231           | 273,447           |
| Provisions  | 300,102          | 319,992           | 349,287           |
| Lease liabilities   |                  | 338,631           | 351,572           |
| <b>Total</b>  | <b>714,291</b>   | <b>987,854</b>    | <b>974,306</b>    |
| <b>Non-current liabilities</b>  |                  |                   |                   |
| Provisions  | -                | -                 | -                 |
| Lease liabilities   |                  | 566,160           | 214,588           |
| <b>Total</b>  | <b>-</b>         | <b>566,160</b>    | <b>214,588</b>    |
| <b>Total Liabilities</b>  | <b>714,291</b>   | <b>1,554,014</b>  | <b>1,188,894</b>  |
| <b>Net Assets</b>   | <b>4,568,127</b> | <b>9,121,417</b>  | <b>9,125,927</b>  |
| <b>Equity</b>   |                  |                   |                   |
| Capital   | 3,801,336        | 8,144,621         | 8,144,621         |
| Accumulated surplus/(deficit)   | 766,791          | 976,796           | 981,306           |
| <b>Total equity</b>   | <b>4,568,127</b> | <b>9,121,417</b>  | <b>9,125,927</b>  |

| <b>Statement of Comprehensive Income (P&amp;L)</b>  |                  |                  |                  |
|---|------------------|------------------|------------------|
|   |                  |                  |                  |
| <b>Endowment of the See Trust (formerly Endowment of the See Expenditure Fund, to 31 May 2019).</b> |                  |                  |                  |
|   | <b>2018</b>      | <b>2019</b>      | <b>2020</b>      |
|   | <b>\$</b>        | <b>\$</b>        | <b>\$</b>        |
| <b>Revenue</b>  |                  |                  |                  |
| Distributions   | 3,619,750        | 3,457,213        | 3,485,297        |
| Grants & donations  | 40,315           | 10,000           | -                |
| Other income  | 431,529          | 490,315          | 311,592          |
| <b>Total</b>  | <b>4,091,594</b> | <b>3,957,528</b> | <b>3,796,889</b> |
| <b>Expenses</b>   |                  |                  |                  |
| Staff & related costs   | 2,103,033        | 2,187,591        | 2,493,052        |
| SDS Cost recovery fees  | 334,447          | 344,484          | 423,072          |
| Rent & occupance costs  | 471,932          | 466,880          | 531,137          |
| Other expenses  | 365,653          | 748,568          | 345,118          |
| <b>Total</b>  | <b>3,275,065</b> | <b>3,747,523</b> | <b>3,792,379</b> |
| <b>Surplus/Loss for the year</b>  | <b>816,529</b>   | <b>210,005</b>   | <b>4,510</b>     |

| <b>Balance Sheet Summary - year ended 31 December</b> |                    |                    |                    |
|---|--------------------|--------------------|--------------------|
|   |                    |                    |                    |
| <b>Endowment of the See Capital Fund</b>              |                    |                    |                    |
|   | <b>2018</b>        | <b>2019</b>        | <b>2020</b>        |
|   | <b>\$</b>          | <b>\$</b>          | <b>\$</b>          |
| <b>Current Assets</b>                                 |                    |                    |                    |
| Cash and cash equivalents                             | 5,243,955          | 196,252            | 179,975            |
| Receivables   | 215,755            | 10,948             | 123,285            |
| <b>Total</b>  | <b>5,459,710</b>   | <b>207,200</b>     | <b>303,260</b>     |
| <b>Non-current assets</b>                             |                    |                    |                    |
| Investment I Long Term Pooled Investment Fund         | 20,366,077         | -                  | -                  |
| Land & buildings                                      | 10,774,802         | 10,574,802         | 11,431,278         |
| Investment in St Andrew's House                       | 88,556,640         | 110,783,179        | 110,381,325        |
| <b>Total</b>  | <b>119,697,519</b> | <b>121,357,981</b> | <b>121,812,603</b> |
| <b>Total assets</b>                                   | <b>125,157,229</b> | <b>121,565,181</b> | <b>122,115,863</b> |
| <b>Current Liabilities</b>                            |                    |                    |                    |
| Payables  | 118,454            | 17,340             | 585,681            |
| Provisions  | 458,700            | -                  | -                  |
| <b>Total</b>  | <b>577,154</b>     | <b>17,340</b>      | <b>585,681</b>     |
| <b>Total Liabilities</b>                              | <b>577,154</b>     | <b>17,340</b>      | <b>585,681</b>     |
| <b>Net Assets</b>                                     | <b>124,580,075</b> | <b>121,547,841</b> | <b>121,530,182</b> |
| <b>Equity</b>   |                    |                    |                    |
| Capital   | 12,176,650         | 12,176,650         | 12,176,650         |
| Reserves  | 4,724,451          | 5,221,890          | 4,912,210          |
| Accumulated surplus                                   | 107,678,974        | 104,149,301        | 104,441,322        |
| <b>Total equity</b>                                   | <b>124,580,075</b> | <b>121,547,841</b> | <b>121,530,182</b> |

| <b>Statement of Comprehensive Income (P&amp;L)</b>           |                  |                   |                  |
|--|------------------|-------------------|------------------|
|  |                  |                   |                  |
| <b>Endowment of the See Capital Fund</b>                     |                  |                   |                  |
|  | <b>2018</b>      | <b>2019</b>       | <b>2020</b>      |
|  | \$               | \$                | \$               |
| <b>Revenue</b>   |                  |                   |                  |
| Interest   | 92,197           | 37,567            | 540              |
| Distributions from Long Term Pooled Investment Fund          | 690,400          | 527,369           | -                |
| Fair value adjustments to financial asset                    | (1,027,802)      | 2,968,576         | -                |
| <b>Total revenue</b>   | <b>(245,205)</b> | <b>3,533,512</b>  | <b>540</b>       |
| <b>Expenses</b>  |                  |                   |                  |
| Professional fees  | 243,861          | 104,991           | -                |
| Rent & occupancy   | 610,480          | 274,428           | -                |
| Depreciation   | 34,939           | 34,939            | 32,820           |
| Audit fees   | 12,954           | 17,362            | 16,345           |
| Other expenses   |                  | 7,271             | -                |
| <b>Total expenses</b>  | <b>902,234</b>   | <b>438,991</b>    | <b>49,165</b>    |
| Share of net profit of investment in St Andrew's House trust | 9,458,605        | 24,942,039        | 2,381,146        |
| <b>Surplus for the year</b>                                  | <b>8,311,166</b> | <b>28,036,560</b> | <b>2,332,521</b> |
| <b>Other comprehensive income</b>                            |                  |                   |                  |
| Gain/(loss) from revaluation of land & buildings             | 34,939           | (165,061)         | 432,820          |
| <b>Total</b>   | <b>34,939</b>    | <b>(165,061)</b>  | <b>432,820</b>   |
| <b>Total Comprehensive Income</b>                            | <b>8,346,105</b> | <b>27,871,499</b> | <b>2,765,341</b> |

# Synod Standing Orders Ordinance 2019

(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, the Archbishop of Sydney Election Amendment Ordinance 2009, the Conduct of the Business of Synod Ordinance 2000 Amendment Ordinance 2014, the Conduct of the Business of Synod Ordinance 2000 Amendment Ordinance 2016, the Miscellaneous Amendments Ordinance 2019, and the Conduct of the Business of Synod Ordinance 2000 Amendment Ordinance 2019.

## 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 Secretary of the Synod  |
| 2.3   | ..... | The Chair of Committee  |
| 2.4   | ..... | The Deputy Chair or Chairs of Committee                           |
| 2.5   | ..... | The Committee of Elections and Qualifications                     |
| 2.6   | ..... | The Committee for the Order of Business                           |
| 2.7   | ..... | The Minute Reading Committee                                      |
| 2.8   | ..... | Casual Vacancies  |
|       |       | 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 and third days of a session      |
| 3.4   | ..... | Order of business for the fourth and subsequent days of a session |
| 3.5   | ..... | Order of motions  |
| 3.6   | ..... | Presentations to Synod  |
|       |       | 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                         |
| 4.5A  | ..... | Incorporation of amendments in principal motion                   |
| 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  |
| 4.14A | ..... | Ending debate on a motion   |
| 4.15  | ..... | Withdrawal of a motion  |

4.16 .....Motions previously voted on  
 4.17 .....Synod in Committee  
 4.18 .....Proposed policies of the Synod  
 4.19 .....Expedited time limits and procedures  
 Part 5 – Making of Ordinances by the Synod  
 5.1 .....Introduction  
 5.2 .....Notice of the proposed ordinance is to be given  
 5.3 .....Consideration 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  
 6.8 .....Application of business 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 Synod Standing Orders Ordinance 2019.

**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 and the Conduct of the Business of Synod Ordinance 2000 is changed to the Synod Standing Orders Ordinance 2019.

**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 ordinance.



**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 Secretary of the Synod
- (b) the Chair of Committee
- (c) the Deputy Chair or Chairs of Committee
- (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 Secretary of the Synod**

- (1) One member is to be elected as Secretary of the Synod on the first day of the first session of each Synod and, subject to rule 2.8, is to hold office until the first day of the first session of the next Synod.
- (2) The Secretary of the Synod is 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, the Secretary of the Synod may give notices to the Synod about any matter concerning the business of the Synod.
- (4) The Secretary of the Synod may approve any report or other material from a Diocesan Body or Organisation being made available to members.

### **2.3 The Chair of Committee**

- (1) One member is to be elected as the Chair of Committee on the first day of the first session of each Synod and, subject to rule 2.8, is to hold office until the first day of the first session of the next Synod.
- (2) The Chair of Committee presides during meetings of the Synod in Committee and, when presiding, has the same authority as the President.

### **2.4 The Deputy Chair or Chairs of Committee**

- (1) One or more members is to be elected as the Deputy Chair or Deputy Chairs of Committee on the first day of the first session of each Synod and, subject to rule 2.8, is to hold office until the first day of the first session of the next Synod.
- (2) The Deputy Chair of Committee presides during meetings of the Synod in Committee if the Chair of Committee is unable or unwilling to act, or if the Chair of Committee requests that a Deputy Chair of Committee act. When presiding, the Deputy Chair has the same authority as the President.
- (3) If more than one Deputy Chair of Committee is elected, the person to preside in the place of the Chair of Committee is to be determined by the persons who have been elected as Deputy Chairs of Committee or, if they are unable to agree, by the President.

- (4) If

- (a) the Chair of Committee, and
- (b) the Deputy Chair of Committee or each of the Deputy Chairs of Committee,

are unable or are 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 the first session of each Synod and who, subject to rule 2.8, are to hold office until the first day of the first session of the next 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 Secretary of the Synod, and
  - (b) not more than 5 members elected by the Synod on the first day of the first session of each Synod and who, subject to rule 2.8, are to hold office until the first day of the first session of the next 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 and scheduling of motions and presentations 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 the first session of each Synod and who, subject to rule 2.8, are to hold office until the first day of the first session of the next 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.

### **2.8 Casual vacancies**

- (1) A casual vacancy in any office or in the membership of any committee elected under this Part 2 arises if the person holding the office or membership –
  - (a) dies,
  - (b) resigns by written notice given to the President, or
  - (c) ceases to be a member of the Synod.

(2) A casual vacancy in any office or in the membership of any committee held by a person elected under this Part 2 also arises if the Synod declares, as a result of a motion with or without notice passed by the Synod, the office or membership to be vacant.

(3) A casual vacancy arising under rule 2.8(1) or (2) may be filled by the Synod or, if the Synod is not in session, by the Standing Committee. A person who is elected by the Standing Committee to fill a casual vacancy holds office or remains a member of the committee until the next session of the Synod.

### **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 address to the Synod at a time of his choosing.
- (d) The President is to table a document appointing a commissary.
- (e) The President is to call the motions on the business paper appearing in relation to paragraphs (f) and (g) of this clause.
- (f) 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.
- (g) Where required under Part 2, the Synod is to consider motions for the election of -
  - (i) the Secretary of Synod,
  - (ii) the Chair of Committee,
  - (iii) the Deputy Chair or Chairs of Committee,
  - (iv) the Committee of Elections and Qualifications,
  - (v) the Committee for the Order of Business, and
  - (vi) the Minute Reading Committee.
- (h) The President is to table a list of the results of uncontested elections and declare the persons concerned elected.
- (i) The minute book of the Standing Committee is to be tabled.
- (j) The President is to allow members to present petitions.
- (k) The President is to table a list of questions asked by members in accordance with 6.3(2)(a).
- (l) The President is to invite members to give notice of motions.
- (m) The President is to call the motions, including procedural motions, in the order in which they appear on the business paper in accordance with rule 4.5.
- (n) The President is to allow members to move procedural motions.
- (o) 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.
- (p) The Synod is to consider motions for proposed ordinances, in the order in which they appear on the business paper.
- (q) 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.
- (r) 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.
- (s) 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 rules 6.3(2)(d) and 6.3(5), answers to questions asked on previous days are to be given.
- (e) The President is to allow members to ask questions in accordance with rule 6.3(2)(c).
- (f) The President is to invite members to give notice of motions.
- (g) The President is to call the motions, including procedural motions, in the order in which they appear on the business paper in accordance with rule 4.5.
- (h) The President is to allow members to move procedural motions.
- (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**

(1) 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.

(2) The order of business for the last day of a session may include motions of thanks without notice.

(3) The President is authorised to sign the minutes of the final sitting day as a correct record, upon the production to the Standing Committee of the certificate of any two members of the minute reading committee.

### **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 procedural motion 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.

### **3.6 Presentations to Synod**

(1) The President may invite persons at his discretion to address the Synod.

(2) Presentations approved by the Standing Committee will appear on the business paper for day 1.

(3) Presentations scheduled by the Committee for the Order of Business will appear on business papers for subsequent days.

(4) The Synod may, as a result of a procedural motion, allow other presentations to be made to the Synod on any subject related to the Synod. Such presentations –

- (a) must be no longer than ten minutes, and
- (b) may not be scheduled to a time following the dinner break.

(5) Synod members, or individuals who are not members of Synod but who are named as intended presenters in a procedural motion, may combine for a presentation (including visuals) in accordance with this clause.

## **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) Instead of making separate speeches in support of the principal motion, the mover and seconder may, by notice to the Synod, elect to make a joint presentation in support of the principal motion for up to the combined length of time the mover and seconder would otherwise be permitted to speak.
- (e) A speech or presentation referred to in paragraph (c) or (d) may, by arrangement with the Secretary of the Synod, be accompanied by overhead visual material.

- (f) If any member wishes to speak against the principal motion, or move a proposed amendment, debate will proceed.
- (g) 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.
- (h) 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.
- (i) 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, or if directed by the President, to stand near a microphone. 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 notice of the motion was given on a previous day.
- (2) Motions intended to facilitate the consideration of business are known as 'procedural motions'. 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.
- (2A) Rule 4.3(1) does not apply to motions to amend a motion.
- (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.

#### **4.4 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 or policy or those motions to be considered at a time fixed by the Synod.

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

(3) If 8 or more members stand to object or any member 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 the 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.

#### **4.5A Incorporation of amendments in principal motion**

If the mover of a principal motion (the 'Mover') notifies the Secretary of the Synod that –

- (a) having discussed a proposed amendment with the mover of the amendment, the Mover agrees to include the proposed amendment in the principal motion, or
- (b) the Mover wishes to move the principal motion in an amended form,

the motion in the amended form becomes the principal motion and is to be printed in a suitably marked form on the list of proposed amendments provided on day 1 or 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 15 minutes, and up to 5 minutes in reply
  - other members may speak for up to 5 minutes.
- (b) For a speech following the Synod's approval to consider a proposed ordinance formally, the mover may speak for up to 3 minutes.
- (c) For other motions, except the motions referred to in paragraphs (d) and (e) –
  - 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.
- (d) For motions to amend a motion, a member may speak for up to 5 minutes.
- (e) For procedural motions and 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, without making a speech, 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.

(3) Once a motion to amend a motion (the principal motion) has been moved, it is a separate motion for the purpose of this clause. Accordingly, if a member has already spoken on the principal motion, they may not move a motion to amend the principal motion, but they may speak on any amendment to the principal 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 further debate.

(3) If a member indicates a wish to speak against the motion or move an amendment, debate on the motion is to proceed, commencing with speeches for and against the motion before considering amendments to the motion, unless the President determines otherwise.

#### 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.
- (2A) A motion to amend is not to be irrelevant to the principal motion or give rise to an entirely different subject matter from or a direct negative of the principal motion.
- (3) A member may, with the permission of the Synod, 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) If, during the time for debate on a motion, no further member indicates a wish to speak to the motion, the President may declare that the debate has ended, subject to the mover of the motion exercising or declining to exercise a right of reply under rule 4.11.
- (2) If the President thinks that sufficient time has been allowed for debate on a motion but there remains one or more members indicating a wish to speak to the motion, the President 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?”

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 or declining to exercise 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 procedural motion, or
  - (b) a motion for an amendment, or
  - (c) a motion moved in a meeting of the Synod in Committee.
- (2) After the mover has exercised or declined to exercise their right of reply, 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 members present 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 shall vote in accordance with the directions of the Secretary of the Synod.
- (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 in accordance with the directions of the Secretary of the Synod, provided that the House of Laity is to vote 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 not to vote on a motion, at any time following the speeches of the mover and seconder and prior to the motion being put to a vote, a member may move without notice the procedural motion –  
“That the motion not be voted on.”
- (2) When this procedural motion is moved, debate on the principal motion shall be suspended and the Synod shall immediately consider speeches for and against the procedural motion.
- (3) If –
  - (a) the procedural motion is carried, debate on the Principal motion ceases and it is not put to the vote,
  - (b) the procedural motion is not carried, debate on the Principal motion continues from that point where the procedural motion was moved.
- (4) The procedural motion in rule 4.14(1) may not be amended and is not to be moved in a meeting of the Synod in Committee.

#### **4.14A Ending debate on a motion**

- (1) If it is desired to end debate on a motion, a member may move without notice the procedural motion –  
“That debate cease and the motion be immediately put to the vote.”
- (2) When this procedural motion is moved, debate on the principal motion shall be suspended and the Synod shall immediately consider speeches for and against the procedural motion.
- (3) If –
  - (a) the procedural motion is carried, the principal motion, and any amendments that have been moved, are subject to the mover of the principal motion exercising or declining to exercise a right of reply under rule 4.11 to be voted on immediately without further debate, and
  - (b) the procedural motion is not carried, debate on the principal motion continues.
- (4) The procedural motion in rule 4.14A(1) may not be amended and 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. However a motion is not to be regarded as substantially the same as one which has been voted on during the same session if –
  - (a) the motion is a direct negative of the one voted on, and
  - (b) the one voted on was not passed.



(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 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 Chair of Committee or the Deputy Chair of Committee has the functions set out in rules 2.3 and 2.4.

(3) The Synod in Committee may, as a result of a procedural motion passed by the Committee, resolve to adjourn its meeting. A motion to adjourn a meeting of the Synod in Committee is

“That the Chair of Committee leaves the chair and reports progress.”

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

(5) When the Synod in Committee has concluded consideration of the matter before it, the Chair of Committee is to report to Synod. Where the matter being considered was the text of a proposed ordinance, the Chair of Committee 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 Chair of Committee is to leave the chair and report progress.

#### **4.18 Proposed policies of the Synod**

(1) The Standing Committee or the Synod may designate a written statement as a proposed policy of the Synod. A statement designated by the Standing Committee as a proposed policy of the Synod must be clearly marked as such.

(2) The Synod may consider a proposed policy of the Synod only if a copy has been circulated to members present before consideration of the proposed policy commences in accordance with rule 4.18(3).

(3) For the purposes of considering a proposed policy of the Synod, the procedures for the making of ordinances under Part 5 (from and including rule 5.5 but excluding rules 5.7(3)(b), 5.9 and 5.10) apply as if the proposed policy were a proposed ordinance.

#### **4.19 Expedited time limits and procedures**

(1) Notwithstanding clause 4.6, the Synod may as a result of a procedural motion passed by the Synod to “adopt the expedited time limits”, adopt any or all of the following time limits for speeches for the remainder of a session –

- (a) for a motion that a proposed ordinance be approved in principle –
  - (i) the mover may speak for up to 12 minutes, and up to 5 minutes in reply, and
  - (ii) other members may speak for up to 3 minutes,
- (b) for a speech following the Synod’s approval to consider a proposed ordinance formally, the mover may speak for up to 3 minutes,
- (c) for other motions, except the motions referred to in paragraphs (d) and (e) –
  - (i) the mover may speak for up to 8 minutes, and up to 4 minutes in reply,
  - (ii) a member moving a motion to amend a motion may speak for up to 4 minutes, and
  - (iii) other members may speak for up to 4 minutes,
- (d) for procedural motions, a member may speak for up to 3 minutes, and
- (e) for motions moved in a meeting of the Synod in Committee, a member may speak for up to 3 minutes.

(2) The Synod may, as a result of a procedural motion passed by the Synod to “adopt the expedited procedural rules”, adopt any or all of the following rules for the remainder of a session –

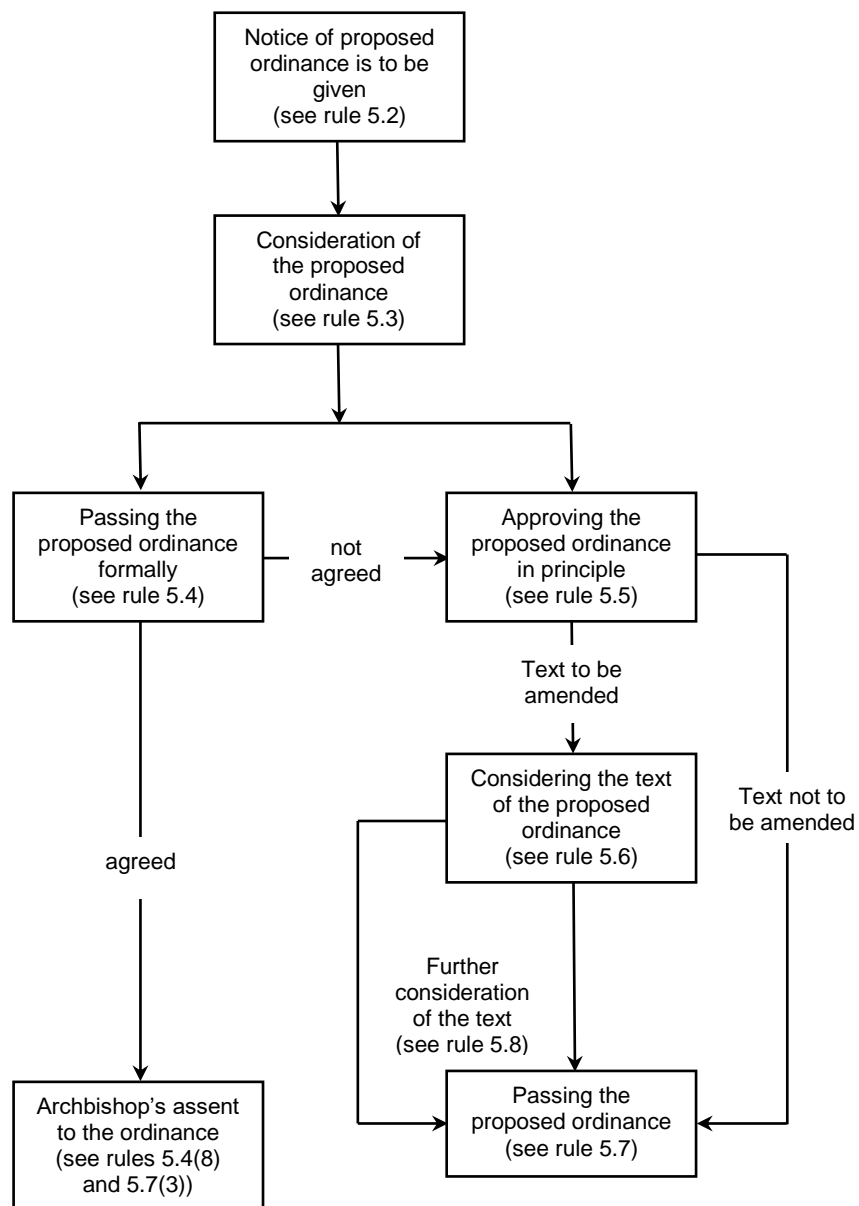
- (a) Notwithstanding clause 6.3(5), the Archbishop is not required to read aloud the answers to questions.

- (b) The afternoon session shall be extended 15 minutes, resulting in a correlating reduction in the length of the dinner break.
- (3) The Synod having passed a procedural motion or motions in this clause, notwithstanding clause 4.16, may on a subsequent day of the same session –
  - (a) return to ordinary time limits and procedures prior to the end of a session by moving a procedural motion to that effect, or
  - (b) consider a procedural motion under this clause to vary the expedited time limits and procedures adopted for that session.
- (4) The President may, by indicating his decision, apply any or all of the expedited time limits specified in paragraphs (a) – (e) of subclause (1) for any particular matter before Synod.

**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 Consideration of the proposed ordinance**

- (1) At the time permitted by these rules, a member may move that the Synod agree to consider a proposed ordinance by moving a motion as provided in subclause (2) or as provided in rule 5.5(1).
- (2) A member desiring to move a proposed ordinance formally may 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. Otherwise 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 in accordance with clause 4.6(1)(b) 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) If, during the time for questions, no further member indicates that he or she has a question, the President may declare that the time for questions has ended.
- (6) If the President thinks that sufficient time has been allowed for questions but there remains one or more members indicating a wish to ask a question, the President is to ask the Synod a question to the effect  
“Does the Synod consider that sufficient time has been allowed for questions?”

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 Secretary of the Synod is to send to the Archbishop for his assent, the original copy of the ordinance upon which
  - (a) the Chair of Committee has certified the text of the ordinance, and

(b) the Secretary of the Synod has certified that the ordinance has passed as an ordinance of the Synod.

(9) If

(a) at any time after the motion in 5.3(2) is passed and 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 in accordance with clause 4.6(1)(a) a motion to the effect

“That Synod agrees to consider [forthwith or 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) A member desiring to move a proposed ordinance in principle 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. If, during the time for questions, no further member indicates that he or she has a question, the President may declare that the time for questions has ended.

(5) If the President thinks that sufficient time has been allowed for questions but there remains one or more members indicating a wish to ask a question, the President 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 for or against the motion?”

(8) If a member indicates that he or she wishes to speak for or against the motion, 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 Chair of Committee is to put each clause of the proposed ordinance separately in the order in which the clauses occur in the proposed ordinance, leaving the title and the preamble to be considered last, unless, in the opinion of the Chair of Committee, 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 Chair of Committee is to report the proposed ordinance to the Synod, with or without amendments as the case may be.

(4) Upon the report of an ordinance with amendments 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) Upon the report of an ordinance without amendments being adopted by the Synod as a result of a motion without notice passed by the Synod, the mover of the proposed ordinance may move the motion under rule 5.7(1) unless 8 members object, in which case the mover is to immediately move the motion under rule 5.6(4).

(6) Notwithstanding subclause (4), upon the report of an ordinance with or without amendments being adopted by the Synod as a result of a motion without notice passed by the Synod on the last sitting day of a session of Synod, the mover of the proposed ordinance may move the motion under rule 5.7(1).

### **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 Chair of Committee 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 Secretary of the Synod is 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 who is 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 rule 3.2(j).
- (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(k) and 3.3(e).
- (2) A question may be asked by any member using the following procedure –
  - (a) A member seeking to include a question to be tabled on the first day of a session of Synod, must submit the full text of the question to the Secretary of the Synod no later than 7 days prior to the first day of the session.
  - (b) The Secretary is to make the full text of each question submitted in accordance with paragraph (a) available on the website and the noticeboard in the foyer of Synod, prior to the commencement of the first day of the session.
  - (c) On the other days provided for asking questions, a member called on by the President to do so is to make a brief statement informing the Synod of the subject matter of the question and hand the full text of the question to the Secretary of the Synod to be printed in the business paper for the next day of the session.
  - (d) If a member asking a question indicates in writing that they do not require the answer to their question to be read orally to the Synod, the President need not read the answer orally (but may do so at his discretion).
- (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) Except as provided in paragraphs 6.3(2)(d) and 4.19(2)(a), 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 without the question being asked again. As soon as possible a written copy of the question and answer is to be posted on a notice board in a prominent position in or near the building in which the Synod is meeting. A written copy is also to be handed to the member asking the question upon request made to the Secretary of the Synod.

(6) If the answer includes statistics or other detailed material, the answer may be supplemented with data projected on a screen or a document which need not be read orally.

(7) 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.

#### **6.8 Application of business rules**

(1) Any question about the application of these rules, the form of motions and ordinances and the voting on motions and ordinances during a session of the Synod is to be decided by the President. The President's decision on all such questions is final unless immediately altered as a result of a motion without notice agreed to by the Synod.

(2) In making a decision under rule 6.8(1), the President may have recourse to the rules, forms and practice of the Legislative Assembly of New South Wales.

---

#### **Table of Amendments**

|             |  |
|-------------|--|
| Title       | Amended by Ordinance No 46, 2019.              |
| Clause 1    | Amended by Ordinance No 46, 2019.              |
| Clause 3    | Amended by Ordinance No 46, 2019.              |
| Rule 1.1(2) | Amended by Ordinance No 9, 2019.               |
| Rule 1.2    | Amended by Ordinance No 34, 2005.              |
| Rule 2.1    | Amended by Ordinance No 38, 2014.              |
| Rule 2.2    | Amended by Ordinance No 38, 2014.              |
| Rule 2.3    | Amended by Ordinance No 38, 2014.              |
| Rule 2.4    | Amended by Ordinance No 38, 2014.              |
| Rule 2.5    | Amended by Ordinance No 38, 2014.              |
| Rule 2.6    | Amended by Ordinance No 38, 2014 and 46, 2019. |
| Rule 2.7    | Amended by Ordinance No 38, 2014.              |
| Rule 2.8    | New rule inserted by Ordinance No 38, 2014.    |

|            |  |
|------------|--|
| Rule 3.2   | Amended by Ordinances Nos 61, 2002, 38, 2014, and 46, 2019.          |
| Rule 3.3   | Amended by Ordinances Nos 61, 2002, 38, 2014, and 46, 2019.          |
| Rule 3.4   | Amended by Ordinance No 46, 2019.                                    |
| Rule 3.5   | Amended by Ordinance No 38, 2014.                                    |
| Rule 3.6   | Inserted by Ordinance No 46, 2019.                                   |
| Rule 4.1   | Amended by Ordinance No 44, 2016.                                    |
| Rule 4.2   | Amended by Ordinances Nos 26, 2009 and 38, 2014.                     |
| Rule 4.3   | Amended by Ordinance No 38, 2014 and 46, 2019.                       |
| Rule 4.5   | Amended by Ordinance No 38, 2014 and 46, 2019.                       |
| Rule 4.5A  | New rule inserted by Ordinance No 38, 2014 and 46, 2019.             |
| Rule 4.6   | Amended by Ordinances Nos 61, 2002, 38, 2014 and 46, 2019.           |
| Rule 4.7   | Amended by Ordinance No 46, 2019.                                    |
| Rule 4.8   | Amended by Ordinance No 46, 2019.                                    |
| Rule 4.9   | Amended by Ordinance No 38, 2014.                                    |
| Rule 4.10  | Amended by Ordinance No 61, 2002.                                    |
| Rule 4.11  | Amended by Ordinance No 38, 2014.                                    |
| Rule 4.12  | Amended by Ordinances Nos 61, 2002 and 38, 2014.                     |
| Rule 4.14  | Amended by Ordinance No 61, 2002 and 46, 2019.                       |
| Rule 4.14A | Amended by Ordinance No 46, 2019.                                    |
| Rule 4.16  | Amended by Ordinance No 38, 2014.                                    |
| Rule 4.17  | Amended by Ordinance No 38, 2014.                                    |
| Rule 4.18  | New rule inserted by Ordinance No 38, 2014.                          |
| Rule 4.19  | Amended by Ordinance No 46, 2019.                                    |
| Rule 5.1   | Amended by Ordinance No 46, 2019.                                    |
| Rule 5.3   | Amended by Ordinance No 61, 2002 and 46, 2019.                       |
| Rule 5.4   | Amended by Ordinances Nos 61, 2002; 38, 2014; 44, 2016 and 46, 2019. |
| Rule 5.5   | Amended by Ordinances Nos 61, 2002; 44, 2016 and 46, 2019.           |
| Rule 5.6   | Amended by Ordinance No 38, 2014 and 46, 2019.                       |
| Rule 5.7   | Amended by Ordinance No 38, 2014.                                    |
| Rule 6.1   | Amended by Ordinance No 38, 2014.                                    |
| Rule 6.2   | Amended by Ordinance No 38, 2014.                                    |
| Rule 6.3   | Amended by Ordinance No 38, 2014, and 46, 2019.                      |
| Rule 6.8   | New rule inserted by Ordinance No 38, 2014.                          |





# 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 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, the Archbishop of Sydney Election Amendment Ordinance 2009, the Archbishop of Sydney (Election and Retirement) Amendment Ordinance 2010, the Archbishop of Sydney (Solemn Promises) Amendment Ordinance 2011, the Solemn Promises Ordinance 2011 Amending Ordinance 2013, the Archbishop of Sydney Election Ordinance 1982 Amendment Ordinance 2013, the Synod (Electronic Communications) Amendment Ordinance 2013, the Conduct of the Business of Synod Ordinance 2000 Amendment Ordinance 2014 and the Archbishop Election Ordinance Amendment Ordinance 2019.

## Table of Provisions

### Clause

#### Preliminary/Vacancy

|    |       |   |
|----|-------|---|
| 1  | ..... | Citation  |
| 1A | ..... | Interpretation                                  |
| 2  | ..... | Declaration of Vacancy                          |
| 3  | ..... | Appointment and Functions of Returning Officers |
| 4  | ..... | Administrative Committee                        |
| 5  | ..... | Summoning of Synod                              |
| 6  | ..... | Administrative Committee                        |
| 6A | ..... | Report concerning finances of the See           |

#### Nominations

|    |       |  |
|----|-------|--|
| 7  | ..... | Nominations                            |
| 7A | ..... | Administering a Nomination             |
| 7B | ..... | Withdrawing a Nomination               |
| 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 on the Final List |
| 18  | ..... | Where Motion carried in respect of more than 3 Nominees on the Final List |
| 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  | ..... | Repeals  |
| The First Schedule                            |       |  |
| The Second Schedule                           |       |  |
| Appendix                                      |       | The Contemporary Role of the Archbishop of Sydney                          |
|   |       | + + + + + + + + +  |

**Long Title**

An Ordinance to provide for the election of an Archbishop to the Metropolitan See of Sydney.

**Preamble**

Whereas

- A. The Diocesan Doctrine Commission presented a report to the 2nd Ordinary Session of the 51st Synod of the Diocese of Sydney entitled ‘An Evangelical Episcopate’ (the Report) in response to the request made by the sixth resolution of the Synod in 2015.
- B. The Synod of the Diocese of Sydney, by resolution 14 of 2018, adopted paragraphs 44-50 of the Report as the Diocese’s definitive statement on the role of the Archbishop of Sydney, as a key reference point for the election of an Archbishop.
- C. The Report specifies that the Christian character of the Archbishop is critical to the faithful and effective discharge of this responsibility (appendix, paragraph 7). The report also lists five priorities of the Archbishop, which are set out in full in the appendix –
  - 1. To be a guardian of ‘the faith that was once for all delivered to the saints’.
  - 2. To order the ministry of the Diocese to the gospel of Christ and his mission.
  - 3. To exercise pastoral concern and insight as he provides advice and direction for gospel ministry in the Diocese.
  - 4. To represent the Diocese, in various national and international bodies, to the government, and generally to the community.
  - 5. To attend diligently to the administration of the Diocese in line with its mission.

Preliminary/Vacancy

**1. Citation**

This Ordinance may be cited as the “Archbishop of Sydney Election Ordinance 1982”.

**1A. Interpretation**

In this Ordinance –

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

“Administrator” means 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.

“Archbishop” means the Archbishop of the See of Sydney;

“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*;

“Nomination Officer” means the person appointed by the Standing Committee pursuant to clause 3(b);

“Nomination closing date” means that date determined in accordance with clause 7(2)(d);

“nominee” means a person nominated under clause 7;

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

“Safe Ministry Check” means the check for clergy prescribed by the Standing Committee under the *Safe Ministry to Children Ordinance 2018*;

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

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

## **2. Declaration of Vacancy**

(1) Except where the Standing Committee has passed a resolution under subclause (2), the Standing Committee shall, as soon as practicable after the date on which a vacancy occurs in the See of Sydney, declare by resolution that the See is vacant.

(2) The Standing Committee may, at any time within the period of 12 months before the date on which a vacancy shall occur in the See of Sydney, declare by resolution that the See will be vacant from that date.

## **3. Appointment and Functions of Returning Officers**

(1) Where the Standing Committee has passed a resolution under clause 2, it shall as soon as practicable –

- (a) appoint a Returning Officer and a Deputy Returning Officer for the purposes of the meeting of the Synod summoned in accordance to clause 5; and
- (b) appoint a Nomination Officer to receive nominations for the purposes of filling the vacancy referred to in clause 2.

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

(3) Where the Returning Officer appointed under subclause (1) 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.

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

## **4. Administrative Committee**

(1) The Administrator 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.

## **5. Summoning of Synod**

(1) Where a vacancy has been declared under clause 2, the Archbishop, or where a vacancy has occurred, the Administrator, shall, within 7 days after the declaration has been made, inform each member

of the Synod of the declaration, and shall as soon as practicable, summon, each member of the Synod to a meeting of the Synod specifying –

- (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) instructions for the making of nominations;
  - (d) the day, determined in accordance with clause 7, on which nominations of duly qualified persons for the office of Archbishop shall close;
  - (e) the name of the Nomination Officer and the place, postal address and email address at which nominations can be delivered for this purpose; and
  - (f) such other matters as the person giving the notice thinks fit.
- (2) A meeting of the Synod –
- (a) shall be held within the period being –
    - (i) not less than 14 weeks from the date on which the summons is sent, and
    - (ii) not less than 3 weeks and not more than 20 weeks after the latter of –
      - (A) the occurrence of the vacancy; and
      - (B) the date on which the summons is sent;
  - (b) may commence on any day of the week; and
  - (c) shall be held at a place within the Diocese of Sydney.
- (3) Notwithstanding subclause (2) the Standing Committee by 75% majority of both houses present and voting may by resolution determine a date to commence the meeting of Synod that is beyond the ranges specified in paragraph (2)(a).

## **6. Report concerning finances of the See**

- (1) The Administrator shall, not later than 42 days before the day on which the meeting of the Synod shall commence, cause a report to be prepared concerning the finances of the See and arrange for that report to be sent to the Nomination Officer.
- (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 Nomination Officer is to send a copy of the report to each person nominated for the office of Archbishop under subclause 7(2).

## Nominations

### **7. Nominations**

#### *Making a nomination*

- (1) One or more members of the Synod may, in accordance with subclause (2), nominate any duly qualified person for the office of Archbishop.
- (2) A nomination under subclause (1) must –
  - (a) be in writing;
  - (b) be signed by the nominator(s);
  - (c) specify an email address for service of notices on the nominator(s) and a postal and email address for service of notices on the nominee; and
  - (d) be given to the Nomination Officer at the specified place, postal address or email address referred to in subclause 5(4)(e) not later than 5.00 pm on the day which is 42 days before the day on which the meeting of the Synod shall commence.

#### *Nominee to have been nominated by at least 20 members*

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

**7A. Administering a Nomination***Actions upon nomination by ten or more members*

- (1) Upon receiving nominations in accordance with 7(2) from ten or more members of Synod, the Nomination Officer shall forthwith request confirmation in writing from the nominee that he –
- (a) is willing to make a declaration of the solemn promises contained in the Second Schedule of this Ordinance, and
  - (b) consents to a search being undertaken for information in the National Register in relation to the nominee, and
  - (c) is willing to complete a Safe Ministry Check and interview for the purpose of this nomination.
- (2) Upon receiving confirmation in accordance with subclause (1), the Nomination Officer shall forthwith –
- (a) direct the Director of Professional Standards –
    - (i) to access and report to the Nomination Officer any information in the National Register relating to the nominee, and
    - (ii) to arrange to administer a Safe Ministry Check to the nominee, and
  - (b) request copies of the following documents from the nominee –
    - (i) the nominee's letters of Orders for Deacon, Presbyter, and Bishop as applicable, and
    - (ii) where the nominee is not in episcopal orders, his Birth Certificate and Baptismal Certificate.
- (3) On the basis of the information gathered from the Safe Ministry Check and the National Register, the Director of Professional Standards shall, acting as delegate of the Synod –
- (a) determine whether the nominee is fit for archiepiscopal ministry; and
  - (b) advise the nominee and the Nomination Officer of the determination.

*Actions upon nomination by twenty members*

- (4) Upon a person being nominated to the office of the Archbishop in accordance with subclause 7(3), the Nomination Officer must give the nominee notice in writing –
- (a) of any information in the National Register in relation to the nominee;
  - (b) of the determination of the Director of Professional Standards referred to in subclause 7A(3); and
  - (c) of the need to disclose this information to the meeting of the Synod, unless the nominee gives notice under subclause 7B(1) that he does not wish to be a nominee for the office of the Archbishop.
- (5) A notice under subclause (4) is deemed to have been sufficiently given if sent to the postal or email address for the nominee specified in a nomination under paragraph 7(2)(c).
- (6) Seven days following the notice referred to in subclause (4), or as soon as practicable following the Nomination closing date, whichever is sooner, the Nomination Officer shall publish the name of the nominee on the SDS website.

**7B. Withdrawing a Nomination**

- (1) 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 Nomination Officer that he does not wish to be a nominee for the office of Archbishop; whereupon that person shall be deemed, for the purposes of the remaining clauses of this Ordinance, not to have been nominated for that office.
- (2) Where a nominee does not, within seven days of the nomination closing date comply with the commitments made in accordance with 7A(1), that person shall be deemed, for the purposes of the remaining clauses of this Ordinance, not to have been nominated for the office of the Archbishop.

**8. List of Nominations**

The Administrator shall, as soon as practicable following the Nomination closing date and not less than 10 days before the day on which the meeting of the Synod shall commence, forward to each member of the Synod –

- (a) a list, in alphabetical order, of the persons nominated showing, in relation to each nominee, the names of all members of the Synod who have nominated that person;
- (b) any information in the National Register relating to each nominee; and
- (c) the determination of the Director of Professional Standards referred to in clause 7A(3)(a).

**9. Determination of Proposer and Seconder**

- (1) The nominators of a nominee must –
  - (a) determine, among themselves if need be, by a majority, in relation to each stage in the proceedings under this Ordinance, who shall propose and second the nomination at that stage; and
  - (b) notify the Secretary 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) 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) or selected under subclause (2).

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) Notices of Questions.
  - (g) Notices of Motions.
  - (h) Motions in connection with the formal reception and printing of Reports, Accounts and other documents.
  - (i) Motions by request of the Standing Committee with respect to the proceedings under this Ordinance.
  - (j) 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) Notices of Motions.
- (d) The continuation of the procedure determined in accordance with this Ordinance for the election of a person to the office of Archbishop.
- (e) 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 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 result 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 11(1)(a)-(k) 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. The purpose of the proposer and seconder's speeches is to promote the characteristics of their candidate.
- (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 names of the nominees shall be placed upon the Select List in alphabetical order.
- (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 15(4) of a colour specified by the President as the colour to be used by the members of each order.
- (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 16(3) of a colour specified by the President as the colour to be used by the member of each order.

(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 on the Final List**

(1) Where –

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

the President shall, without further debate, again put the motion under subclause 16(3) 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 16(4) and (5) 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 16(3).



(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, 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 under subclause 16(3) be taken by secret ballot in respect of each nominee on the Select List using the procedure under clause 16A.
- (b) That the Synod adjourn and that the nomination process start again pursuant to clause 33A.

**18. Where Motion carried in respect of more than 3 Nominees on the Final List**

Where –

- (a) the motion put under subclause 16(3) 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 16(3) 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 16(3) 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 16(3) 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 and one or more of them is to remain upon the Final List, 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 the number of those nominees not to be excluded, being the nominee (or nominees) whose name (or names) he or she wishes to remain upon the Final List.

(2) A vote in respect of each nominee to whom subclause (1) 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) 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) 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 25(3), 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 members of each order.
- (2) A ballot paper referred to in subclause (1) shall be –
  - (a) in a form as prescribed in the First 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 29(2), after the President has announced the result 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) 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 29(2), 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 29(1) apply to and in respect of a ballot under subclause (2) 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), 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), 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), 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) 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 30(2) or subclause 31(7), 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), 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 32(2), 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) 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).

### **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 Administrator 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(1).

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 the Archbishop upon acceptance by him, his consecration (if not then consecrated) and the taking of his seat in the Cathedral Church of the Diocese having made the solemn promises contained in the Second Schedule to this Ordinance and handed a written copy of the declaration to the Registrar.

### **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 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 in accordance with this Ordinance, the President shall cause a declaration of the election to be published on the SDS website, and announced in the Cathedral Church of the Diocese during the time of Public Worship on the next Sunday, the terms of the declaration being as follows –

(Title and name of the person elected)  
has been duly elected Archbishop of Sydney  
and consequently 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 Administrator, shall take such steps to arrange for the consecration, if applicable, and inauguration of the Archbishop-elect.

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. 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) 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).

### **The First Schedule**

(To be used in the case of 3 nominees on the Final List)

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 on the Final List)

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.

### **The Second Schedule**

I ..... firmly and sincerely believe the Holy Scripture to be the Word of God, and assent to the doctrine of the Anglican Church of Australia, an expression of the Catholic and Apostolic Faith which is determined by the teaching of Scripture, confessed in the 39 Articles and given liturgical form in the Book of Common Prayer and in the Ordering of Bishops, Priests and Deacons, and I solemnly promise to teach and uphold the Word of God.

I ..... solemnly promise to conduct only services in the Book of Common Prayer or –

- (a) services authorised by ordinance of the Synod for use in the Diocese, or
- (b) other services of public worship which are agreeable to the Word of God and consistent with the doctrine of the Anglican Church of Australia,

pursuant to the General Synod – Canon Concerning Services 1992 Adopting Ordinance 1998.

I ..... solemnly promise that so long as I hold and perform the office of Archbishop of the See of Sydney, I will neither by myself nor by others permit the use of the chasuble or other eucharistic vestment in any church or chapel or other place in the Diocese in which I officiate.

I ..... solemnly promise that so long as I hold and perform the office of Archbishop of the See of Sydney, I will administer and distribute the elements of bread and wine separately in the Holy Communion.

## The Contemporary Role of the Archbishop of Sydney

*The following paragraphs are an amended extract (originally paragraphs 44-50) from 'An Evangelical Episcopate', a report of the Sydney Diocesan Doctrine Commission, received by the Synod in October 2018.*

1. The biblical principles of oversight or *episkopē*, refracted through history, have shaped the contemporary role and function of the Archbishop of Sydney. Sydney's episcopate is resolutely evangelical, in keeping with the Diocese it serves, and its archbishops have very largely been pastors and teachers, guardians and representatives of the Protestant faith, and able administrators. However, as Sydney has grown and as the structures of the Diocese and the denomination have developed, legal and institutional responsibilities have become more prominent. Nevertheless, the leadership of the Diocese of Sydney by its Archbishop, though very much personal and so influenced by the personality, gifts and special interests of each incumbent, has developed a discernible character. Our evangelical conviction demands that we ensure that the character of the archiepiscopal office, and by extension the regional bishops who assist him, faithfully reflects the biblical functions and priorities of oversight.

2. The first priority of the Archbishop of Sydney is to be a **guardian** of 'the faith that was once for all delivered to the saints' (Jude 3). This is the priority found in the New Testament and in the Anglican Ordinal. Through public proclamation and defence of the apostolic gospel, by his personal example and in all his pastoral and administrative activity, he is to do all in his power to ensure that the teaching of Scripture shapes and directs the life, ministry and mission of the Diocese. This requires the courage to speak the truth taught in Scripture when it is not popular, but equally to oppose deviation from that truth where it arises. It requires both teaching and the exercise of discipline. It requires making decisions on the basis of theological principles shaped by the biblical gospel. In this way the Archbishop of Sydney will, as Sir Marcus Loane once put it, 'share the heritage and tradition of this diocese, and will interpret it to others, and transmit it to posterity' (*Synod Presidential Address, 1966*).

3. A second priority of the Archbishop of Sydney is to **order the ministry** of the Diocese to the gospel of Christ and his mission. In many ways this is merely an extension of the first priority. Principally this involves the selection and authorisation of appropriate men and women for various ministries within the Diocese. Appointing people of godly character with theological clarity, pastoral sensitivity, and demonstrably in possession of the gifts and skills appropriate for the ministry under consideration, is a prime way the Archbishop can foster the health and gospel-mindedness of the Diocese. However, once again this must extend to dealing appropriately with those whose discharge of the responsibilities entrusted to them has been negligent in some fashion or contrary to the teaching of Scripture. Furthermore, the ordering of ministry to the gospel of Christ also involves encouraging and facilitating the reform of ministries where, for one reason or another, they no longer serve the mission of reaching the lost and building up believers.

4. A third priority is to exercise **pastoral concern and insight** as he provides advice and direction for gospel ministry in the Diocese. This has been the self-understanding of bishops throughout the twentieth century and this expression has been a regular feature in presidential addresses to election synods in the Diocese (Gunther 1909; Kirkby 1933; Barnett 2001; Forsyth 2013). This has not meant the Archbishop is expected to act as pastor to every Anglican in the Diocese, nor even to be the principal 'pastor to the pastors'. Rather, the Archbishop models pastoral care in all his interactions and so helps to encourage throughout the Diocese a commitment to thoughtful, caring relationships in which the spiritual welfare of the other person is of paramount concern.

5. A fourth priority is to **represent the Diocese**, in various national and international bodies, to the government, and generally to the community. As we have seen, this role arises from history rather than directly from the biblical text or the Ordinal. Nevertheless, it is another significant way in which the guardianship of gospel truth and mission is exercised by the Archbishop of Sydney and has been a feature of the office from its inception. This public role requires a humble confidence in the theological convictions and character of the Diocese of Sydney, since *this* is the Diocese that is being represented. In the denominational context, the Archbishop of Sydney ought to be a clear voice for an unambiguously biblical, evangelical Anglicanism, willing to stand alongside all who seek to live and serve in a way that is directed and disciplined by the word of God. In the rapidly changing context of Christian witness in this city and nation it requires a degree of mental agility and apologetic skill to handle opposition and even hostility with grace and humility and yet with the courage to present the truth of Scripture as it bears on the subject at hand.

6. A fifth priority is the **administration** of the Diocese in line with its mission. The diligent attention to administration is not to be seen as a distraction from ministry but rather serving the interests of ministry. The governance, policies and processes of the Diocese ought to facilitate its mission and a proper administration of them will direct them to this end. In a diocese with five assistant bishops, the administrative burden need not fall on the Archbishop alone, or perhaps even principally. One or more of the assistant bishops may be more able in this area and so able to shoulder much of the load. Yet faithful administration is itself a form of guardianship and the reason why bishops and the Archbishop play a key role on boards and committees of the Diocese is to ensure that all its organisations order themselves and their activities by the gospel and the commission we have received from Christ, reflecting the theological ethos and the priorities of the Diocese.

7. Ultimately, what will shape the Archbishop of Sydney more than any other single factor is his personal walk with Christ. His Christian character, his prayerfulness, his faithful obedience to the word of God, his loving care for both the lost and the redeemed, his courageous determination to proclaim the truth and to refute error, and possessing a keen sense of his accountability to the Chief Shepherd (1 Pet 5:4) are critical to the faithful and effective discharge of this responsibility. Under God's good hand, the history of this Diocese is full of bishops and archbishops who were exactly like this and whose ministry has furthered the mission of the gospel, brought blessing to God's people, and honoured the name of Christ.

---

### Table of Amendments

|            |  |
|------------|--|
| Title      | Amended by Ordinance No 26, 2009.  |
| Long Title | Amended by Ordinance No 26, 2009 and 41, 2019.                                       |
| Preamble   | Amended by Ordinance No 41, 2019.  |
| Clause 1   | Substituted by Ordinance No 41, 2019.  |
| Clause 2   | Substituted by Ordinance No 41, 2019.  |
| Clause 3   | Substituted by Ordinance No 41, 2019.  |
| Clause 4   | Substituted by Ordinance No 41, 2019.  |
| Clause 5   | Substituted by Ordinance No 41, 2019.  |
| Clause 6   | Substituted by Ordinance No 41, 2019.  |
| Clause 7   | Substituted by Ordinance No 41, 2019.  |
| Clause 8   | Substituted by Ordinance No 41, 2019.  |
| Clause 9   | Amended by Ordinance Nos 41, 1997, 14, 2001 and 38, 2014.                            |
| Clause 10  | Amended by Ordinance No 41, 1997.  |
| Clause 11  | Amended by Ordinances Nos 41, 1997, 26, 2009 and 41, 2019.                           |
| Clause 13  | Amended by Ordinance No 41, 2019.  |
| Clause 14  | Amended by Ordinance No 41, 2019.  |
| Clause 15  | Amended by Ordinances Nos 4, 1993; 41, 1997; 27, 1999; 26, 2009 and 41, 2019.        |
| Clause 15A | New clause inserted by Ordinance No 41, 1997. Amended by Ordinance No 41, 2019.      |
| Clause 16  | Amended by Ordinance No 41, 1997.  |
| Clause 16A | New clause inserted by Ordinance No 41, 1997. Amended by Ordinance No 41, 2019.      |
| Clause 17  | Amended by Ordinances Nos 41, 1997; 26, 2009; 21, 2013 and 41, 2019.                 |
| Clause 18  | Amended by Ordinance No 41, 2019.  |
| Clause 22  | Amended by Ordinance No 41, 1997 and 41, 2019.                                       |
| Clause 23  | Amended by Ordinance No 41, 1997.  |
| Clause 24  | Amended by Ordinance No 26, 2009.  |
| Clause 25  | Amended by Ordinance No 41, 1997.  |
| Clause 27  | Amended by Ordinance No 35, 2011 and 41, 2019.                                       |
| Clause 30  | Amended by Ordinance No 41, 2019.  |
| Clause 31  | Amended by Ordinance No 4, 1993.   |
| Clause 33  | Amended by Ordinance No 26, 2009.  |
| Clause 33A | Inserted by Ordinance No 26, 2009 and amended by Ordinance No 25, 2010 and 41, 2019. |



|                 |   |
|-----------------|---|
| Clause 35       | Amended by Ordinances Nos 5, 2001, 35, 2011 and 41, 2019.               |
| Clause 36       | Amended by Ordinance No 5, 2001.  |
| Clause 37       | Amended by Ordinance No 5, 2001 and 41, 2019.                           |
| Clause 40       | Amended by Ordinance No 41, 2019.                                       |
| Clause 41       | Amended by Ordinance No 41, 2019.                                       |
| Clause 42       | Amended by Ordinance No 5, 2001.  |
| Clause 44       | Amended by Ordinance No 26, 2009 and 41, 2019.                          |
| First Schedule  | Amended by Ordinances Nos 26, 2009, 35, 2011 and 41, 2019.              |
| Second Schedule | Inserted by Ordinance No 35, 2011 and amended by Ordinance No 19, 2013. |
| Appendix        | Inserted by Ordinance No 41, 2019.                                      |

