

**Third Session of
52nd Synod**

(to be held on 10, 12-14 and 19-20 September 2022)

Book 3

(Pages 301 to 399)

**Principal Legislation
and
Other Background Materials**

**Standing Committee of the Synod
Anglican Church Diocese of Sydney**

2022 Principal Legislation and Other Background Materials (proposed to be amended or otherwise considered)

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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.

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

The Synod of the Diocese of Sydney ordains.

1. Name

This Ordinance is the 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- (1) The Standing Orders Ordinance 1968 is repealed.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.

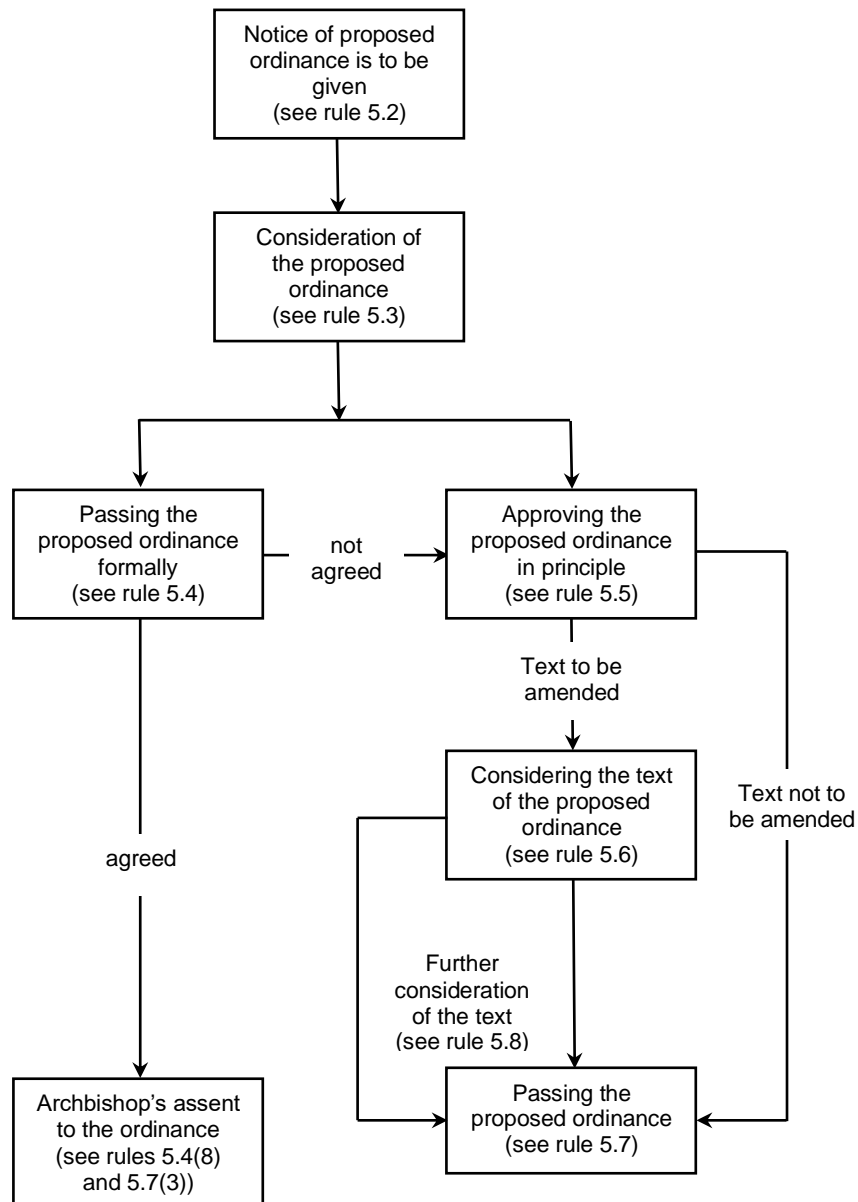
4.19 Expedited time limits and procedures

- (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

[not reproduced here]



Accounts, Audits and Annual Reports Ordinance 1995

(Reprinted under the Interpretation Ordinance 1985.)

The Accounts, Audits and Annual Reports Ordinance 1995 as amended by the Miscellaneous Amendments Ordinance 1999, the Accounts, Audits and Annual Reports Amendment Ordinance 2006, the Anglican Education Commission (Transitional Provisions) Ordinance 2006, the Accounts, Audits and Annual Reports Ordinance 1995 Amendment Ordinance 2008, the Accounts, Audits and Annual Reports Ordinance 1995 Amendment Ordinance 2010, the Auditing Amendment Ordinance 2011, the Accounts, Audits and Annual Reports Ordinance 1995 Amendment Ordinance 2013, the Regional Cathedrals (Amendment) Ordinance 2014, the Synod (Governance of Diocesan Organisations) Amendment Ordinance 2015, the Accounts, Audits and Annual Reports Ordinance 1995 Amendment Ordinance 2015, the Sydney Anglican Home Mission Society Council (Merger with Anglican Retirement Villages Diocese of Sydney) Ordinance 2016, the Endowment of the See Variation of Trusts and Amendment Ordinance 2019, the Accounts, Audits and Annual Reports Ordinance 1995 Amendment Ordinance 2020 and the Accounts, Audits and Annual Reports Ordinance 1995 Further Amendment Ordinance 2020.

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Long Title

An Ordinance to lay down accounting and annual reporting requirements for Organisations of the Diocese of Sydney and for related matters.

The Synod of the Diocese of Sydney Ordains as follows.

Part 1: Application of this Ordinance**1. Organisations to which this Ordinance Applies**

This Ordinance applies to –

- (a) Organisations that have been declared by the Standing Committee under this Ordinance as Category 1, Category 2 or Category 3 Organisations and;
- (b) all Organisations set up by or under ordinances or resolutions of the Synod or the Standing Committee to manage church trust property after the date on which the Accounts, Audits and Annual Reports Ordinance 1995 Amendment Ordinance 2013 commences.

2. Requirements Additional to Those Imposed by Law

The requirements of this Ordinance are in addition to those imposed by any law or statute.

Part 2: Records and Systems**3. Keeping Records and Reporting Liquidity Problems**

Each Organisation must –

- (a) maintain records to correctly record and explain the transactions and financial position of the Organisation;
- (b) maintain the records in a manner which will enable true and fair accounts to be prepared from time to time and to be audited in accordance with this ordinance;
- (c) maintain the records for at least 7 years after the Financial Year to which they relate; and
- (d) maintain satisfactory systems of Internal Control and Risk Management.

4. Internal Control

The system of Internal Control maintained by an Organisation must include –

- (a) policies for fulfilling its charter and complying with lawful requirements;
- (b) sound practices for efficient, effective and economical management;
- (c) procedures for the control of assets, liabilities, income and expenditure, and compliance with accepted accounting standards;
- (d) segregation of functional responsibilities; and
- (e) procedures to review the adequacy of and compliance with the system of Internal Control.

5. Risk Management

The system of Risk Management maintained by an Organisation must include –

- (a) procedures to identify and assess key risks to the Organisation;
- (b) policies and procedures to manage the key risks;
- (c) procedures to report to the members of the Organisation significant breaches of the law and the policies of the Organisation; and
- (d) procedures for the annual review of the key risks.

6.**Part 3: Requirements for Audit****7. Appointment of Auditor**

Each Category 2 and Category 3 Organisation must –

- (a) appoint, as the auditor of the Organisation –
 - (i) a registered company auditor (within the meaning of the Corporations Act 2001), or
 - (ii) a firm that consents to be appointed, or is appointed, as auditor and at least one member of which is a registered company auditor (within the meaning of that Act), or
 - (iii) an authorised audit company (within the meaning of that Act), and
- (b) upon the resignation or retirement of the auditor, appoint another auditor; and
- (c) give the auditor a copy of this Ordinance.

Note: *The persons who may be appointed as an auditor under clause 7(a) correspond to the persons who are authorised under section 60-30 of the Australian Charities and Not-for-profits Commission Act 2012 to undertake an audit or review of financial reports prepared for the purposes of that Act.*

8. Terms of Appointment of Auditor

The terms of appointment of an auditor must include the requirements in clause 10(1) and an obligation to promptly notify the Secretary of the Standing Committee –

- (a) of deficiencies in any matter (including deficiencies in Internal Control or in the communication of information to members of the Organisation) if the auditor qualifies the auditor's report because of the deficiency; and
- (b) if the auditor has not signed a report on the financial statements within 6 months after the balance date of the Organisation.

8A. Standing Committee to declare categories for Organisations

(1) The Standing Committee may declare from time to time by resolution that an Organisation is a Category 1 Organisation, a Category 2 Organisation or Category 3 Organisation for the purposes of this Ordinance.

(2) The Diocesan Secretary is to maintain and publish a register which records the categorisation of Organisations pursuant to declarations made under this clause.

9. Financial Statements

(1) Each Category 1 Organisation must as soon as possible after the end of a Financial Year prepare –

- (a) financial statements for the Organisation containing a statement of income and expenditure for the Financial Year and a balance sheet as at the end of the Financial Year, and
- (b) a members' declaration confirming –
 - (i) that appropriate accounting records and systems of internal control and risk management have been maintained,
 - (ii) that the financial statements give a fairly presented view of the Organisation's financial position as at the end of the year and of its performance for the year,
 - (iii) there are reasonable grounds to believe the Organisation will be able to pay its debts as and when they become due and payable, and
 - (iv) whether any audit or other assurance procedures were undertaken in relation to the finances of the Organisation for the Financial Year and, if so, the nature and outcome of those procedures.

(2) Each Category 2 and Category 3 Organisation must as soon as possible after the end of a Financial Year prepare financial statements for the Organisation for the Financial Year in accordance with the Accounting Standards and present such statements to the auditor.

Note: *Under the Accounting Standards, each Category 2 or Category 3 must determine whether it is a reporting entity required to produce general purpose financial reports (GPFR), or a non-reporting entity that can produce special purpose financial reports (SPFR). Generally the existence of users who are dependent on GPFR for making and evaluating resource allocation decisions will mean the organisation is a reporting entity. In certain circumstances it may be appropriate for a reporting entity preparing GPFR to apply the reduced disclosure requirement version of the Accounting Standards. A non-reporting entity can prepare SPFR which only comply with certain selected Accounting Standards.*

10. Auditor's Report

(1) Subject to subclause (2), the auditor must undertake an Audit and report to the members of the Organisation on the financial statements referred to in clause 9(2) giving an opinion on –

- (a) whether the documents are properly drawn up so as to give a true and fair view of the affairs of the Organisation;
- (b) whether the accounting records and registers have been kept in accordance with this ordinance; and
- (c) if the auditor is not satisfied, the reasons for not being satisfied.

(2) A Category 2 Organisation may determine that an Audit is unnecessary and, if so, may instead arrange for the auditor to undertake a Review of the financial statements referred to in clause 9(2).

Note: *Under clause 3 of the Accounts, Audits and Annual Reports Ordinance 1995 Amendment Ordinance 2013, an annual financial report and a corresponding auditor's or reviewer's report given to the*

Australian Charities and Not-for-profits Commission by an Organisation for a Financial Year may, in certain circumstances, be treated as the financial statements and auditor's report of the Organisation for the purposes of clause 9 and 10 of this Ordinance.

Part 4: Requirements for Reporting

11. Reporting Liquidity Problems

Each Organisation must notify the Secretary of the Standing Committee immediately when circumstances arise that may affect the ability of the Organisation to pay its debts as and when they fall due.

12.

13. Financial Report – Category 3 Organisations

Within 3 months after the end of a Financial Year, and within 3 months after the end of a Half Year, each Category 3 Organisation must submit to the Standing Committee a report containing internal management financial information produced for the Organisation which includes –

- (a) a statement of income and expenditure, showing actual and budget year-to-date, together with a brief explanation of any significant variances between actual and budget; and
- (b) a balance sheet showing current and end of last financial year balances, and, if produced, a comparison to budget; and
- (c) if produced, cash flow statements and key performance ratios; and
- (d) a statement confirming compliance with the key borrowing covenants in relation to any borrowings of the Organisation.

14. Annual Reports to Synod – Lodgement, Format and Content

Within 6 months after the end of a Financial Year, each Organisation must submit to the Standing Committee for tabling at the next ordinary session of the Synod a report on that Financial Year signed by 2 duly authorised members of the Organisation which contains –

- (a)
- (b) the financial statements referred to in clause 9 and, if applicable, the auditor's report referred to in clause 10;
- (c) a charities group status report stating –
 - (i) the legal name and Australian Business Number for the entity comprising the Organisation and any other entity under the Organisation's control;
 - (ii) whether each entity referred to in (i) is registered as a charity with the Australian Charities and Not-for-profits Commission; and
 - (iii) whether an annual information statement and, if applicable, an annual financial report and auditor's or reviewer's report for the Financial Year which comply with the requirements of the *Australian Charities and Not-for-profits Commission Act 2012* have been given to the Australian Charities and Not-for-profits Commission for each entity referred to in (i);

Note: *The term "control" in paragraph (c)(i) is to be understood by reference to the Accounting Standards.*

- (d) information, as appropriate, along the following lines –
 - (i) Access – the postal and email address and telephone number of the principal office of the Organisation;
 - (ii) Members – the names of the members, the method and term of appointment of those members, their attendance at meetings, and the names of any significant committees;
 - (iii) Charter – a statement of the purposes/objectives for which the Organisation was established, stating its ordinance or other constituting documents and the sections of the church or the community served;
 - (iv) Activities – a narrative summary of the major activities for the Financial Year and the range of services provided and a statement explaining how those activities achieved the objectives/purposes for which the Organisation was established; and
 - (v) Financial Results – a short summary of the results for the Financial Year comparing actual results to the budget, and the budget for the current Financial Year, with an explanation of any significant variances;

- (e) if the report is being submitted for tabling at the first ordinary session of a Synod, a statement which –
 - (i) assesses the extent to which the Organisation’s governance arrangements conform with the standards and guidelines in the Governance Policy for Diocesan Organisations passed by the Synod on 20 October 2014 as amended from time to time, and
 - (ii) explains any areas of non-conformity,
- (f) if the constituting ordinance of the Organisation requires its members to sign a statement acknowledging their duties and responsibilities, the terms and form of this statement is to be included.
- (g)

Part 5: Enforcement

15. Supply of Information

The Standing Committee may require an Organisation to furnish additional information on its affairs.

16. Non-Compliance: Suspension of Members

- (1) If an Organisation does not comply with any provision of this ordinance, including a requirement under clause 15, the Standing Committee may authorise the sending of a notice to the members of the Organisation calling upon them to comply within 14 days after the date of the notice.
- (2) The notice need not be sent to all members but must be sent to a majority of the members for the time being.
- (3) If an Organisation does not comply with a provision of this Ordinance following the sending of a notice under subclause (1), the Standing Committee, thereafter, may suspend all or any of the members of the Organisation and appoint a person or persons to act in their place.

Part 6: Dictionary

17. Interpretation

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

18. Definitions

In this ordinance, unless the context otherwise requires –

“Accounting Standards” has the same meaning as in the *Corporations Act 2001*.

Note: *The Corporations Act 2001 defines accounting standards to mean the accounting standards made by the Australian Accounting Standards Board pursuant to section 334 of that Act.*

“Audit” means an audit conducted in accordance with the Accounting Standards.

“Corporation” means a body corporate regulated under an ordinance of the Synod or its Standing Committee.

“Financial Year” means, subject to clause 19, the year commencing on 1 January.

“Half Year” means the period ending 6 months after the commencement of the Financial Year.

“Internal Control” means the whole system of controls, financial or otherwise established by an Organisation in order –

- (a) to carry on the business and affairs of the Organisation in an efficient and orderly manner;
- (b) to ensure adherence to management policies of the Organisation;
- (c) to safeguard the assets of the Organisation; and
- (d) to secure, so far as is possible, the accuracy and reliability of the records of the Organisation.

“Organisation” means a body set up by the Synod or its Standing Committee to manage church trust property, whether constituted by an ordinance or a resolution, and includes a Corporation.

“Review” means a review conducted in accordance with the Accounting Standards.

“Risk Management” means the whole system of identifying, assessing, managing and reviewing risks to an Organisation.

19. Financial Year

- (1) The Standing Committee may, by resolution, specify a period or periods (whether of 12 months' duration or otherwise) to be the Financial Year for the purposes of this ordinance in relation to the Organisation or any part of the Organisation.
- (2) If the Standing Committee so specifies, it may also, by resolution, specify the date by which reports in relation to the Financial Year or Half Year specified are to be lodged under clause 13.

Part 7: Citation and Repeal

20. Citation

This Ordinance may be cited as the "Accounts, Audits and Annual Reports Ordinance 1995".

21.**22. Amendment of Other Ordinances**

Where another ordinance is inconsistent with this Ordinance, on the reprinting of that ordinance the Diocesan Secretary is authorised to make amendments to remove the inconsistency.

Notes

1. On 13 April 2006 the Finance Committee confirmed that, pursuant to clauses 18(1) and (2) (subsequently renumbered as clauses 19(1) and (2)), Anglican Retirement Villages: Diocese of Sydney had been granted a substituted Financial Year of 30 June, and a date to lodge reports of 3 months after the substituted Financial Year, namely 30 September.
2. On 15 February 2007 the Finance Committee confirmed that, pursuant to clauses 18(1) and (2) (subsequently renumbered as clauses 19(1) and (2)), the Sydney Anglican Home Mission Society had been granted a substituted Financial Year of 30 June, and a date to lodge reports of 3 months after the substituted Financial Year, namely 30 September.
3. On 16 August 2012 the Finance Committee confirmed that, pursuant to clauses 18(1) and (2) (subsequently renumbered as clauses 19(1) and (2)), the Archbishop of Sydney's Anglican Aid had been granted a substituted Financial Year of 30 June, and a date to lodge reports of 3 months after the substituted Financial Year, namely 30 September.
4. The amendments made by Ordinance No 52, 2013 apply to the financial years commencing on or after 1 January 2014.
5. On 23 March 2020 Standing Committee –
 - (a) delegated power to the Finance Committee to make declarations with respect to the categorisation of Organisations pursuant to clause 8A(1) of the *Accounts, Audits and Annual Reports Ordinance 1995*,
 - (b) declared pursuant to clause 8A(1) of the *Accounts, Audits and Annual Reports Ordinance 1995* that for the Financial Year commencing 1 January 2019 the Anglican Church Growth Corporation (ACGC) is a Category 1 Organisation for the purposes of that ordinance.
 - (c) resolved pursuant to clause 8A(1) of the *Accounts, Audits and Annual Reports Ordinance 1995* to declare the categorisation of each Organisation with effect from the Financial Year commencing 1 January 2020.
6. The categorisations of Organisations under this Ordinance are set out in a separate [register](#) maintained and published by the Diocesan Secretary (clause 8A(2)).

Table of Amendments

[not reproduced here]



Ministry Standards Ordinance 2017

(Reprinted under the *Interpretation Ordinance 1985*.)

The Ministry Standards Ordinance 2017 as amended by the Ministry Standards Ordinance 2017 Amendment Ordinance 2018 and the Ministry Standards Ordinance 2017 Amendment Ordinance 2019.

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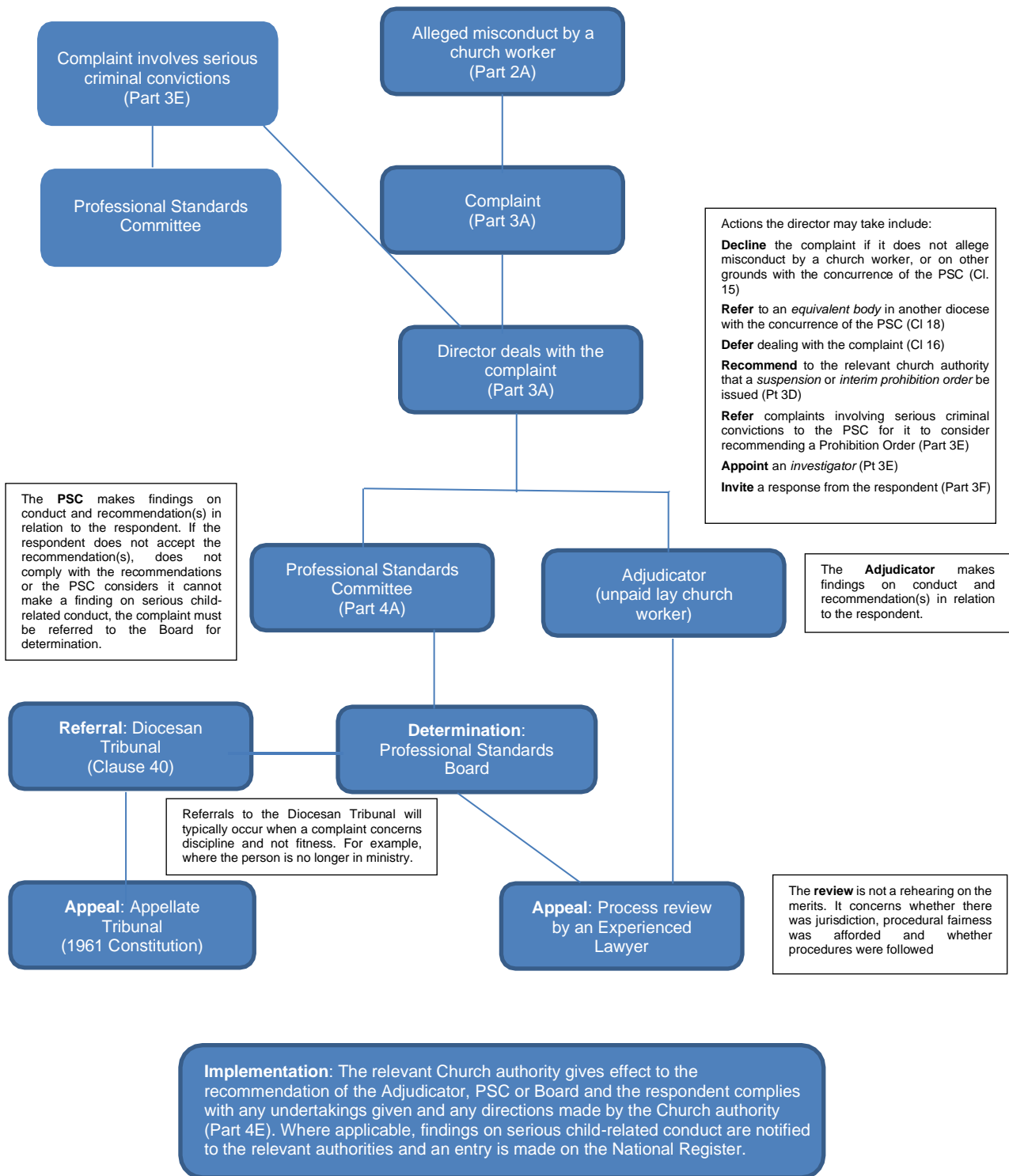
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Diagrammatic Summary of the Complaints Process



Please note: This diagram is indicative only and does not set out all possible actions or steps that may be taken under the Ordinance.

Long Title

An Ordinance to make provision with respect to resolving complaints concerning the fitness of church workers.

The Synod of the Diocese of Sydney ordains as follows.

CHAPTER 1 – PRELIMINARY**1. Name**

This Ordinance is the *Ministry Standards Ordinance 2017*.

PART 1A – PURPOSE AND APPLICATION**2. Overriding purpose**

- (1) The overriding purposes of this Ordinance are:
- (a) to uphold the standards of conduct expected of church workers in the Diocese;
 - (b) to protect the community;
 - (c) to provide a mechanism whereby complaints that church workers are not fit to hold office or ministry can be resolved; and
 - (d) to facilitate the just, expedient and efficient resolution of complaints.
- (2) The Director, the PSC, Adjudicators and the Board must each seek to give effect to these overriding purposes when exercising any power given by this Ordinance and when interpreting any provision of this Ordinance.

3. Application

- (1) This Ordinance applies only in respect of alleged misconduct by church workers:
- (a) resident, licensed or authorised in the Diocese, or engaged by a Church authority; or
 - (b) not resident, licensed or authorised in the Diocese nor engaged by a Church authority but whose misconduct is alleged to have occurred in the Diocese or when the church worker was resident, licensed or authorised in the Diocese or was engaged by a Church authority.
- (2) This Ordinance applies to misconduct wherever and whenever it is alleged to have been engaged in by a church worker, including misconduct that is alleged to have occurred before or after the commencement of this Ordinance.

PART 1B - INTERPRETATION**4. Interpretation**

- (1) For the purposes of this Ordinance:
- “Adjudicator”** means a person appointed under subclause 28(2);
- “Appellate Tribunal”** means the Appellate Tribunal constituted by and under Chapter IX of the Constitution;
- “Board”** means the Professional Standards Board established under Part 5C; **“ceremonial”** has the same meaning as that expression has in the Constitution;
- “Chancellor”** means the person holding office from time to time as Chancellor of the Diocese;
- “child”** means a person under the age of 18 years;
- “child exploitation material”** means material that describes or depicts a person who is or who appears to be a child –
- (i) engaged in sexual activity; or
 - (ii) in a sexual context; or
 - (iii) as the subject of torture, cruelty or abuse (whether or not in a sexual context) in a way that a reasonable person would regard as being, in all the circumstances, offensive;

“**child-related work**” has the same meaning as in the *Child Protection (Working with Children) Act 2012 (NSW)*;

“**Church**” means the Anglican Church of Australia;

“**Church authority**” means the Archbishop or a person or body having administrative authority of or in a Church body to license, appoint, authorise, dismiss or suspend a church worker;

“**Church body**” means –

- (i) a parish, and
- (ii) any school, body corporate, organisation or association that exercises ministry within, or on behalf of, this Church in this Diocese –
 - (A) which is constituted by ordinance or resolution of the Synod,
 - (B) in respect of whose organisation or property the Synod may make ordinances, or
 - (C) in relation to which the Synod, the Standing Committee, the Archbishop or a body referred to in paragraphs (i) or (ii) elects or appoints a majority of the members of the governing body;

“**church worker**” has the meaning given in Part 2A;

“**Clergy**” means a person in holy orders;

“**Code of Conduct**” means *Faithfulness in Service* and any other code of conduct approved from time to time by the Synod or which operates in the Diocese pursuant to an ordinance of the Synod;

“**complainant**” means a person who makes a complaint;

“**complaint**” means a complaint made in accordance with Part 3A of this Ordinance;

“**Constitution**” means the Constitution of the Anglican Church of Australia;

“**Diocese**” means the Anglican Church of Australia in the Diocese of Sydney;

“**Diocesan policy for dealing with allegations of unacceptable behaviour**” means the policy of that name adopted by the Synod on 10 October 2015, as amended from time to time;

“**Diocesan Tribunal**” means the Diocesan Tribunal constituted for the Diocese in accordance with Chapter IX of the 1961 Constitution;

“**Director**” means the Director of Professional Standards appointed under Part 5A;

“**disqualifying offence**” means a criminal offence listed in Schedule 2 of the *Child Protection (Working with Children) Act 2012*;

“**doctrine**” has the same meaning as in the Constitution;

“**equivalent body**” means a body of another diocese exercising powers, duties or functions equivalent to those of the Director, the PSC the Board as the case may be, or where there is no such body, the bishop of the diocese;

“**experienced lawyer**” means a person who is or has been a judge or justice of an Australian, State or Territorial court or tribunal, or who has been admitted as an Australian legal practitioner for not less than 10 years;

“**faith**” has the same meaning as that expression has in the Constitution;

“**Faithfulness in Service**” means the code for personal behaviour and the practice of pastoral ministry by clergy and church workers adopted by the Synod in October 2004, as amended from time to time pursuant to an ordinance or resolution of the Synod;

“**information**” means information of whatever nature and from whatever source relating to alleged misconduct on the part of a church worker;

“**investigator**” means a person appointed by the Director to investigate a complaint;

“**member of the clergy**” means a person in Holy Orders;

“**misconduct**” has the meaning given in Part 2A;

“**national register**” means any national register established pursuant to a Canon of General Synod for the purpose of recording determinations of the Board and other equivalent bodies;

Professional Standards Committee or "**PSC**" means the Professional Standards Committee established under Part 5B;

"Professional Standards Unit" means the Professional Standards Unit of the Diocese;

"prohibition order" means an order prohibiting a church worker from holding a specified position or office in or being employed by a Church body or Church authority or from carrying out any specified functions in relation to any office or position in the diocese or in relation to employment by a Church body, and includes a variation of a prohibition order;

"Registrar" means the person appointed by the Archbishop under his hand and seal to be Registrar of the Diocese or in his absence the person appointed by the Archbishop to perform the duties of the Registrar either in his absence or as his deputy;

"respondent" means a church worker whose alleged conduct is the subject of a complaint;

"ritual" has the same meaning as that expression has in the Constitution;

"Safe Ministry Board" means the body of that name constituted under the *Safe Ministry Ordinance 2005*;

"safety plan" means the form of agreement developed by the Professional Standards Unit to regulate a person's participation in the ministry activities of a church of the Diocese;

"serious child-related conduct" has the meaning given in clause 7;

"suspension order" has the meaning in clause 19;

"under legal incapacity" has the same meaning as in the *Civil Procedure Act 2005 (NSW)*; and

"unpaid lay church worker" means a lay church worker who does not hold a paid role, office or position in the Diocese at the time a complaint is made against them under this Ordinance.

(2) For the purposes of complaints dealt with by an Adjudicator under Part 3H, references to the PSC and the Board in Chapters 1 to 3 of this Ordinance are taken to be references to the Adjudicator unless the context or subject matter otherwise requires.

(3) The diagram appearing before the Long Title and the notes in the footnotes of this Ordinance are for explanatory purposes only and do not form part of this Ordinance. The Diocesan Secretary is authorised to update the diagram and the notes when reprinting this Ordinance under clause 8 of the *Interpretation Ordinance 1985*.

CHAPTER 2 – SCOPE OF THE ORDINANCE

PART 2A – CHURCH WORKERS AND MISCONDUCT

5. Who is a church worker?

This Ordinance applies to fitness for office of church workers. Subject to clause 3, **church worker** means a person who:

- (a) is or has been a member of the clergy; or
- (b) holds or has held a position of leadership within the Diocese and without limiting the generality of the foregoing a position of leadership includes -
 - (i) an office, or
 - (ii) membership of a body incorporated by or under the *Anglican Church of Australia Bodies Corporate Act 1938*, or
 - (iii) membership of a body corporate following election or appointment by the Synod, Standing Committee, the Archbishop or a Church body, or
 - (iv) a warden, or
 - (v) membership of a parish council, or
 - (vi) membership of any other board, council or committee established by the Synod, the Standing Committee, a regional council or a parish council, or
 - (vii) a chief executive officer of an organisation constituted by an ordinance of the Synod or the Standing Committee, meaning the person who is responsible to the governing body of the organisation for the work of the organisation; or
 - (viii) an officer of a kind specified in the Parish Administration Ordinance 2008, or
 - (ix) an appointment or authorisation by a rector, warden or parish council or by any delegate or agent of such a person or body of persons,

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

6. What conduct is misconduct by a church worker?

- (1) Misconduct by a church worker means conduct which, if established, would call into question:
 - (a) the fitness of the person to hold a role, office or position, or to be or remain in Holy Orders;
 - (b) the fitness of the person, whether temporarily or permanently, to exercise ministry or perform any duty or function of the role, office or position; or
 - (c) whether, in the exercise of ministry or in the performance of any duty or function, the person should be subject to any condition or restriction,

but does not mean –

- (d) any breach of faith, ritual or ceremonial,
 - (e) any act or omission that involves:
 - (i) refusing to appoint, correcting, disciplining, counselling, admonishing, transferring, demoting, suspending, retrenching or dismissing a person if done –
 - (A) in good faith;
 - (B) reasonably; and
 - (C) in the normal and lawful discharge of the duties and functions; or
 - (ii) respectfully disagreeing with or criticising someone's beliefs or opinions or actions, except in the case of conduct which, if established, would constitute serious child-related conduct, or
 - (f) public statements, acts or practices made or done in good faith for a proper purpose that are within the standards and doctrines of the Church in the Diocese, or
 - (g) exempt conduct to which Part 2B applies.
- (2) Misconduct may include but is not limited to the following:
 - (a) acts or omissions that would constitute the commission of an offence under the *Offences Ordinance 1962*, as amended from time to time,¹

¹ *Offences under the Offences Ordinance 1962 include:*

- (b) **abuse**, which means:
- (i) **bullying** (as defined below);
 - (ii) **child abuse**, which means bullying, emotional abuse, harassment, neglect, physical abuse, sexual abuse or spiritual abuse in relation to a child, and includes possessing, producing or distributing child exploitation material;
 - (iii) **emotional abuse**, which means acts or omissions that have caused, or could cause significant harm to the wellbeing or development of another person, which may include but is not limited to:
 - subjecting a person to excessive and repeated personal criticism;
 - ridiculing a person, including the use of insulting or derogatory terms to refer to them;
 - threatening or intimidating a person;
 - ignoring a person openly and pointedly; and
 - behaving in a hostile manner or in any way that could reasonably result in another person feeling isolated or rejected;
 - (iv) **harassment**, which means unwelcome conduct, whether intended or not, in relation to another person where the person feels with good reason in all the circumstances offended, belittled or threatened;
 - (v) **neglect**, which means the failure to provide the basic necessities of life where a child's health and development are placed at risk of harm, which may include but is not limited to being deprived of food, clothing, shelter, hygiene, education, supervision and safety, attachment to and affection from adults and medical care;
 - (vi) **physical abuse**, which means any intentional or reckless act, use of force or threat to use force causing injury to, or involving unwelcome physical contact with, another person, but does not include lawful discipline by a parent or guardian;
 - (vii) **sexual abuse**, which has the same meaning set out in *Faithfulness in Service*;
 - (viii) **spiritual abuse**, which means the mistreatment of a person by actions or threats when justified by appeal to God, faith or religion;
- (c) **bullying** which means behaviour directed to a person or persons which:
- (i) is repeated;
 - (ii) is unreasonable (being behaviour that a reasonable person, having considered the circumstances, would see as unreasonable, including behaviour that is victimising, humiliating, intimidating or threatening); and
 - (iii) creates a risk to their health and safety.

Bullying can include:

- (i) making derogatory, demeaning or belittling comments or jokes about someone's appearance, lifestyle, background or capability;
- (ii) communicating in an abusive manner;
- (iii) spreading rumours or innuendo about someone or undermining in other ways their performance or reputation;

-
- (i) *unchastity;*
 - (ii) *drunkenness;*
 - (iii) *habitual and wilful neglect of ministerial duty after written admonition in respect thereof by the Bishop of the Diocese;*
 - (iv) *wilful failure to pay just debts;*
 - (v) *conduct, whenever occurring –*
 - (a) *which would be disgraceful if committed by a member of the clergy; and*
 - (b) *which at the time the charge is preferred is productive, or if known publicly would be productive, of scandal or evil report;*
 - (vi) *sexual abuse;*
 - (vii) *child abuse; or*
 - (viii) *conviction in New South Wales of an offence which is punishable by penal servitude or imprisonment for 12 months or upwards or the conviction outside New South Wales of an offence which, if committed in New South Wales, would be an offence so punishable; or*
 - (ix) *grooming,*
 - (x) *inappropriate pastoral conduct involving a child, and*
 - (xi) *possession, production or distribution of child exploitation material.*

- (iv) dismissing or minimising someone's legitimate concerns or needs;
- (v) inappropriately ignoring, or excluding someone from information or activities;
- (vi) touching someone threateningly or inappropriately;
- (vii) invading someone's personal space or interfering with their personal property;
- (viii) teasing someone, or playing pranks or practical jokes on someone;
- (ix) displaying or distributing written or visual material that degrades or offends;
- (x) cyberbullying which is a form of bullying that involves the use of information and communication technologies.

Bullying does not include lawful conduct of clergy or church workers carried out in a reasonable manner, such as:

- (i) disagreeing with or criticising someone's belief or opinions or actions in an honest and respectful way;
 - (ii) giving information about inappropriate behaviour in an objective way to the person or persons concerned and to any other person with a proper reason for having that information;
 - (iii) setting reasonable performance goals, standards or deadlines;
 - (iv) giving information about unsatisfactory performance in an honest and constructive way;
 - (v) taking legitimate disciplinary action;
- (d) **grooming** which means actions deliberately undertaken with the aim of engaging and influencing an adult or a child for the purpose of sexual activity; in the case of sexual abuse of a child, an offender may groom not only the child, but also those close to the child, including the child's parents or guardians, other family members, clergy and church workers; grooming can include providing gifts or favours to the child or their family. In the case of sexual abuse of an adult, an offender may groom not only the adult, but also those close to them, including their children, clergy and church workers;
- (e) **inappropriate pastoral conduct involving a child** which means engaging in a pattern of conduct involving a child or a group of children that is inconsistent with the standards and guidelines of *Faithfulness in Service*;
- (f) **process failure**, which means any of the following:
- (i) failure without reasonable excuse to comply with the laws of the Commonwealth or a State or Territory requiring the reporting of child abuse to the police or other authority;
 - (ii) a failure by a person licensed by the Archbishop, a person in holy orders resident in the Diocese or a person who holds an authority under the *Authorisation of Lay Ministry Ordinance 2015* for the purposes of paid work, without reasonable excuse, to make a report under clause 12 or a failure by that person to cooperate with an investigation of that conduct;
 - (iii) failure without reasonable excuse by a Church authority to deal with or to investigate in a reasonable or timely manner matters involving:
 - (A) abuse; or
 - (B) alleged inappropriate or unreasonable conduct of a church worker who had knowledge of conduct of another church worker constituting sexual abuse or child abuse;
- in circumstances where the Church authority has an obligation by law or under this Ordinance to deal with or investigate such conduct;
- (g) **safe ministry training failure**, which means a failure without a reasonable excuse to satisfactorily complete mandatory training approved by the Safe Ministry Board for the purpose of Chapter 7 of Schedule 1 and Schedule 2 of the *Parish Administration Ordinance 2008*;
- (h) **sexual misconduct** which has the same meaning as in the *Child Protection (Working with Children) Act 2012 (NSW)*;
- (i) threatening or taking, or attempting to take, action against a person because they have made, or have been involved in, a complaint under this Ordinance;
- (j) attempts, by threat, intimidation or inducement to –
- (i) dissuade a person from making a complaint,
 - (ii) persuade a person to withdraw a complaint, or
 - (iii) persuade a person to consent to the withdrawal of a complaint;

- (k) failure without reasonable excuse by a respondent to cooperate with the investigation of a complaint under the Ordinance;
- (l) failure without reasonable excuse to comply with a condition imposed by a Church authority under this Ordinance;
- (m) failure without reasonable excuse to comply with an undertaking given to or a direction or order given by an Adjudicator, the PSC, Board or a Church authority; or
- (n) conduct that would constitute a breach of section 316 of the *Crimes Act 1900 (NSW)* with respect to the reporting of serious indictable offences.

7. What is serious child-related conduct?

Serious child-related conduct means 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:

- (a) when engaged in child-related work in the Diocese; or
- (b) who –
 - (i) is in child-related work in the Diocese at the time a complaint concerning their conduct is made, or
 - (ii) 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.

PART 2B – EXEMPT CONDUCT

8. Declaration of exemption following disclosure of past conduct

(1) If a person makes a full disclosure to the Archbishop in writing that the person has engaged in conduct that may be the subject of a complaint under this Ordinance in the following circumstances:

- (a) by a person prior to ordination by or on behalf of the Archbishop as a deacon; or
- (b) by a person who is not ordained prior to being issued with an authority under the *Deaconess, Readers and Other Lay Persons Ordinance 1981* or the *Authorisation of Lay Ministry Ordinance 2015* for the purpose of undertaking paid work; or
- (c) by a person who has been ordained, otherwise than by or on behalf of the Archbishop prior to being first licensed by the Archbishop where conduct was committed prior to ordination as a deacon;

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

(2) The Archbishop must not make a declaration under this Part:

- (a) in respect of a person who has been convicted of a disqualifying offence listed in Schedule 2 of the *Child Protection (Working with Children) Act 2012*.²; or
- (b) if the person has been refused a declaration in relation to the same or similar conduct in the previous 5 years.

(3) The Archbishop must not make a declaration under this Part in respect of the conduct of a person unless the Archbishop and the PSC consider that the person:

- (a) has made appropriate reparation for the conduct; and
- (b) is fit to be ordained, to be issued with an authority or to be licensed by the Archbishop, as the case may be; and
- (c) does not pose a risk to the safety of any person taking into account the following matters:
 - (i) the circumstances in which the conduct occurred;
 - (ii) the seriousness of the conduct;
 - (iii) the age of the person at the time of the conduct;
 - (iv) the age of the victim(s) at the time;
 - (v) the difference in ages between the person and the victim(s);

² Note: Disqualifying offences in Schedule 2 of the *Child Protection (Working with Children) Act 2012* include the murder or manslaughter of a child, intentional wounding or committing grievous bodily harm to a child, abandonment of a child, serious sex offences, incest, bestiality and offences related to child pornography/child abuse material. In general, these are sex offences or offences involving children which are punishable by imprisonment of 12 months or more.

- (vi) the person's criminal record, if any;
 - (vii) such other matters as are considered relevant.
- (4) If the Archbishop makes a declaration under this Part in respect of the conduct of a person:
 - (a) the declaration has effect for the purposes of this Ordinance according to its terms; and
 - (b) no action is to be taken or continued under this Ordinance in respect of a complaint if the Director, with the concurrence of the PSC, determines that the whole of the conduct that is the subject of the complaint is exempt conduct.

CHAPTER 3 – PROCESSING OF COMPLAINTS

PART 3A – MAKING COMPLAINTS

9. Who may make a complaint?

Any person, including the Director, may make a complaint of misconduct in relation to a church worker.

10. How to make a complaint

- (1) All complaints must be made to the Director.
- (2) A complaint may be in any form, oral or in writing, whether by electronic means or otherwise.
- (3) Where a complaint is oral, the Director must make a written record of the complaint as soon as practicable after receiving it.
- (4) A complaint must include details of the misconduct complained about.
- (5) The Director must not make a complaint based only on information provided anonymously.
- (6) Non-compliance with this clause does not invalidate a complaint unless the Board determines otherwise.

11. Director to explain the complaints process

The Director must use reasonable endeavours to explain the processes set out in this Ordinance to the complainant prior to any investigation of the complaint.

12. Obligation to report knowledge or reasonable belief of certain matters

A church worker who knows or has reason to believe that another church worker has engaged in conduct which constitutes child abuse, grooming, inappropriate pastoral conduct involving a child or possession, production or distribution of child exploitation material must report to the Director, as soon as practicable, the name or a description of the other church worker and the grounds for believing that the other church worker has engaged in such conduct.

12A. Risk Assessment by Director

- (1) If the Director receives a complaint alleging child abuse, the Director must promptly undertake a risk assessment to identify any risks to children.
- (2) The risk assessment must include, but is not limited to, consideration of the following –
 - (a) any immediate and ongoing risks associated with the complaint, including the safety of the complainant and any children,
 - (b) whether preliminary action could and should be taken concerning the respondent including supervision, removal of contact with children or suspension,
 - (c) the available expertise to assess the risk and whether expert advice should be obtained,
 - (d) the need for cultural and linguistic interpreters to be involved in the complaint process,
 - (e) whether it is necessary to report the complaint to an external authority,
 - (f) who should be informed about the complaint, and whether there are restrictions on the information they can be given (for example, due to privacy laws and other confidentiality obligations), and
 - (g) how to implement the decisions made as a result of the risk assessment.
- (3) The Director must review the risk assessment during the complaints process in response to any changes in the risk profile and make modifications where necessary.

13. Withdrawal of complaint

- (1) Subject to subclause (2), a complaint is taken to have been withdrawn if the complaint does not allege serious child-related conduct and:
 - (a) the complainant gives written notice of the withdrawal of the complaint to the Director; or
 - (b) the complainant gives oral notice of the withdrawal of the complaint to the Director, and the Director provides the complainant with written confirmation of the withdrawal.
- (2) If the complaint has already been referred to the PSC at the time the notice of withdrawal is received by the Director, the complaint will only be taken to be withdrawn if the PSC consents to the withdrawal.

PART 3B - HANDLING OF COMPLAINTS BY THE DIRECTOR**14. What can the Director do when dealing with a complaint?**

The Director must deal with the complaint as expeditiously as possible and must take at least one or more of the following courses of action:

- (a) recommend that the parties engage in conciliation under clause 18A;
- (b) refer the matter directly to the PSC and, with the concurrence of the PSC, in the case of a respondent's first bullying complaint, request that the respondent participate in appropriate training as soon as practicable under clause 18B, and recommend that the parties engage in conciliation;
- (c) decline to deal with the complaint under clause 15;
- (d) refer to the matter directly to the PSC and seek the concurrence of the PSC that the complaint be declined or deferred under clause 16;
- (e) ask the complainant to verify the complaint by statutory declaration;
- (f) ask the complainant to provide further details of the conduct that is the subject of the complaint;
- (g) recommend to the relevant Church authority that the respondent should be suspended from exercising the functions of office or employment by one or more Church bodies or that an interim prohibition order be made against the respondent under Part 3D;
- (h) if the respondent is an unpaid lay church worker, refer the matter to an Adjudicator under Part 3H;
- (i) investigate, or appoint a person to investigate the complaint under Part 3F;
- (j) invite a response from the respondent under Part 3G.

PART 3C – DECLINING, DEFERRING OR REFERRING COMPLAINTS**15. When must the Director decline a complaint?**

The Director must decline a complaint if the complaint does not allege any misconduct which may be the subject of a complaint under this Ordinance.

16. When may the Director decline or defer a complaint with the concurrence of the PSC?

(1) The Director may at any time, with the concurrence of the PSC, decline to deal with a complaint, or defer dealing with a complaint if:

- (a) the complainant has not provided further details or a verifying statutory declaration after being asked to do so and it is reasonable in the circumstances to conclude that the complainant will not do so; or
- (b) the complaint is false, vexatious or misconceived or the subject-matter of the complaint is trivial; or
- (c) there is insufficient reliable evidence to warrant an investigation or further investigation; or
- (d) the conduct that is the subject matter of the complaint can properly be dealt with by other means, unless the conduct is serious child-related conduct;
- (e) the conduct which is the subject of the complaint is under investigation by some other competent person or body or is the subject of legal proceedings, or
- (f) there would be no utility in dealing with the complaint under this Ordinance having regard to:
 - (i) whether the respondent currently holds any position of leadership within the Diocese,
 - (ii) the length of time since the respondent has held any position of leadership within the Diocese,
 - (iii) the age of the respondent,
 - (iv) the health of the respondent, and
 - (v) any other relevant circumstance.

(2) The Director, with the concurrence of the PSC, must decline to deal with a complaint if the misconduct the subject of the complaint is not materially different from conduct already dealt with under:

- (a) this Ordinance, or
- (b) the *Discipline Ordinance 2006*, or
- (c) the *Church Discipline Ordinance 1996*, or
- (d) the *Church Discipline Ordinance 2002*, or

- (e) the *Tribunal Ordinance 1962*, or
- (f) a formal investigation or inquiry with the authority of the Archbishop which was commenced prior to the date of assent to the *Church Discipline Ordinance 2002*,
unless,
 - (g) in the opinion of the Director, the complaint is supported by apparently credible evidence of fresh facts likely to lead to a different result; or
 - (h) the complaint has only been dealt with under Part 3E, or;
 - (i) the complaint alleges serious child-related conduct and the Director decides to deal with the complaint under this Ordinance in order to make a finding that the respondent has or has not engaged in the alleged serious child-related conduct in connection with:
 - (i) any requirement by law to notify a person or authority that a finding has been made that the respondent engaged in conduct the subject of any such requirement to notify; and
 - (ii) entering on the National Register the details of information required by the provisions of the National Register Canon 2007.

(3) In dealing with a complaint for the purposes of clause 2(h) above, any prior findings of fact made by a body exercising functions under any of the ordinances (or a formal investigation or inquiry with the authority of the Archbishop) listed in subclause (2) are conclusive.

17. Notification of a decision to decline to deal with or defer a complaint

(1) Subject to subclause (2), if the Director declines to deal with or defer a complaint under this Part, the Director must give the complainant and the respondent written notice of this decision, including reasons for the decision.

(2) The Director may, but is not required to, provide written notice to the respondent under this clause if the Director believes on reasonable grounds that the respondent is not aware of the existence of the complaint.

18. When may a complaint be referred to an equivalent body?

(1) The Director may, with the concurrence of the PSC, if they think it appropriate to do so, refer a complaint, or the investigation of a complaint, to an equivalent body or bodies.

(2) Without limiting the discretion of the PSC under subclause (1), it is appropriate to refer a complaint, or the investigation of a complaint, to an equivalent body or bodies if when the complaint is made the respondent:

- (a) resides in another diocese or holds a licence or from a Church authority in another diocese; and
- (b) neither resides in the Diocese nor holds a licence or permission to officiate or other authority from a Church authority in the Diocese.

(3) When the PSC and an equivalent body or bodies have the power and duty to investigate information concerning the alleged misconduct of the respondent and the respective bodies cannot agree on:

- (a) which body shall carry out the investigation or any parts of such investigation; or
- (b) whether a complaint should be referred to the Board or to an equivalent body which has jurisdiction,

the PSC must refer the disagreement for decision by an independent person agreed upon by the PSC and the equivalent body or bodies who is to reach a decision within a reasonable time.

(4) In all matters affecting the operation of this Ordinance the PSC and the Director must co-operate with and assist an equivalent body and a person acting in the corresponding capacity of the Director in another diocese.

(5) In making a decision under subsection (3) the independent person will not be bound by the views or instruction of the PSC but shall take into account the most convenient course for all concerned and the proper and expeditious conduct of the investigation or referral as the case may be.

18A. Director may recommend conciliation

(1) At any time after a complaint is made, the Director may recommend to the parties that they engage in conciliation if –

- (a) the Director considers that conciliation may assist the parties, and
- (b) the complaint does not allege serious child-related conduct.

- (2) In considering whether to make a recommendation under subclause 18A(1), the Director is to consider any power imbalance between the parties.
- (3) The Director may recommend a conciliator to the parties and otherwise facilitate the conciliation occurring.
- (4) If the parties agree to engage in conciliation on the basis of a recommendation under subclause 18A(1) –
- (a) the Director is not prevented from undertaking any of the other courses of action listed in clause 14 during the period of conciliation,
 - (b) the mediation is to be undertaken expeditiously,
 - (c) the attendees for any conferences must be agreed upon by all parties in advance of the conciliation, and
 - (d) the costs of the conciliator are to be met from funds under the control of the Synod, subject to the Director approving those costs before they are incurred.

18B. Director may request appropriate training

- (1) The Director may, with the concurrence of the PSC, request that the respondent participate in appropriate training and recommend that the parties engage in conciliation if –
- (a) the complaint relates primarily to bullying,
 - (b) it is the first bullying complaint against the respondent that has been received by the Director, and
 - (c) the complaint does not allege serious child-related conduct.
- (2) The respondent is to undertake such training as soon as practicable and provide suitable evidence to the Director that such training has been completed.
- (3) While, in the interests of staff development and reconciliation, this combination of appropriate training and conciliation would ordinarily be considered appropriate in the case of first time complaints, the Director is not prevented from undertaking any of the other courses of action listed in clause 14 during the period of conciliation.
- (4) The costs of the appropriate training and any costs for the conciliator are to be met from funds under the control of Synod, subject to the Director approving those costs before they are incurred.

PART 3D - SUSPENSION AND INTERIM PROHIBITION ORDERS

19. What can the Director recommend?

At any time after a complaint is made the Director may recommend to the relevant Church authority that the respondent is suspended from being a church worker or may recommend that an interim prohibition order be made against the respondent, subject to the following:

- (a) the Director must give the respondent the opportunity to be heard in relation to the proposed recommendation or order; and
- (b) in deciding whether to make the recommendation or order the Director must take the following matters into account:
 - (i) the seriousness of the conduct alleged in the complaint;
 - (ii) the nature of the material to support or negate the complaint;
 - (iii) whether any person is at risk of harm; and
 - (iv) the likely effect on the respondent and on the relevant Church body.
- (c) the Director must recommend that the respondent is suspended if, after giving the respondent the opportunity to be heard under paragraph (a), the Director is satisfied that –
 - (i) the complaint or the substance of the complaint involves allegations of serious child-related conduct,
 - (ii) the complaint is not false, vexatious or misconceived, and
 - (iii) there is a risk that the respondent may come into contact with children in the course of their functions as a church worker.

20. What is the effect of the Director recommending a suspension order?

If the Director recommends that the respondent be suspended from being a church worker:

- (a) the relevant Church authority is authorised to do all such things as may be necessary to give effect to the recommendation;

- (b) during any period of suspension by the Church Authority, or during a period when a person voluntarily stands down from a position:
 - (i) the respondent is ineligible for appointment to any position or function covered by the suspension;
 - (ii) the relevant Church authority may fill the vacancy during the term of any suspension; and
 - (iii) the person against whom the complaint is made is entitled to continue to receive their ordinary stipend, salary, allowances and other benefits in connection with the position, except to the extent that these are provided on account of expenses incurred in undertaking their duties or functions; and
 - (iv) in the case of a respondent who is licensed or authorised for ministry in a parish – the parish concerned is entitled to reimbursement from funds under the control of the Synod for the reasonable additional costs incurred by the parish for the engagement of any temporary personnel to undertake the duties of the person against whom the complaint is made during the period of suspension;
- (c) the respondent must comply with the terms of recommendation; and
- (d) the suspension ceases to have any effect:
 - (i) if the Director terminates the investigation without referring the matter to the PSC, or
 - (ii) upon any direction to that effect given by the PSC, or
 - (iii) upon the Church authority or the respondent (as the case may be) giving effect to the recommendation(s) of the Adjudicator, PSC or the Board.

21. What is the effect of the Director recommending an interim prohibition order?

- (1) If the Director recommends that an interim prohibition order be made the Archbishop must give prompt consideration to the Director's recommendation and may make an Interim Prohibition Order.
- (2) If the Archbishop makes an Interim Prohibition Order:
 - (a) the respondent and any relevant Church authority must comply with the Interim Prohibition Order;
 - (b) the respondent is ineligible for appointment to any position or function covered by the order;
 - (c) the relevant Church authority may fill the vacancy caused by the order;
 - (d) the person against whom the complaint is made is entitled to continue to receive their ordinary stipend, salary, allowances and other benefits in connection with the position, except to the extent that these are provided on account of expenses incurred in undertaking their duties or functions; and
 - (e) in the case of a respondent who is licensed or authorised for ministry in a parish – the parish concerned is entitled to reimbursement from funds under the control of the Synod for the reasonable additional costs incurred by the parish for the engagement of any temporary personnel to undertake the duties of the person against whom the complaint is made during the period of the order.
- (3) An Interim Prohibition Order ceases to have effect:
 - (a) if the Director terminates the investigation without referring the matter to the PSC, or
 - (b) upon any direction to that effect given by the PSC, or
 - (c) upon –
 - (i) the respondent complying with all recommendation(s) (if any) of the PSC accepted by the respondent, subject to the respondent continuing to comply with the recommendation(s) within any period set out in the notice; and
 - (ii) the Church authority giving effect to the recommendation(s) (if any) of the Adjudicator, PSC or the Board.
 - (d) if the Archbishop suspends the respondent under section 61 of the 1961 Constitution.

PART 3E – COMPLAINTS INVOLVING SERIOUS CRIMINAL CONVICTIONS**21A. Application of this Part**

This Part 3E applies to complaints concerning respondents who have been convicted of a disqualifying offence, being an offence listed in Schedule 2 of the *Child Protection (Working with Children) Act 2012*, and the conviction is not subject to a stay or an appeal against the conviction.

21B. Notification to respondent

(1) If the Director is in possession of the reasons for judgment or other record from a court, a police history check, or a notification from a statutory authority, which indicates that the respondent has been convicted of a disqualifying offence, the Director may:

- (a) notify the substance of the complaint to the respondent,
- (b) provide the respondent with a copy of the judgment, record or notification evidencing the conviction,
- (c) inform the respondent that it is the intention of the Director to refer the complaint to the PSC for a recommendation to the Archbishop that a prohibition order be issued, and
- (d) invite a response to the complaint within a period of not less than 21 days or such longer period specified by the Director.

(2) Following expiration of the period within which the respondent may provide a response under clause 21B(1)(d), the Director must refer the complaint to the PSC, including a copy of all the material provided to the respondent and any response from the respondent.

21C. Recommendations of the PSC

If the PSC is satisfied that the respondent has been convicted of a disqualifying offence, the PSC may recommend to the Archbishop that a prohibition order be made against a respondent in terms recommended by the PSC. If the PSC is not satisfied that the respondent has been convicted of the relevant offence, this Part 3E ceases to apply to the complaint and the Director is to deal with the complaint in accordance with the other provisions of this Ordinance.

PART 3F - INVESTIGATION OF COMPLAINTS**22. Conduct of Investigation**

(1) Subject to Part 3C, the Director may appoint a person to investigate a complaint, and such investigations are to be conducted as promptly as reasonably possible.

(2) The Director may, by notice in writing, revoke the appointment of an investigator if the investigator fails or refuses to comply with the requirements of this Ordinance or any other reasonable requirements of the Director.

23. Powers of the investigator

(1) For the purposes of an investigation:

- (a) the investigator may obtain such statutory declarations, written statements, recorded conversations, reports, documents and other material as the investigator considers necessary or advisable;
- (b) the investigator may require the person making the complaint to verify the complaint by statutory declaration if this has not already been done;
- (c) if the investigator interviews a person, the investigator must:
 - (i) record the interview, subject to the interviewee giving their consent, and
 - (ii) allow the person to have another person present with them, being a person who is not a witness to the matters which are the subject of the complaint;
- (d) the investigator may, by notice in writing, require the respondent –
 - (i) to respond to a question or series of questions within the time specified in the notice in relation to any matter relevant to the investigation, and
 - (ii) to otherwise assist in, or cooperate with the investigation of the complaint in a specified manner.

(2) A person must answer truthfully any question put by or on behalf of the investigator in exercising the powers conferred by this Ordinance, and must not mislead or obstruct the investigator in the exercise of powers conferred by this Ordinance.³

24. Outcome of the investigation

The investigator is to make and forward to the Director, without unnecessary delay, a report setting out the results of the investigation together with a copy of all records made in the course of the investigation.

PART 3G - NOTIFICATION OF AND RESPONSE TO THE COMPLAINT

25. What notification must the Director provide to the respondent?⁴

After receiving the investigator's report or if, after receiving a complaint, the Director decides not to appoint a person at that particular time to investigate the complaint, the Director is –

- (a) to notify the substance of the complaint to the respondent, and
- (b) to request the respondent to provide a response to the complaint within a period of not less than 21 days or such longer period specified by the Director, and
- (c) to inform the respondent generally of the processes under this Ordinance (which may be done by providing a copy of this Ordinance), and
- (d) to advise the respondent of the possible outcomes if the allegations in the complaint are upheld, and
- (e) to caution the respondent not to make any admissions without the benefit of legal advice.

26. What responses may be given by a respondent?

- (1) A respondent may respond by admitting or denying the complaint in whole or in part.
- (2) A response must be in writing signed by the respondent or, in the case of a respondent under legal incapacity, by –
 - (a) a parent or guardian, or
 - (b) a person responsible for the welfare of the respondent under legal incapacity or acting on his or her behalf.
- (3) If the complaint has not been investigated and the respondent denies the complaint, or does not admit the complaint or the substance of the complaint, the Director may appoint a person to investigate the complaint in the manner set out in Part 3F.

PART 3H – SPECIAL PROCEDURE FOR UNPAID LAY CHURCH WORKERS (ADJUDICATORS)

27. Application of this Part

- (1) Subject to subclause (2), this Part applies to complaints made against unpaid lay church workers to the exclusion of Parts 4A to 4D.
- (2) If the Director considers that a complaint against an unpaid lay church worker raises substantially the same circumstances as another complaint that has been or will be referred to the PSC, the Director may instead refer the complaint to the PSC to be dealt with under Chapter 4.

28. Action on receipt of an admission or the investigator's report

- (1) On receipt of an admission under clause 26 or the investigator's report, the Director must:
 - (a) request the Registrar to appoint an experienced lawyer to be the Adjudicator for a complaint to which this Part applies;
 - (b) notify the Adjudicator of the identity of the respondent; and
 - (c) furnish the Adjudicator with a copy of all material in the Director's possession relevant to the complaint, including a copy of any investigator's report.

³ *Misconduct for the purposes of this Ordinance includes failure without reasonable excuse by a respondent to cooperate with the investigation of a complaint.*

⁴ *Upon notifying the substance of the complaint to the person against whom the complaint is made, the complaint may become a notifiable complaint for the purposes of the National Register Canon 2007. In this case, section 8 of the Canon requires the Director to notify the General Secretary of certain information about the complaint for inclusion on the National Register within 1 month of having access to that information.*

- (2) The Registrar must promptly appoint an experienced lawyer following a request from the Director under subclause (1)(a).
- (3) If the adjudicator has any actual or perceived conflict of interest in the exercise or performance of their functions under this Ordinance in relation to a complaint, the Adjudicator must disclose this to the Registrar and the Registrar is to appoint another experienced lawyer to be the Adjudicator for the complaint.
- (4) The Director must also:
 - (a) notify the respondent that the complaint has been referred to the Adjudicator; and
 - (b) furnish the respondent with a copy of all material in the Director's possession relevant to the complaint, including a copy of any investigator's report; and
 - (c) invite the respondent to provide any further information or material, and to make written representations to the Adjudicator relating to the complaint within 28 days or such longer period as may be agreed to by the Director.

29. Review of material by the Adjudicator

- (1) The Adjudicator is to review the material provided by the Director and any further information or material provided by the respondent.
- (2) If the complaint or the substance of the complaint has been admitted by the respondent, the Adjudicator may proceed to make recommendations under clause 30.
- (3) If the complaint or the substance of the complaint has not been admitted by the respondent, the Adjudicator –
 - (a) must act with fairness and according to equity, good conscience, procedural fairness and the substantial merits of the case without regard to technicalities or legal forms in resolving the complaint,
 - (b) is not bound by the rules of evidence but may inform himself or herself on any matter in such manner as her or she thinks fit,
 - (c) must give written reasons for any findings and recommendations, unless the findings and recommendations are made by consent of the respondent, and
 - (d) must deal with the complaint as expeditiously as possible.
- (4) The standard of proof for the Adjudicator to establish an allegation is that of reasonable satisfaction on the balance of probabilities.⁵

30. Powers and Recommendations by the Adjudicator

- (1) If the Adjudicator is satisfied that the church worker:
 - (a) is not fit to hold a role office or position; or
 - (b) is not fit, whether temporarily or permanently, to exercise ministry or perform any duty or function of the role or position; or
 - (c) should be subject to any condition or restriction in the exercise of ministry or in the performance of any duty or function;the Adjudicator must find accordingly in writing and make recommendations to the relevant Church Authority, including but not limited to any one or more of the following:
 - (d) that the church worker be counselled;
 - (e) that the church worker be suspended from performing function(s) for such period determined by the Adjudicator;
 - (f) that the authority of the church worker be revoked;
 - (g) that any agreement for the church worker's engagement (if any) be terminated;
 - (h) that the church worker's performance of function(s) be made subject to such conditions or restrictions as the Adjudicator may specify;
 - (i) that the church worker be directed to do or to refrain from doing a specified act;
 - (j) that a prohibition order be made in terms specified by the Adjudicator.
- (2) Prior to making any recommendations under subclause (1), the Adjudicator may inform the Archbishop, the relevant Church authority and the respondent of the proposed recommendations and provide a reasonable opportunity for each to make written submissions.

⁵ *The standard of proof is to be applied with regard to the principles in Briginshaw v Briginshaw [1938] HCA 34.*

31. Making findings on serious child-related conduct

If the complaint alleges that the respondent has committed serious child-related conduct, the Adjudicator must make a finding on whether the respondent engaged in any or all of the conduct so alleged, and these findings shall constitute findings for the purpose of –

- (a) any requirement by law to notify a person or authority that a finding has been made that the respondent engaged in conduct which is the subject of any such requirement to notify; and
- (b) entering on the National register the details of information required by the provisions of the *National Register Canon 2007*.

32. Costs of responding to a complaint

The Adjudicator has no power to award costs. The respondent is responsible for meeting their own costs of responding to the complaint.

33. Review

The decisions and recommendations of the Adjudicator are not appellable or subject to review, except that a respondent may make an application for review under Part 4C and for this purpose references to the Board and PSC in Part 4C are taken to be references to the Adjudicator.

CHAPTER 4 – RESOLVING COMPLAINTS**PART 4A – CONSIDERATION BY THE PSC****34. Referral to the PSC**

On receipt of any report from the Investigator in relation to a complaint made against a person who is not an unpaid lay church worker and any response from the respondent, the Director must –

- (a) notify the PSC of the identity of the person against whom the complaint is made, and
- (b) furnish the PSC with a copy of all material in the Director's possession relevant to the complaint, including a copy of any investigator's report,

and must also -

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

35. What can the PSC do when dealing with the complaint?

(1) The PSC is to review the material furnished to it by the Director and any further information or material provided to it by the respondent and may take at least one or more of the following courses of action:

- (a) request the Director to appoint an Investigator to further investigate the whole or any aspect of the complaint; or
- (b) take no further action in relation to the Complaint under clause 36; or
- (c) make findings on the conduct and dismiss the complaint under clause 37; or
- (d) terminate suspension and prohibition orders under clause 38; or
- (e) refer the matter to the Board under clause 39; or
- (f) recommend that the complaint be referred to the Diocesan Tribunal under clause 40; or
- (g) make one or more recommendations under clause 41.

(2) In deciding upon a course of action the PSC is to take the following matters into consideration:

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

such other matters as the PSC considers relevant.

36. No further action

If the PSC considers –

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

the PSC is to recommend that no further action be taken with respect to the complaint.⁶

37. Findings on conduct

If the PSC is satisfied on the material before it that the respondent did not engage in any of the misconduct which is the subject of the complaint, it must dismiss the complaint and recommend that no further action be taken with respect to the complaint, other than action which is incidental to dismissal.

38. Termination of suspension and prohibition orders

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

39. Reference to the Board

- (1) The PSC must refer to the complaint to the Board if:
 - (a) the complaint alleges serious child-related conduct, and the PSC considers that it is unable to make a finding on the material before it that the respondent has or has not engaged in any or all of such misconduct which is the subject of the complaint; or
 - (b) the PSC makes a recommendation under clause 41 and the respondent does not accept the recommendation of the PSC by notice in writing to the Director within 14 days after the date of the notice of the recommendation or such longer period as the Director may determine under clause 42(3)(b); or
 - (c) the respondent fails to substantially comply with a recommendation made under clause 40 to the satisfaction of the PSC, including within or throughout any period that the notice issued under clause 42(1) states that the action required by the recommendation is to be undertaken.
- (2) The PSC must refer the complaint to the Board by delivering to the secretary of the Board a written report of its assessment and opinion on the complaint signed by a member of the PSC and:
 - (a) within 14 days of the date of the reference of the complaint to the Board or within 14 days of the date of the document or material coming into existence, whichever is the later, the PSC must cause to be delivered to the secretary of the Board any documents and material relevant to the reference; and
 - (b) the PSC, as soon as practicable after delivering the report referred to in paragraph (a) to the secretary of the Board, shall, if they have not already been delivered to the respondent, cause to be delivered to the respondent:
 - (i) a copy of the report and opinion; and
 - (ii) a notice that the respondent may send any submissions in advance to the Board if he or she wishes to do so.

40. Recommendation that a complaint be dealt with by the Diocesan Tribunal

- (1) The PSC may also recommend that the Archbishop appoint a person to promote a charge against the respondent before the Diocesan Tribunal, or that the complaint be referred to a body in another diocese with equivalent jurisdiction, if:
 - (a) the person is subject to the jurisdiction of the Tribunal;⁷

⁶ If the PSC considers that the complaint is false, vexatious or misconceived or that it is more likely than not that the subject-matter of the complaint did not occur, any information about the complaint which has been included on the National Register may be removed from the Register under section 10(1) of the National Register Canon 2007 on the basis that it relates to a notifiable complaint which has been exhausted.

⁷ **Note:** Section 54(2) of the Anglican Church of Australia Constitution Act 1961 provides that the Diocesan Tribunal has jurisdiction to hear and determine charges of breaches of faith, ritual, ceremonial or discipline and of such offences as may be specified by canon, ordinance or rule in respect of –

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

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

- (b) the PSC is of the opinion that there is a reasonable likelihood that the complaint, if sustained, will result in the Tribunal making a recommendation for the respondent's deposition from orders, prohibition from functioning or removal from office; and
- (c) the PSC is of the opinion that there is a reasonable likelihood that the complaint will be sustained before the relevant Tribunal.

(2) If the PSC makes a recommendation to the Archbishop under this clause, the Archbishop must comply with the recommendation. The complaint is then to be dealt with in accordance with the Diocesan Tribunal Ordinance 2017 and no further action is to be taken in respect to the complaint under this Ordinance.

41. What recommendations can the PSC make?

The PSC may make one or more of the following recommendations in relation to the respondent:

- (a) that the respondent make an apology of a kind specified by the PSC;
- (b) that the respondent make reparation as specified by the PSC for the conduct the subject of the complaint;
- (c) that the respondent undertake training, or retraining, of a nature specified by the PSC;
- (d) that the respondent receive counselling of a nature specified by the PSC;
- (e) that the respondent undertake to the Director, in such terms as are specified by the PSC, any one or more of the following:
 - (i) that they will resign from any specified position or office in the Diocese or any specified employment by a Church body or Church authority; or
 - (ii) that they will not, either indefinitely or for a period of time, accept nomination for or appointment to any specified position or office in the Diocese or any specified employment by a Church body or Church authority; or
 - (iii) that they will not, either indefinitely or for a period of time, exercise any specified function or will meet any specified condition or restriction, in relation to any office or position in the Diocese, or in relation to employment by any Church body or Church authority;
- (f) that the respondent resign from office or employment, request relinquishment of holy orders or request voluntary deposition from holy orders, with such admissions and other conditions as the PSC considers appropriate in all the circumstances;
- (g) that the respondent consent to the relevant Church authority issuing a prohibition order;
- (h) that the respondent enter into a safety plan with the relevant Church authority;
- (i) that the respondent be excluded from entry or access to specified Church premises or activities;
- (j) that no further action be taken with respect to the complaint.

42. Notice of the recommendations

(1) The PSC must give notice of its recommendation(s) to the complainant, the respondent, the Director, the Archbishop and the relevant church authority as soon as practicable after being made.

(2) If the PSC makes a recommendation under paragraph 41(e),(f) or (g), the PSC must include a statement of the reasons for the recommendation(s).

(3) In respect of any other recommendation(s) made by the PSC (except a recommendation that no further action be taken with respect to the complaint), the notice must include a statement that:

- (a) if the respondent does not accept the PSC's recommendation(s) within 14 days after the date of the notice and subsequently comply with the recommendation to the satisfaction of the Director, the complaint will be referred to the Board, and
- (b) the respondent may request the Director to allow a longer period for the recommendation to be accepted by the respondent.

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

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

43. Response to the recommendation

- (1) If the respondent, by notice in writing to the Director:
- (a) accepts the recommendation(s) of the PSC within 14 days after the date of the notice of the recommendation(s) or within such longer period as the Director determines under subclause 42(3)(b), and
 - (b) complies with any recommendation to the satisfaction of the Director, and continues to do so within or throughout any period that the notice issued under subclause 42(1) states that the action required by the recommendation is to be undertaken,

no further action is to be taken against the respondent under this Ordinance in relation to the complaint, except as provided by this clause.

- (2) If the complaint alleges serious child-related conduct and the person against whom the complaint is made:

- (a) admits the complaint or the substance of the complaint; or
- (b) accepts the recommendation or recommendations of the PSC;

and the PSC is satisfied that the respondent has engaged in any or all of the conduct which is the subject of the complaint, the PSC must make a finding that the respondent engaged in that conduct.

PART 4B – DETERMINATION OF COMPLAINTS BY THE BOARD**44. Application of this Part**

This Part applies to complaints that are referred to the Board by the PSC under clause 39.

45. Convening of the Board

- (1) Upon a complaint being referred to the Board, the President or Deputy President as the case may be shall as soon as possible determine the membership of the Board for the purpose of the reference.
- (2) The President or Deputy President as the case may require must convene the Board for the purpose of giving directions.

46. Powers of the Board

- (1) Upon the referral of a complaint to the Board, the Board may take at least one or more of the following courses of action:
- (a) make findings on serious child-related conduct under clause 47;
 - (b) dismiss the matter or take no further action under clause 48;
 - (c) make a recommendation under clause 49.

47. Making findings on serious child-related conduct

- (1) If the complaint alleges that the respondent has committed serious child-related conduct, the Board must make a finding on whether the respondent engaged in any or all of the conduct so alleged, and these findings shall constitute findings for the purpose of –
- (a) any requirement by law to notify a person or authority that a finding has been made that the respondent engaged in conduct which is the subject of any such requirement to notify; and
 - (b) entering on the National register the details of information required by the provisions of the *National Register Canon 2007*.

48. Power to dismiss or take no further action

- (1) If the Board is not satisfied that the church worker committed any misconduct, or is satisfied that the complaint is false, vexatious or misconceived, the Board may determine accordingly and must dismiss the complaint.
- (2) If the Board is satisfied that the church worker did commit misconduct but is not satisfied as to any of the matters in clause 49(1), the Board may determine accordingly and must take no further action in relation to the complaint. The Board may nonetheless recommend under clause 49 that the respondent be counselled.

49. Recommendations and Orders by the Board

- (1) If the Board is satisfied that the church worker:
- (a) is not fit to hold a role office or position, or to be or remain in Holy Orders; or
 - (b) is not fit, whether temporarily or permanently, to exercise ministry or perform any duty or

function of the role office or position; or

- (c) should be subject to any condition or restriction in the exercise of ministry or in the performance of any duty or function;

the Board must determine in writing accordingly and make recommendations to the Archbishop or relevant Church authority, including but not limited to any one or more of the following:

- (d) that the church worker be counselled;
- (e) that the church worker be suspended from office or employment or from performing the function as the case may be for such period determined by the Board;
- (f) that the licence or authority of the church worker be revoked;
- (g) that the church worker's contract of employment (if any) be terminated;
- (h) that the church worker cease to hold any office then held;
- (i) that the church worker's holding of office or employment or performance of the function, as the case may be, be made subject to such conditions or restrictions as the Board may specify;
- (j) that the church worker be directed to do or to refrain from doing a specified act;
- (k) that a charge be promoted against the respondent before the Diocesan Tribunal;
- (l) that the operation of a determination shall be suspended for such period and upon such conditions as the Board shall specify;
- (m) that the church worker should be deposed from Holy Orders; and
- (n) that a prohibition order be made in terms specified by the Board.

50. Provision of copies of determination and recommendation

(1) The Board must cause a copy of the determination and recommendations, together with reasons, to be provided to –

- (a) the relevant Church authority;
- (b) the complainant;
- (c) the respondent;
- (d) the PSC; and
- (e) the Director or

(2) The Director must cause to be entered in the national register all details of information required by the provisions of the *National Register Canon 2007*.

51. Power to defer final recommendation

(1) The Board may defer making any final recommendation on a complaint and may for that purpose adjourn any hearing from time to time for a period or periods not exceeding in aggregate, 12 months, on terms that the church worker undertake for a specified period and in a form approved by the Board to do one or more of the following acts or omissions:

- (a) stand down from the office or employment or from performing specified duties of office or employment;
- (b) undertake counselling from a person approved by the Board;
- (c) submit to periodic medical examination by a person approved by the Board;
- (d) undertake a specified program of medical treatment or rehabilitation whether as an outpatient or inpatient;
- (e) provide medical or other evidence requested by the Board to assist it in deciding on any final recommendation; or
- (f) perform or refrain from performing some other specified act.

(2) If at the time of deferring a final recommendation in accordance with this clause the Board is satisfied that the church worker is at that time either unfit to hold office or to exercise ministry or to perform any duty or function of the office or employment, any undertaking given by the church worker must include an undertaking under clause 51(1)(a) in such form as the circumstances may require and as the Board may approve.

(3) If within a period specified by the Board the church worker declines to give an undertaking in accordance with clause 51(1), the Board must proceed to make a determination and recommendation.

(4) The Board may take into account the failure of the church worker to comply with his or her undertaking under clause 51(1) in deciding on any final recommendation on a complaint.

52. Effect of Prohibition Orders

A person who is subject to a prohibition order is, despite the provisions of any other ordinance, ineligible for election or appointment to any position or office to which the order applies, and any such office or position that the person is or was elected or appointed to becomes vacant.

PART 4C – REVIEW OF BOARD DETERMINATIONS**53. Application for review**

- (1) If the respondent is aggrieved by a decision of the Board, the respondent may apply to the Registrar for a review of the decision.
- (2) If the PSC is aggrieved by a decision of the Board, the PSC may apply to the Registrar for a review of the decision.
- (3) The application must be made within 21 days after the applicant is provided with a copy of the Board's report under clause 50 or such longer period as the Registrar may by notice in writing to the aggrieved person determine.
- (4) The application must be in writing and set out the grounds for the review.

54. Grounds for review

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

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

55. Stay of proceedings

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

56. Appointment of Reviewer

- (1) As soon as practicable after receiving an application for review, the Registrar must notify the Chancellor.
- (2) The Chancellor is to appoint an experienced lawyer to undertake the review and notify the Registrar of the appointment.
- (3) Upon the appointment of an experienced lawyer, the Registrar is to obtain an estimate of the fee to be charged by the experienced lawyer in making a determination under this Part.
- (4) On receipt of the estimate, the Registrar is to notify the applicant for the review of the amount of the estimate and is to request the applicant to pay half of the estimated fee to the Registrar or a person nominated by the Registrar.
- (5) If the applicant does not pay half of the estimated fee within 21 days after receipt of the Registrar's request, the application for the review lapses.

57. Conduct of review

- (1) A review by an experienced lawyer of the determination of the Board is to be conducted in the manner determined by the experienced lawyer, subject to the process allowing the experienced lawyer to make a determination on the review within a reasonable period after the date that the Registrar receives payment from the applicant for half of the estimated fee.
- (2) A review is not to be a re-hearing of the merits, or a new hearing.
- (3) The experienced lawyer may make such order as to costs of the review as he or she thinks fit.

58. Determination on review

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

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

PART 4D – PROCEDURAL MATTERS FOR THE PSC AND THE BOARD

59. Conduct of proceedings

Subject to the provisions of this Ordinance each of the PSC and the Board—

- (a) must act with fairness and according to equity, good conscience, procedural fairness and the substantial merits of the case without regard to technicalities or legal forms; and
- (b) is not bound by the rules of evidence but may inform itself on any matter in such manner as it thinks fit; and
- (c) must deal with each matter as expeditiously as possible.

60. Failure to appear

(1) The PSC may make findings or recommendations in any proceedings in the absence of additional material from the respondent if satisfied that reasonable efforts were made to give the respondent an opportunity to provide that material.

(2) The Board may make a determination in any proceedings in the absence of a person affected by the determination if satisfied that reasonable efforts were made to give that person an opportunity to appear.

61. Powers and duties

(1) Subject to this Ordinance, the Board:

- (a) may regulate the proceedings of its meetings as it sees fit;
- (b) may inform itself from the record of or transcript of proceedings in any court or tribunal and may adopt any findings in, and accept as its own, the record of or transcript of proceedings of any court or tribunal;
- (c) may conduct its business and any proceedings by video link, conference telephone or by any electronic means of communication; and
- (d) must give written reasons for any determination and recommendation, other than by way of directions in the course of an application, unless the determination is made by consent of the respondent and the PSC.

(2) The Board must give the PSC and the respondent a reasonable opportunity to adduce evidence, to examine and cross-examine witnesses and to make submissions to the Board.

62. Legal representation

The PSC may and the respondent may each appoint a legal representative to assist in the process.

63. Directions

The Board may at any time give directions:

- (a) as to the inspection by and supply of copies to the respondent or any other person of the documents or material relevant to the reference; and
- (b) as to the conduct of its inquiry into the reference or review;
and for that purpose the Board may be constituted by the presiding member or by a member appointed for the purpose by the presiding member.

64. Appointment of a person to assist

The Board may, for the purpose of any particular reference, appoint such person or persons to assist it in inquiring into (but not determining) a reference as the Board thinks fit.

65. Directions to Director or the PSC

The Board may at any time, and from time to time, give directions to the Director or the PSC as to any further inquiries or investigation it requires to be carried out for the purposes of the reference and the Director or the PSC, as the case may be, must to the best of its ability cause such directions to be carried out.

66. Written evidence

Without limiting the meaning and effect of clause 61, The Board may receive a statutory declaration or a signed statement without the need for the personal attendance of the maker of the statutory declaration or statement and may also in its discretion use electronic means such as video link or conference telephone to receive evidence and submissions.

67. Decisions of other bodies

- (1) In any proceedings before it, where the PSC or the Board is satisfied that the respondent:
- (a) has been convicted by a court within Australia of an offence involving misconduct;
 - (b) has been found guilty (without conviction) by a court within Australia of an offence involving misconduct;
 - (c) has admitted in proceedings before a court, tribunal or commission of inquiry within Australia having engaged in conduct involving misconduct;
 - (d) has been found by a court, tribunal or commission of inquiry within Australia to have engaged in conduct involving misconduct; or
 - (e) has been disqualified by a court, tribunal or commission of inquiry within Australia from professional practice on account of conduct involving misconduct;
- then:
- (f) a certificate, reasons for judgment or other record from the court, tribunal or commission (as the case may be) shall be conclusive evidence that the respondent engaged in the misconduct concerned; and
 - (g) neither the respondent nor any other party shall be at liberty to call or give evidence or make submissions for the purpose of calling into question the conviction or finding of guilt of the respondent or denying that the respondent engaged in the misconduct concerned.

68. Standard of proof

The standard of proof to establish an allegation is that of reasonable satisfaction on the balance of probabilities.⁸

69. Members of Board not to meet with parties

No member of the PSC or the Board shall individually meet with in relation to the complaint either the complainant or the respondent or anyone acting on their behalf while the matter is in progress.

70. Disqualification where conflict of interest

- (1) A member of the PSC or the Board must promptly disclose to the other members any actual conflict of interest they have as a member and any circumstances which might reasonably be perceived as a conflict of interest, including the reason(s) why such a conflict of interest might exist.
- (2) Where a member of the PSC or the Board has an actual or perceived conflict of interest in a matter, the member shall be disqualified from participating in the matter.
- (3) The opinion of a majority of the other members of the PSC or Board, as the case may be, shall be conclusive as to whether the member has an actual or perceived conflict of interest in a matter.

71. Medical examination

- (1) The PSC or the Board may require the respondent to submit within a specified time to a medical, psychiatric or psychological examination by a person approved by the PSC or the Board (as the case may be) the cost of which shall be met from funds under the control of the Synod.
- (2) A copy of the report of an examination under subclause (1) shall be provided to the respondent, the Director, the PSC and the Board.

72. Duties of the respondent

- (1) The respondent must, subject to subclause (2), truthfully answer any question put by or on behalf of the Board in the exercise of powers conferred by this Ordinance.
- (2) If the respondent declines to answer a question on the ground that the answer might tend to incriminate the respondent, a written record shall be made of the question and of the ground of refusal.
- (3) The respondent must not:
- (a) mislead the Board or a member of the Board; or

⁸ The standard of proof is to be applied with regard to the principles in *Briginshaw v Briginshaw* [1938] HCA 34.

- (b) unreasonably delay or obstruct the Board in the exercise of powers conferred by this Ordinance.

73. Limitation on promotion of a charge in the Diocesan Tribunal

If the PSC or the Board is satisfied that there is no reasonable likelihood that the Diocesan Tribunal would find the respondent guilty of any offence, the PSC or the Board shall not recommend that a charge be promoted against the respondent in the Diocesan Tribunal.

74. Costs

- (1) Neither the PSC nor the Board has the power to award costs of any complaint or matter before it.
- (2) A respondent who is not an unpaid lay church worker may apply to the Standing Committee for reimbursement of their reasonable costs of obtaining advice and assistance from a legal practitioner for the purposes of a process under this Ordinance.
- (3) The Standing Committee may grant legal assistance to a church worker on such terms and subject to such conditions as it shall determine.
- (4) For the purposes of subclause (3), the Standing Committee may approve a scale of costs on the recommendation of the Director.

75. Making of rules

- (1) The President of the Board may make or approve rules of the Board reasonably required in relation to the practice and procedure.
- (2) The rules of the Board made under this clause may provide that, in relation to the exercise of specified functions, or in relation to matters of a specified class, other than the determination of an application including the making of a recommendation, the Board may, at the direction of the presiding member, be constituted by a single member sitting alone.

76. Practice and procedure

Subject to this Ordinance and the relevant rules, the practice and procedure of the Board will be as directed by the presiding member of the Board.

77. Determination of questions

- (1) In any proceedings of the Board:
 - (a) any question of law or procedure shall be determined by the presiding member; and
 - (b) any other question will be determined by majority decision of the members, and in the case of an equality of votes the opinion of the presiding member shall prevail.
- (2) Where the Board is constituted by a member sitting alone who is not the President or the Deputy President, any question of law that arises must be referred to the President or Deputy President for decision and any decision made on such a reference is a decision of the Board, as the case may be.

78. Public Hearings

- (1) Subject to subclauses (2) and (3), any hearing of the Board must be held in public.
- (2) The Board may direct:
 - (a) that the whole or part of a proceeding be held in private; or
 - (b) that only persons or classes of persons specified by it may be present during the whole or any part of a proceeding.
- (3) The Board may only make a direction under the preceding subclause if satisfied that the direction is necessary on or more of the following grounds:
 - (a) to comply with applicable legislation of the State or a Territory or the Commonwealth;
 - (b) to prevent a real and substantial risk to the proper administration of justice that cannot be prevented by other reasonably available means;
 - (c) to protect the safety of any person;
 - (d) to avoid causing undue distress or embarrassment to a complainant (other than the Director) or a witness (other than the respondent) in a proceeding that relates in whole or part to a complaint;
 - (e) to avoid the disclosure of confidential information; and
 - (f) for any other reason in the interests of justice.

79. Suppression of names

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

79A. Non-publication orders

- (1) The Board may, on the application of a party or the Director, order that a party by himself or herself or through his or her agents and associates not publish verbally, in writing or by electronic means:
 - (a) any matter relevant to a fact or circumstance likely to be considered when the Director or Board is dealing with the complaint; or
 - (b) any aspersion on the character of a person who may be a material witness to such fact or circumstance.
- (2) Such an order may be made ex parte, but may be discharged on the application of the person against whom it is made on at least five days' notice to the person on whose application it was made.

PART 4E – CHURCH AUTHORITIES AND COMPLIANCE**80. Church authority to give effect**

- (1) Subject to subclause (2), the Church authority to whom a recommendation under this Ordinance is made must and is empowered to do any acts to give effect to a recommendation of the Director, an Adjudicator, PSC or the Board.
- (2) The Church authority referred to in subclause (1) may vary, modify or temporarily suspend the implementation of a recommendation consistent with any facts found by the body making the recommendation provided that the body making the recommendation agrees that the substance of the recommendation is preserved.

81. Compliance by church worker

A church worker must:

- (a) comply with any undertaking given to an Adjudicator, PSC or the Board or the relevant Church authority; and
- (b) comply with a direction made by the relevant Church authority to give effect to a recommendation of the Adjudicator, PSC or the Board, as the case may be, or any permitted variation or modification that recommendation.

CHAPTER 5 - PERSONS OR BODIES PERFORMING FUNCTIONS UNDER THIS ORDINANCE**PART 5A – THE DIRECTOR****82. Appointment**

- (1) There shall be a Director of Professional Standards.
- (2) The Director shall be appointed by the Archbishop.
- (3) The Director shall hold office on such terms and conditions as may be determined from time to time by the Archbishop.
- (4) If, for any reason, the Director is unable or unwilling to exercise or perform any power, authority, duty or function of the Director under this Ordinance, the Archbishop may appoint another suitably qualified person to exercise or perform the power, authority, duty or function.

82A. Conflict of Interest

If the Director has any actual or perceived conflict of interest in the exercise or performance of any power, authority, duty or function under this Ordinance in relation to a matter, the Director must declare to the Archbishop that he is unable or unwilling to exercise or perform that power, authority, duty or function in relation to the matter.

83. Functions of the Director

- (1) The Director's functions include:
 - (a) to receive complaints;
 - (b) to make a complaint against a church worker;
 - (c) to appoint investigators to investigate complaints in a timely and appropriate manner;
 - (d) to be the executive officer of the PSC;
 - (e) to attend meetings of the PSC except for any part of a meeting which deals with the conditions of employment, remuneration or performance of the Director;
 - (f) to provide advice about the code of conduct and procedures under this Ordinance;
 - (g) to provide or arrange care for or treatment of the complainant and respondent;
 - (h) to provide input into education and vocational training programs for church workers;
 - (i) to keep proper records of complaints, decisions, meetings, employment screening details, police checks and people affected by any allegation of misconduct;
 - (j) to consult and co-operate with other persons and bodies in the Church with responsibility for professional standards;
 - (k) to support complainants in making a report to police or child protection authorities;
 - (l) to report to the PSC on any recommended changes to processes, structures and education programs that would reduce the risk of misconduct; and
 - (m) such specific functions and duties, consistent with this Ordinance, as may be determined from time to time by the PSC.
- (2) The Director must act in all things as expeditiously as possible.

84. Relationship between the Director and the Archbishop

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

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

A Church authority, Church body or relevant person that appointed a church worker to an office or position must provide the Director with such information as the Director may reasonably require.

86. The Director to report annually to the Standing Committee

Before 1 August each year, the Director is to make a report to the Standing Committee as to the actions taken under this Ordinance during the period of 12 months ending on the preceding 30 June and provide a copy of the report to the Safe Ministry Board.

PART 5B – THE PROFESSIONAL STANDARDS COMMITTEE**87. Establishment of the PSC**

There shall be a Professional Standards Committee for the diocese constituted in accordance with the provisions of this Part.

88. Functions of the PSC

The PSC has the following functions:

- (a) to act on a complaint in accordance with this Ordinance and, where appropriate, to obtain independent legal advice for that purpose;
- (b) to recommend to the Standing Committee any changes to Church processes, structures and education programs, where appropriate, that would reduce the risk of misconduct;
- (c) to authorise such expenditure as may be necessary or appropriate to implement, in a particular case, the provisions of this Ordinance subject to any limit imposed by the Standing Committee;
- (d) to advise relevant Church bodies as to the financial, pastoral or other needs of a person affected by misconduct which is the subject of a complaint and to advise relevant Church bodies in connection with any legal proceedings, anticipated or existing, against such Church bodies arising out of that alleged misconduct;
- (e) to refer any information in its possession to a law enforcement, prosecution or child protection authority of a State or Territory or of the Commonwealth of Australia for which the information is or may be relevant;
- (f) to maintain proper records of all information and complaints received and of action taken in relation to each of them; and
- (g) to exercise such other powers and functions as are conferred on it by this or any other Ordinance.

89. Membership of the PSC

- (1) The members of the PSC shall be appointed by the Archbishop-in-Council.
- (2) The members of the PSC shall hold office on such terms and conditions as may be determined from time to time by the Archbishop-in-Council.
- (3) The PSC must have at least three members including the chair.
- (4) The persons appointed as members of the PSC are to include –
 - (a) an experienced lawyer, and
 - (b) a person who has been a member of the clergy for not less than 10 years, and
 - (c) a person who is certified by the Safe Ministry Board as having other qualifications or experience appropriate to the discharge of the office of a member of the PSC, such as child protection, social work or psychiatry.
- (5) The PSC must so far as is reasonably practicable:
 - (a) include at least one person who is not a member of the Church;
 - (b) have at least one man and one woman.
- (6) The chair of the PSC must be appointed by the Archbishop.
- (7) A member of the PSC must not act unless the member has agreed in writing to abide by this Ordinance.

90. Term of office

Subject to clause 89, a member of the PSC holds office until the first meeting of the Standing Committee which next follows the first day of the first ordinary session of the next Synod provided that the member continues to hold office until his or her successor is appointed.

91. Casual vacancies

- (1) The office of a member of the PSC is vacated if –
 - (a) the member –
 - (i) dies, or
 - (ii) resigns by notice in writing to the Diocesan Secretary, or
 - (iii) becomes mentally incapacitated, or
 - (iv) becomes an insolvent under administration, or
 - (v) ceases to reside permanently in the Diocese, or
 - (b) the Archbishop-in-Council revokes the appointment.
- (2) The Archbishop-in-Council may fill a casual vacancy in the office of a member of the PSC.

92. Conduct of business

- (1) The PSC may meet from time to time as determined by the chair or a majority of its members and may conduct its business by telephone or electronic communication.
- (2) The chair must convene a meeting of the PSC at the request of the Director.
- (3) The procedures of the PSC shall be determined by the PSC.
- (4) A majority of the members shall constitute a quorum.
- (5) A decision taken other than at a meeting of the PSC, if supported by a majority of members of the PSC, constitutes a decision of the PSC.
- (6) The PSC must act in all things as expeditiously as possible.

93. Validity of proceedings

An act or proceeding of the PSC is not invalid by reason only of a vacancy in its membership and, notwithstanding the subsequent discovery of a defect in the nomination or appointment of a member, any such act or proceeding is as valid and effectual as if the member had been duly nominated or appointed.

94. Delegation of functions

- (1) Subject to subclause (2), the PSC may delegate, upon such terms and conditions as the PSC may approve, any of its functions under this Ordinance to any person.
- (2) The PSC cannot delegate:
 - (a) its functions under subclause (1); or
 - (b) its functions under Part 4A.
- (3) A delegation under this clause must be made by an instrument in writing signed by a member of the PSC pursuant to a resolution of the PSC.

PART 5C – THE PROFESSIONAL STANDARDS BOARD**95. Establishment of the Board**

There shall be a Professional Standards Board comprising three persons constituted and appointed in accordance with the provisions of this Part.

96. Functions of the Board

The function of the Board is to enquire into and determine complaints referred to it by the PSC under this Ordinance.

97. Panel

- (1) The members of the Board in a particular case shall be appointed from a panel comprising:
 - (a) a President and a Deputy President, both of whom shall be experienced lawyers;
 - (b) three members of the clergy of at least seven years' standing; and
 - (c) three laypersons who may or may not be members of the Church and at least two of whom are persons who are considered by the Archbishop-in-Council as having professional experience, training or skills in a field that is relevant to addressing the needs of persons who are subjected to misconduct.
- (2) As far as reasonably practicable the members of the panel should comprise an equal number of men and women.

98. Appointment of the Panel

- (1) The members of the panel shall be appointed by the Archbishop-in-Council and shall hold office on such terms and conditions as may be determined from time to time by the Archbishop-in-Council.
- (2) Any vacancy in the membership of the panel shall be filled by the Archbishop-in-Council.

99. Appointment of the Board

- (1) The members of the panel to be convened for a complaint referred to the Board shall be determined by the President or, if there is a vacancy in the office of President or if the President is unable to act, by the Deputy President.
- (2) For the purpose of any reference to the Board, the Board shall consist of the President or Deputy President, who shall be the presiding member, and one clerical and one lay member of the panel.
- (3) The Board must, so far as reasonably practicable, have at least one man and at least one woman.
- (4) A member of the Board must not act in a matter unless the member has agreed in writing to abide by this Ordinance.

100. Vacancies on the Board

- (1) If a member of the Board, other than the presiding member, dies or is for any other reason unable to continue with any matter referred to the Board –
 - (a) the Board constituted of the presiding member and the other member may, if the presiding member so determines, continue and complete the reference; or
 - (b) if the presiding member so determines, a substitute member may be appointed to fill the vacancy.
- (2) If the presiding member dies or is for any reason unable to continue with any matter referred to the Board, the Deputy President becomes the presiding member for that matter.

101. Secretary

There shall be a secretary to the Board who shall be appointed by or in accordance with a resolution of the Archbishop-in-Council, and whose duties shall be defined by the President.

102. Quorum

The quorum for a meeting of the Board shall be all the members of the Board except where the Board by its presiding member makes directions under clause 63 of this Ordinance.

103. Validity of proceedings

An act or proceeding of the Board is not invalid by reason only of a vacancy in its membership or of the membership of the panel and, notwithstanding the subsequent discovery of a defect in the nomination or appointment of members of the panel or the Board, any such act or proceeding is as valid and effectual as if the member had been duly nominated or appointed.

CHAPTER 6 - MISCELLANEOUS

PART 6A – CONFIDENTIALITY AND PUBLICATION

104. Duty of confidentiality

(1) Subject to the provisions of this Ordinance, the Director, an Adjudicator, a member of the PSC, a member of the Board and a person employed or engaged on work related to the affairs of the PSC, must not divulge information that comes to his or her knowledge by virtue of that office or position except:

- (a) in the course of carrying out the duties of that office or position;
- (b) as may be authorised by or under this Ordinance;
- (c) as may be authorised or required by or under the *National Register Canon 2007* or any canon prescribed by General Synod in substitution for that canon;
- (d) in any proceedings before a Diocesan Tribunal, a Provincial Tribunal, the Special Tribunal or the Appellate Tribunal;
- (e) as may be required by law; or
- (f) to any insurer or insurance broker of a Church body where the information may give rise to or be relevant to a claim for indemnity by the Church body is against the insurer or is relevant to obtaining or continuing insurance cover.

(2) The PSC may release to any person, including a Church authority, such material as it may determine with respect to any information or complaint.

105. Release of information by PSC

(1) The PSC must disclose to an equivalent body information in its possession concerning the alleged misconduct of a church worker:

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

and must co-operate with any equivalent body.

(2) The PSC may disclose to a person or body of another church or Christian denomination exercising powers, duties or functions similar to those of the PSC, details of information in its possession concerning the alleged misconduct of a church worker and the PSC must co-operate with such person or body to whom the information is disclosed.

106. Church authority may release information

The Archbishop or the relevant Church authority may, following consultation with the Director, release to any person such material as the Church authority may determine with respect to any information, complaint or finding.

107. PSC reports

(1) Without disclosing the identity of any complainant or the details of any complaint, the PSC must report annually to the Synod on the operation this Ordinance and its activities for that calendar year.

(2) Notwithstanding subclause (1), the report of the PSC pursuant to that subclause may identify a church worker who has been exonerated from an allegation which is the subject of the complaint or who has been the subject of a determination or recommendation by the Board favourable to the church worker.

(3) The PSC must, in respect of every complaint with which it is dealing under this Ordinance, report either orally or in writing to the Archbishop with such frequency and as fully as the Archbishop may reasonably require.

PART 6B – INDEMNITY

108. Obligation to indemnify

The Standing Committee must and is hereby authorised out of funds under the control of the Synod to indemnify –

- (a) the Director and any delegate of the Director;

- (b) each member of the PSC;
- (c) any delegate of the PSC;
- (d) an Adjudicator;
- (e) each member of the Board;
- (f) the secretary of the Board;
- (g) any person appointed by the Board pursuant to this Ordinance; and
- (h) the Archbishop;

in respect of any act or omission respectively by them in good faith and in the exercise or purported exercise of powers or functions, or in the discharge or purported discharge of duties, under this Ordinance in relation to a church worker.

PART 6C – REGULATIONS

109. Regulation making power

The Archbishop-in-Council may from time to time make, amend or repeal regulations not inconsistent with the provisions of this Ordinance providing for records arising out of or incidental to the operation of this Ordinance and for all or any of the purposes, whether general or to meet particular cases, which may be convenient for the administration of this Ordinance or which may be necessary or expedient to carry out the overriding purposes of this Ordinance.

PART 6D – OTHER

110. Rights of employers

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

111. Findings of certain other bodies may be treated as conclusive

Any findings made by an equivalent body or a court, tribunal or commission of inquiry, that have not been overturned on appeal, may be treated as conclusive by a person performing functions under this Ordinance.

112. Service of documents

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

113. Commencement

Except for this clause, this Ordinance commences on the date determined by the Archbishop on the advice of the Chancellor.

Notes

In accordance with Clause 113, the Archbishop determined the commencement date of the original form of this Ordinance to be 1 November 2017 on the advice of the Chancellor.

Table of Amendments

[not reproduced here]



Safe Ministry Board Ordinance 2001

(Reprinted under the Interpretation Ordinance 1985.)

The Professional Standards Board Ordinance 2001 as amended by the Diocesan Officers (Retirement) Repeal Ordinance 2001 and the Safe Ministry Ordinance 2005.

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XXXXXXXXXX

Long Title

An Ordinance to constitute and define the functions of the Safe Ministry Board and for purposes connected therewith.

The Standing Committee of the Synod of the Diocese of Sydney Ordains as follows.

Part 1 – Preliminary

1. Name

This ordinance is the Safe Ministry Board Ordinance 2001.

2. Definitions

In this Ordinance –

“1996 Ordinance” means the Church Discipline Ordinance 1996.

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

“Board” means the Safe Ministry Board.

“child abuse” means –

- (a) assault (including sexual assault) of, or
- (b) ill-treatment or neglect of, or
- (c) exposing or subjecting to behaviour that psychologically harms,

a person under the age of 18 years and includes allegations of child abuse or an allegation that may involve child abuse.

“Child Protection Legislation” means the Children and Young Persons (Care and Protection) Act 1998, the Child Protection (Prohibited Employment) Act 1998, the Commission for Children and Young People Act 1998 and the Ombudsman Amendment (Child Protection and Community Services) Act 1998 as amended from time to time and the regulations and guidelines made under or pursuant to those Acts.

“Director” means the person appointed by the Archbishop to administer the 1996 Ordinance and the Sexual Misconduct Protocol.

“Experienced Lawyer” has the meaning given in the 1996 Ordinance.

“Licenced Minister” has the meaning given in the 1996 Ordinance.

“Office Holder” means a person –

- (a) who is a Licensed Minister, or
- (b) who holds a Position within the meaning of the 1996 Ordinance.

“Organisation” means –

- (a) an unincorporated or incorporated body constituted by an ordinance or a resolution of the Synod or its Standing Committee, and
- (b) a Parish, and
- (c) such other body which is identified by the Board as affiliated with the Diocese and which agrees with the Board to submit to the provisions of this ordinance.

“Parish” means a parish or provisional parish in the Diocese constituted or recognised under the Parishes Ordinance 1979 and includes parish councils and churchwardens.

“Sexual Misconduct Protocol” means such protocol established from time to time by the Archbishop for the reporting of sexual abuse by church workers within the Diocese.

3. Interpretation

In this Ordinance –

- (a) headings are used for convenience only and do not affect the interpretation of this Ordinance,
- (b) references to any legislation or to any section of any legislation include any modification or re-enactment of it and any legislation substituted for it,
- (c) a reference to a clause is a reference to a clause of this Ordinance,
- (d) words denoting the singular include the plural and vice versa, and
- (e) words referring to any gender include all genders.

Part 2 – Constitution, Functions and Powers

4. Constitution

The Board is constituted with the functions set out in this Ordinance.

5. Functions of the Board

The functions of the Board are –

- (a) to promote and facilitate the development of an environment within Organisations that is free from the risk of child abuse including the promotion and facilitation of compliance with the requirements of the Child Protection Legislation,
- (b) to monitor, review and make recommendations in respect of compliance, training, investigatory and management practices and procedures and pastoral care within Organisations in relation to the prevention of and response to child abuse and the requirements of the Child Protection Legislation,
- (c) to review and make recommendations in respect of ordinances passed or to be passed by the Synod or its Standing Committee to ensure compliance and compatibility with the requirements of the Child Protection Legislation,
- (d) to provide services, advice, and assistance to Organisations and Office Holders in relation to the prevention of and response to child abuse and the requirements of the Child Protection Legislation,
- (e) to make representations to relevant government bodies regarding the operation of the Child

- Protection Legislation,
- (f) to liaise with persons and bodies outside the Diocese to facilitate cooperation and consistency of conduct in relation to the prevention of and response to child abuse and compliance with the requirements of the Child Protection Legislation,
 - (g) to provide services, advice, and assistance to Anglican organisations and persons holding office in the Church outside the Diocese in relation to the prevention of and response to child abuse and the requirements of the Child Protection Legislation,
 - (h) to exercise a delegated head of agency function for the purposes of the Ombudsman Amendment (Child Protection and Community Services) Act 1998, and
 - (i) to conduct employment screening on behalf of Anglican employers within the Province of New South Wales and the Diocese of Wangaratta for the purposes of the Commission for Children and Young People Act 1998,
 - (j) to promote and facilitate the development of an environment within Organisations that is free from the risk of harm to any vulnerable person,
 - (k) to monitor, review and make recommendations in respect of compliance, training, investigatory and management practices and procedures and pastoral care within Organisations in relation to the prevention of and response to harm to any vulnerable person,
 - (l) to provide services, advice, and assistance to Organisations and Office Holders in relation to the prevention of and response to any vulnerable person.

6. Further Functions of the Board

Without limiting the generality of the functions referred to in clause 5, in exercising any such function or functions the Board may –

- (a) develop and disseminate appropriate guidelines, protocols, policies and procedures for use within Organisations and by Office Holders,
- (b) initiate training programs, activities and publicity to educate and inform Organisations and Office Holders,
- (c) conduct quality assurance audits in relation to compliance, training, investigation and management practices and procedures, and pastoral care within Organisations,
- (d) review and make recommendations on the operation of the 1996 Ordinance and the Sexual Misconduct Protocol,
- (e) on request from an Organisation or Office Holder, make arrangements for an investigation on behalf of the Organisation or Office Holder, and
- (f) provide advice in relation to risk assessments obtained by Organisations and Office Holders from employment screening under the Commission for Children and Young People Act 1998.

7. Powers of the Board

The Board has power to carry out its functions under clauses 5 and 6 and for these purposes the Board may –

- (a) acquire property by purchase, donation or otherwise,
- (b) use any money paid to or property vested in the Board,
- (c) enter into contracts, employ persons and do all things as a necessary or incidental to the carrying out of its functions, and
- (d) open and operate bank accounts and determine the persons by whom cheques and other bank documents shall be signed or endorsed.

Part 3 – Membership of the Board

8. Membership of the Board

- (1) The members of the Board are –
 - (a) the Archbishop who is the President of the Board,
 - (b) the Director who is the Chief Executive Officer of the Board,
 - (c) 3 Licenced Ministers appointed by the Archbishop,
 - (d) 3 persons who are not Licenced Ministers appointed by the Archbishop,
 - (e) 3 Licenced Ministers elected by the Standing Committee, and
 - (f) 3 persons who are not Licenced Ministers elected by the Standing Committee.
- (2) The membership of the Board must include –

- (a) an Experienced Lawyer,
- (b) at least 4 men, and
- (c) at least 4 women.

(3) The Archbishop and the Standing Committee shall have regard to the need for the membership of the Board to include persons with professional training and/or experience in the areas of child protection, social welfare or counselling.

9. Duration of Office

- (1) Each member who is elected or appointed to the Board (other than the Director) is to retire on the first meeting of the Standing Committee which next follows the first ordinary session of each Synod provided that a member continues to hold office until a successor for the member is elected or appointed.
- (2) Subject to this Ordinance, a retiring member is eligible to be re-elected or re-appointed.

10. Casual Vacancies

- (1) A vacancy occurs when a member who is elected or appointed to the Board (other than the Director) –
 - (a) dies,
 - (b) resigns the office of member by writing addressed to the Archbishop, and in such case, unless the writing specifies a later date, the resignation is effective when the Archbishop receives the writing,
 - (c) becomes an insolvent under administration,
 - (d) becomes an incapable person, a patient, a protected person or a voluntary patient under any statute relating to mental health,
 - (e) is absent for a continuous period of 6 months without leave of the Board from meetings of the Board held during that period.
 - (f)
- (2) In addition to the circumstances set out in subclause (1) –
 - (a) the Archbishop may revoke at any time the membership of a person appointed to the Board pursuant to clause 8(1)(c) or clause 8(1)(d), and
 - (b) the Standing Committee may by resolution specifying the reasons therefor revoke at any time the membership of a person elected to the Board pursuant to clause 8(1)(e) or clause 8(1)(f).
- (3) A vacancy in the office of a member of the Board may be filled –
 - (a) in the case of a vacancy of a member appointed by the Archbishop, by the Archbishop, and
 - (b) in the case of a vacancy of a member elected by the Standing Committee, by the Standing Committee.

Part 4 – Meetings

11. Meetings

- (1) The Board meets at such times as it may determine and at such other times as the Archbishop may determine.
- (2) The quorum for a meeting of the Board is 6.
- (3) A vacancy in the membership of the Board or a defect in the election or appointment of a person acting as a member of the Board does not invalidate any act or proceeding of the Board.
- (4) Subject to the provisions of this ordinance, the Board may regulate its own proceedings and for that purpose may make or rescind or alter regulations from time to time.

12. Chairing of Meetings

- (1) The Archbishop chairs all meetings of the Board provided he is present and is willing so to act.
- (2) If the Archbishop is not present at a meeting of the Board or is not willing to chair the meeting –
 - (a) a member of the Board appointed by the Archbishop will chair that meeting, or
 - (b) if the member of the Board appointed by the Archbishop as Chair is not present at that meeting, the members of the Board present must elect one of their number to chair the meeting for so long as the Chair is absent.
- (3) The person chairing a meeting of the Board has both a deliberative and casting vote.

Part 5 – Committees of the Board

13. Board may appoint Committees

For the purpose of assisting the Board in carrying out its functions the Board may, by resolution, establish 1 or more committees with such powers and functions as the Board may think fit.

14. Membership of Committees

A committee established by the Board may include persons who are not members of the Board.

Part 6 – Miscellaneous

15. Accounts Ordinance

The Board must comply with the terms of the Accounts, Audits and Annual Reports Ordinance 1995.

16. Investments

All property held for the Board and available for investment must only be invested in accordance with the Investment of Church Trust Property Ordinance 1990.

17. Reports to be made to Synod and Standing Committee

The Board must provide regular reports of its activities to the Standing Committee and must provide a report to each session of the Synod.

18. Indemnification

- (1) The Board must ensure that there is indemnity insurance for its members.
- (2) Each member of the Board is indemnified out of the assets held by or for the purposes of the Board against all loss or liability properly incurred for or on behalf of the Board by reason of being or having been a member of the Board other than that incurred or occasioned by the member's own wilful act or neglect.

19. Review of Ordinance

The operations of the Board must be reviewed by the Standing Committee as soon as practicable after 3 years from the date of assent to this ordinance.

20. Commencement

- (1) Subject to subclause (2), this Ordinance commences on the date of assent.
- (2) The functions of the Board referred to in clauses 5(d), (g), (h) and (i) commence on the date or dates determined by the Archbishop-in-Council.

Table of Amendments

[not reproduced here]



Safe Ministry to Children Ordinance 2020

(Reprinted under the Interpretation Ordinance 1985.)

The Safe Ministry to Children Ordinance 2020 as amended by the Safe Ministry to Children Ordinance 2020 Amendment Ordinance 2020.

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Long Title

An Ordinance to provide for safe ministry to children in the Diocese of Sydney that is based on the framework set out in the *General Synod – Safe Ministry to Children Canon 2017* (including implementation of the Protocol) and for related purposes.

The Standing Committee of the Synod of the Diocese of Sydney Ordains as follows.

1. Name

This ordinance is the *Safe Ministry to Children Ordinance 2020*.

PART 1 – PRELIMINARY

2. Interpretation

The definitions of certain terms used in this Ordinance are set out in the Dictionary in Part 11.

PART 2 – CODES OF CONDUCT

3. Prescribed code of conduct

(1) The prescribed code of conduct for safe ministry to children in the Diocese is the standards and guidelines of *Faithfulness in Service* set out in –

- (a) section 3 (Putting this Code into Practice) so far as they relate to section 5 (Children), and
- (b) section 5 (Children),

when read in each case with section 1 (About this Code) and section 2 (Key Terms).

(2) Subject to clause 4, clergy and church workers in the Diocese must –

- (a) observe the standards of conduct, and
- (b) follow the guidelines for conduct unless there are cogent reasons for not doing so,

contained in the prescribed code of conduct.

4. Equivalent code of conduct

(1) The prescribed code of conduct does not apply to clergy and church workers in a Church body which has a code of conduct for safe ministry to children applicable to them under –

- (a) the laws of the Commonwealth or New South Wales; or
- (b) a requirement or condition for registration, approval or funding to provide services for children under the laws of the Commonwealth or New South Wales; or
- (c) a contract or arrangement with the Commonwealth or New South Wales or an agency or authority of the Commonwealth or New South Wales.

(2) The prescribed code of conduct also does not apply to clergy and church workers in a Church body if the Standing Committee determines on application by the Church body, that the Church body has an equivalent code of conduct, as appropriately adapted to the context of the Church body, that gives substantial effect to the standards and the guidelines contained in the prescribed code of conduct.

(3) The Registrar shall publish on the Safe Ministry website, a list of all Church bodies that have been determined under subclause (2) to have an equivalent code of conduct, the date on which the determination was made, and if applicable the period during which the determination has effect.

PART 3 - SAFE MINISTRY REQUIREMENTS

5. Mandatory requirements

Subject to clause 6, clergy and church workers in the Diocese must observe the requirements for screening, training and safe ministry with Persons of Concern that are set out in Parts 4, 5 and 6 respectively.

6. Equivalent requirements

(1) The requirements for screening, training and safe ministry with Persons of Concern do not apply to clergy and church workers in a Church body which –

- (a) is registered or approved or funded to provide services to children pursuant to the laws of the Commonwealth or New South Wales; or

- (b) provides services to children pursuant to a contract or arrangement with the Commonwealth or New South Wales or an agency or authority of the Commonwealth or New South Wales.

(2) The requirements also do not apply to clergy and church workers in a Church body if the Standing Committee determines that the Church body has equivalent requirements for safe ministry to children, as appropriately adapted to the context of the Church body, that give substantial effect to the requirements set out in this Ordinance.

(3) The Registrar shall publish on the Safe Ministry website a list of all Church bodies that have been determined under subclause (2) to have equivalent requirements, along with the date on which the determination was made, the applicable requirements that are equivalent, and if applicable the period during which the determination has effect.

PART 4 - SCREENING

7. Application

(1) Unless otherwise specified, this Part applies to all persons ordained as deacons or presbyters, or licensed as clergy, elected as the Archbishop, or appointed as church workers, both when and after this Part comes into force.

(2) A person licensed as clergy, elected as the Archbishop, or appointed as a church worker when this Part comes into force is not required to undergo an assessment required under this Part if the screening authority is reasonably satisfied that the same or a materially similar form of assessment has previously been done in respect to the person before this Part comes into force and that assessment, where relevant, remains in effect. This subclause does not apply to clause 9A and subclause 9(b)(v).

8. Deacons

The screening requirements for a person to be ordained as a deacon are –

- (a) the person holds an unconditional working with children check, where required by the laws of New South Wales; and
- (b) the following assessments by the Archbishop or his delegate –
 - (i) where a working with children check is not required by and is not able to be sought under the laws of New South Wales, a criminal history assessment;
 - (ii) a national register assessment;
 - (iii) a safe ministry assessment;
 - (iv) a medical assessment;
 - (v) a psychological assessment; and
 - (vi) where the person was previously authorised for ministry in a Province or in another diocese of the Anglican Church of Australia or another denomination, a church ministry assessment, unless where reasonably satisfied this has previously been done.

9A. Presbyters

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, the screening requirement to be ordained as a presbyter is a psychological assessment by the Archbishop or his delegate.

Notes:

- (1) *By clause 3 of the Safe Ministry to Children Ordinance 2020 Amendment Ordinance 2020, the requirement for a psychological assessment for a presbyter does not apply to –*
 - (a) *a person who has been accepted as a candidate for ordination as a presbyter prior to the date of assent of the Safe Ministry to Children Ordinance 2020 Amendment Ordinance 2020 (23 November 2020), or*
 - (b) *a person who is ordained as a presbyter as at the date of assent of the Safe Ministry to Children Ordinance 2020 Amendment Ordinance 2020 (23 November 2020), and*
- (2) *In accordance with clause 9A, the Archbishop has delegated his responsibility to the Director of Professional Standards.*

9. Licensed clergy or the Archbishop

The screening requirements for a member of the clergy to be licensed, or to be elected as the Archbishop, are –

- (a) the person holds an unconditional working with children check, where required by the laws of

New South Wales; and

- (b) the following assessments by the screening authority –
 - (i) where a working with children check is not required by and is not able to be sought under the laws of New South Wales, a criminal history assessment;
 - (ii) a national register assessment;
 - (iii) a safe ministry assessment;
 - (iv) where the person was previously licensed for ministry in a Province or in another diocese of the Anglican Church of Australia or another denomination, a church ministry assessment, except where reasonably satisfied this has previously been done, and
 - (v) where the person was ordained as a presbyter in another Province or in another diocese of the Anglican Church of Australia and the licence is the person's first licence to the office of rector in the Diocese, a psychological assessment.

10. Authorised or paid church workers

The screening requirements for church workers to be authorised or to undertake paid ministry to children are –

- (a) the person holds an unconditional working with children check, where required by the laws of New South Wales; and
- (b) the following assessments by the screening authority –
 - (i) where a working with children check is not required by and is not able to be sought under the laws of New South Wales, a criminal history assessment;
 - (ii) a national register assessment;
 - (iii) a safe ministry assessment; and
 - (iv) where the person was previously authorised for ministry in a Province or in another diocese of the Anglican Church of Australia or another denomination, a church ministry assessment, except where reasonably satisfied this has previously been done.

11. Voluntary church workers

(1) The screening requirements for church workers, who are not professional standards personnel and safe ministry personnel, to undertake voluntary ministry to children are –

- (a) the person holds an unconditional working with children check, where required by or able to be sought under the laws of New South Wales; and
- (b) the following assessments by the screening authority –
 - (i) a criminal history assessment, if –
 - (A) the person is aged 18 years or more,
 - (B) a working with children check is not required by or able to be sought under the laws of New South Wales, and
 - (C) the person is eligible to apply for a National Police History Check; and
 - (ii) subject to subclause (2), a safe ministry assessment.

(2) The Standing Committee may prescribe circumstances in which a safe ministry assessment is not required to undertake voluntary ministry to children in the Diocese.

Notes:

- (1) *By clause 4(2) of the Safe Ministry to Children Transitional Ordinance 2020, the requirement for a safe ministry assessment for a volunteer church worker commences on 1 January 2021 or such other date as may be determined by the Standing Committee by resolution.*
- (2) *The Standing Committee has prescribed the following circumstances in which a safe ministry assessment is not required for a person to undertake voluntary ministry to children in the Diocese –*
 - (i) *the church worker is below 13 years of age,*
 - (ii) *the church worker is undertaking ministry to pre-school aged children (or younger) on not more than 10 occasions in a calendar year in the context of activities in which the church worker's own child usually participates,*
 - (iii) *the church worker is undertaking ministry at or in connection with a university or other tertiary institution, or*

- (iv) *the church worker undertakes ministry to children on not more than a total of 5 occasions in a calendar year, if the ministry involves minimal direct contact with children or is supervised when children are present.*

12. Professional standards personnel and safe ministry personnel

The standards of screening for professional standards personnel, and safe ministry personnel, who have not otherwise been screened as a deacon, a licensed member of the clergy, the Archbishop, or an authorised, paid or voluntary church worker, are a national register assessment by the screening authority.

PART 5 - TRAINING

13. Application

This Part applies to all persons ordained as deacons, or licensed as clergy, elected as the Archbishop, or appointed as church workers, or elected or appointed as professional standards personnel or safe ministry personnel, both when and after this Part comes into force.

14. Accredited training

- (1) Subject to subclause (2), the training requirements for clergy and church workers with respect to safe ministry are satisfactory completion of accredited training –
- (a) by the Archbishop, within three years prior to his election; or
 - (b) by clergy, and authorised, paid or voluntary, church workers, within three years prior to being ordained, licensed, or authorised, or appointed to undertake ministry to children; or
 - (c) by professional standards personnel, within three years prior to election or appointment to a professional standards role; or
 - (d) by safe ministry personnel, within three years prior to election or appointment to a safe ministry role; and

by the Archbishop, clergy and church workers in paragraphs (a) and (b), at intervals of not more than three years after prior satisfactory completion of accredited training.

- (2) A person is not required to complete accredited training within the relevant period set out in subclause (1) if the Archbishop or his delegate is satisfied there are exceptional circumstances and in such case the training is to be completed within such other period specified by the Archbishop or his delegate or, if no period is specified, as soon as practicable.

PART 6 - SAFE MINISTRY WITH PERSONS OF CONCERN

15. Mandatory Requirements

Section 5 of the Persons of Concern Policy sets out the actions that are required to be undertaken in a parish or congregation in respect to a person of concern, and in the case of a congregation, as adapted by the Safe Ministry Board.

PART 7 – AUDIT

16. Audit

- (1) The Registrar shall appoint an independent person to undertake a Church body audit and a diocesan audit of the Diocese at intervals of three years or such lesser period as determined by the Standing Committee, and provide as soon as practicable after the completion of the audit –

- (a) a report of the Church body audit to the Standing Committee; and
- (b) a report of the diocesan audit to the Standing Committee and the Safe Ministry Board.

Note: *The Standing Committee has determined an interval of 5 years for the first audit in accordance with clause 3 of the Safe Ministry to Children Transitional Ordinance 2020.*

- (2) The Standing Committee shall determine the scope of the Church body audit and the diocesan audit.
- (3) The independent person undertaking the Church body audit shall be given access to such records and information, as requested by the independent person undertaking the Church body audit as is reasonably necessary to enable the Church body audit to be undertaken.
- (4) The independent person undertaking the diocesan audit shall be given access to such records and information, as requested by the independent person undertaking the diocesan audit as is reasonably necessary to enable the diocesan audit to be undertaken.

- (5) The Diocesan Registrar shall as soon as practicable after –
- (a) the report of the Church body audit has been provided to the Standing Committee, and
 - (b) the report of the diocesan audit has been provided to the Standing Committee and Safe Ministry Board

publish the report on the Safe Ministry website.

PART 8 – PARISH SAFE MINISTRY REPRESENTATIVES

17. Appointment and term of office of a safe ministry representative

- (1) Subject to clause 18, the minister must, with the concurrence of the parish council, appoint a person as a safe ministry representative for the parish.
- (2) The minister must promptly report to the Registrar the name and contact details of a person appointed as a safe ministry representative.
- (3) Subject to subclauses (4) and (5) and clause 18, the person appointed as a safe ministry representative holds office until the earlier of –
- (a) the period (if any) specified by the minister in writing at the time of appointment,
 - (b) the appointment of a successor,
 - (c) their death, or
 - (d) their resignation.
- (4) The appointment of a person as a safe ministry representative is revoked if the person –
- (a) has not, subject to clause 14(2), satisfactorily completed safe ministry training within the last 3 years, or
 - (b) ceases to hold an unconditional working with children check.
- (5) The appointment of a safe ministry representative may be revoked by –
- (a) the minister, with the concurrence of the parish council, or
 - (b) the Director of Professional Standards,

as each may think fit.

18. Qualification to be a safe ministry representative

- (1) A person appointed as a safe ministry representative must –
- (a) be not less than 21 years of age, and
 - (b) have satisfactorily completed accredited training in accordance with this Ordinance, and
 - (c) hold an unconditional working with children check.
- (2) A person who is or becomes bankrupt may not be appointed or continue as a safe ministry representative.

19. Functions of a safe ministry representative

A safe ministry representative has the following functions –

- (a) to ensure compliance by the minister or the minister's delegate with this Ordinance in respect to church workers undertaking ministry to children within the parish, and
- (b) to create and maintain in a secure manner the records that are required to be created and maintained by the minister under this Ordinance as a screening authority, and
- (c) to provide a report, at least annually to the parish council, that includes current policies and practices, and any suggested changes, to ensure the safety of children involved in the activities of the parish and such other matters as may be prescribed by the Safe Ministry Board, and
- (d) to report to the Director of Professional Standards, and in the case of a church worker, to the minister and any applicable delegate of the minister, knowledge or reasonable suspicion that a child who attends or has attended any activity of the parish has suffered child abuse or is at the risk of harm from child abuse from a church worker.

20. Protection of safe ministry representatives

A person must not take any adverse action against or cause any detriment to a safe ministry representative because the representative has made a report under this Ordinance in good faith.

Note: By clause 5 of the Safe Ministry to Children Transitional Ordinance 2020, any action taken under Chapter 7 of Schedule 1 or Schedule 2 of the Parish Administration Ordinance 2008 is taken to be an action undertaken under the equivalent provision of this Ordinance.

PART 9 – RECORD KEEPING

21. Creation and retention of records

(1) Accurate records of –

- (a) the screening of clergy and church workers,
- (b) the satisfactory completion of accredited training by clergy and church workers

are to be created and maintained in a secure manner by or on behalf of the screening authority.

(3) Accurate records relating to the implementation of the Persons of Concern Policy in respect of each Person of Concern are to be created and maintained in a secure manner by or on behalf of the person responsible for its implementation within the Church Body.

22. Inspection of records

(1) The Registrar or a person nominated by the Registrar may, for reasonable and legitimate purposes, inspect all records maintained by a parish in relation to its obligations under this Ordinance.

(2) The Registrar or a person nominated by the Registrar may require the minister or the safe ministry representative to provide any of the following information in relation to persons undertaking ministry to children in the parish –

- (a) full name,
- (b) date of birth,
- (c) working with children check number (or application number) and expiry date, and
- (d) date of verifying the clearance with the regulator and outcome.

PART 10 – GENERAL

23. Confidentiality

A person performing a function under this Ordinance is to keep confidential any personal information obtained in the course of fulfilling that function, except where its disclosure –

- (a) is required by law or an Ordinance of the Diocese;
- (b) is made with the consent of the person to whom the information relates;
- (c) is reasonably necessary to protect any person from the risk of being harmed;
- (d) is reasonably necessary for the purpose of fulfilling a function under this Ordinance, including undertaking an assessment of whether a person is suitable to undertake ministry to children; or
- (e) is necessary for the purpose of taking or initiating any professional standards or disciplinary action against a member of clergy or a church worker.

24. Disclosure of information

The Registrar or a person nominated by the Registrar shall at the request of General Secretary of the General Synod promptly inform the General Secretary of the details of the screening and training of persons from the diocese who are being considered for appointment or election for a General Synod professional standards position or a General Synod safe ministry position.

25. Application to Cathedral

This Ordinance applies to the Cathedral Church of St Andrew as if –

- (a) the Cathedral and the lands and property belonging thereto are a parish, and
- (b) the Dean is the minister, and
- (c) the Cathedral Chapter is the parish council.

26. Application to ENC Fellowships

This Ordinance applies to fellowships under the *Department of Evangelism and New Churches Ordinance 2010* as if –

- (a) the fellowship and the places where it undertakes ministry are a parish, and
- (b) the leader of the fellowship is the minister, and

- (c) the Board of the Department of Evangelism and New Churches, or such other body of persons within the fellowship that the Board nominates, is the parish council.

PART 11 – DICTIONARY

In this Ordinance, unless the context otherwise requires–

accredited training means –

- (a) training that –
- (i) includes the course content in the Safe Ministry Training National Benchmarks so far as it relates to ministry to children, with reasonable adjustments for cultural, linguistic, ability diversity and age; and
 - (ii) is delivered by persons who are accredited, and/or online training which is accredited, by the Safe Ministry Board; or
- (b) training of another Church body or organisation that the Safe Ministry Board has determined is equivalent to the training in paragraph (a);

adult means a person who is 18 years of age or above;

child means anyone under the age of 18;

child abuse has the same meaning as in the *National Register Canon 2007*;

Church authority means the Archbishop or a person or body having authority to ordain, license, elect, appoint, dismiss or suspend a member of clergy or a lay person;

Church body means any body corporate, organisation or association that exercises ministry within, or on behalf of, or in the name of, the Church, and is constituted by Ordinance of the Synod or in respect of which the Synod has power to make Ordinances; **Church body audit** means an audit as to whether –

- (a) any code of conduct that applies to clergy and church workers in a Church body in respect of which the Standing Committee has made a determination under clause 4(2) gives substantial effect to the standards of conduct and the guidelines for conduct contained in the prescribed code of conduct as appropriately adapted to the context of the Church body;
- (b) any requirements in this Ordinance for safe ministry to children that apply to clergy and church workers in a Church body in respect of which the Standing Committee has made a determination under clause 6(2) give substantial effect to the applicable requirements as appropriately adapted to the context of the Church body;

church ministry assessment means a reasonable endeavour made to obtain information about the person from the responsible authority, and if obtained consideration of that information;

church worker means a lay person undertaking any ministry to children –

- (a) who is authorised by the Archbishop; or
- (b) who is employed by a Church body; or
- (c) who, for payment or not, holds a position or performs a function with the actual or apparent authority of a Church authority or Church body;

clergy means a person who is a bishop, presbyter or deacon in the Anglican Church of Australia;

code of conduct means the code of conduct prescribed under Part 2 of this Ordinance;

cogent means clear, logical and convincing;

contact means physical contact, oral communication (whether face-to-face or by telephone), written communication or electronic communication (which includes email, instant messaging, social media and video chats);

criminal history assessment means consideration of a National Police History Check of the person;

denominational authority means a person or body of another denomination having authority to ordain, license, elect, appoint, dismiss or suspend a member of the clergy or a lay person of that denomination;

Diocese means the Diocese of Sydney;

diocesan audit means an audit as to whether –

- (a) any diocesan code of conduct containing additional standards of conduct for observance, and additional guidelines for conduct to be followed, is inconsistent with the standards of conduct and the guidelines for conduct contained in the prescribed code of conduct, or an equivalent code of conduct in respect of which the Standing Committee has made a determination under clause 4;
- (b) the diocese has in place procedures which –
 - (i) effectively monitor observance by clergy and church workers in the diocese of the standard and, unless there are cogent reasons for not doing so, the guidelines applicable to them that give effect to the prescribed standards and guidelines; and
 - (ii) provide for an appropriate response to instances of non-observance; and
- (c) the procedures in paragraph (b) have, in all material respects, been followed;

diocesan authority means a person or body of another diocese of the Anglican Church of Australia having authority to ordain, license, elect, appoint, dismiss or suspend a member of the clergy or a lay person of that diocese;

Faithfulness in Service means *Faithfulness in Service – A national code for personal behaviour and the practice of pastoral ministry by clergy and church workers* adopted by the Synod including any amendments made thereto from time to time.

General Synod professional standards position means a professional standards position to which a person is elected or appointed by the General Synod or the Standing Committee or the Primate or the General Secretary;

General Synod safe ministry position means a safe ministry position to which a person is elected or appointed by the General Synod or the Standing Committee or the Primate or the General Secretary;

independent person means a person who –

- (a) is not a member of the clergy or a church worker; and
- (b) has experience in undertaking audits of a similar nature to a Church body audit and a diocesan audit;

information means a written statement by a responsible authority which discloses –

- (a) whether or not there has been, and
- (b) if there has been, the substance of,

any untested allegation, charge, finding or admission of the commission of a criminal offence, or a breach of the rules in force in the applicable Province or diocese or denomination regarding the moral conduct of clergy and lay persons undertaking ministry, including rules relating to sexual conduct and conduct towards children and vulnerable adults;

licence means a licence issued by the Archbishop;

licensed clergy means clergy issued with a licence;

medical assessment means consideration of a medical report of the person by a registered medical practitioner;

minister has the meaning set out in the *Parish Administration Ordinance 2008*;

ministry to children means work of a kind where a person –

- (a) is required to hold a working with children check by reason that the person has contact with a child as part of engaging in a regulated activity; or
- (b) exercises a pastoral ministry which has direct, regular and not incidental contact with children; or
- (c) provides services to children that are ancillary to the exercise of a pastoral ministry within paragraph (b) which involve –
 - (i) contact with children during an overnight activity (such as camps and similar activities); or
 - (ii) close, personal contact with children (such as changing clothes, washing and toileting); or
- (d) supervises the ministry of a person within any one or more of paragraphs (a) to (c); or
- (e) performs a professional standards role; or
- (f) performs a safe ministry role;

National Register means the National Register established under the *National Register Canon 2007*;

national register assessment means a check whether there is any information about the person entered in the National Register, and if so consideration of that information;

pastoral ministry includes the provision of spiritual advice and support, education, counselling, medical care, and assistance in times of need;

Person of Concern is a person who is currently participating or wishes to participate in the life of a parish or congregation and whose presence constitutes a risk of harm from sexual abuse to others in the parish or congregation;

Persons of Concern Policy means the Policy for Safe Ministry in a parish where there is a risk of sexual abuse by a Person of Concern that is prescribed by the Standing Committee from time to time;

Note: The Standing Committee has prescribed "Chapter 4: Guidelines for parishes regarding persons of interest" of the version of the Professional Standards Unit's Safe Ministry Blueprint for Churches published as at 27 April 2020 for the purposes of the definition of "Persons of Concern Policy".

professional standards personnel means clergy and church workers performing a professional standards role;

professional standards process means a process for determining the fitness for office of clergy or lay persons under any Canon of the General Synod diocesan ordinance or a process under Chapter IX of the Constitution, where the conduct that is the subject of the process relates to child abuse;

professional standards role means a role in –

- (a) recommending or determining whether an action is to be taken; or
- (b) providing support to a person;

under a professional standards process;

Protocol means the Protocol for the disclosure of ministry suitability information between the churches of the Anglican Communion which the Anglican Consultative Council referred to in resolution 16.27 passed in 2016;

Province means –

- (a) a member church of the Anglican Consultative Council other than the Anglican Church of Australia and includes part of a Province; and
- (b) a church that is recognised as a member church of the Anglican Communion by the Synod;

provincial authority means the person or body in a Province having authority to ordain, license, elect, appoint, dismiss or suspend a member of the clergy or a lay person of that Province;

psychological assessment means consideration of a psychological report that includes an assessment of the personal, social and sexual maturity of the person by a registered psychologist;

Registrar means the person holding the office for the time being as the registrar of the Diocese;

responsible authority means –

- (a) a provincial authority; or
- (b) a diocesan authority; or
- (c) a denominational authority;

safe ministry assessment means consideration of the person's completed Safe Ministry Check, and, if applicable, information provided by a person's former minister or a referee as part of the Safe Ministry Check;

Safe Ministry Check means a check that includes the applicable Safe Ministry Check as prescribed from time to time by the Standing Committee;

Note: The Standing Committee prescribed forms of Check for voluntary church workers at its meeting on 27 April 2020.

The Standing Committee prescribed forms of Check for Clergy at its meeting on 27 July 2020.

Safe Ministry Board means the Safe Ministry Board established under the *Safe Ministry Board Ordinance 2001*;

safe ministry personnel means clergy and church workers performing a safe ministry role;

safe ministry role means a role –

- (a) in recommending or determining standards and guidelines for safe ministry to children or with Person of Concern; or
- (b) in recommending or determining or supervising safe ministry in a parish or congregation with a Person of Concern;

but excludes a role as a member of the Synod or the Standing Committee;

Safe Ministry Training National Benchmarks means the Safe Ministry Training National Benchmarks as tabled at the 17th ordinary session of the General Synod held in 2017;

screening authority means –

- (a) in the case of a person to be ordained as a deacon, or a member of the clergy to be licensed, or a church worker to be authorised, the Archbishop or his delegate; or
- (b) in the case of a member of the clergy to be elected as the Archbishop, the electing body or its delegate; or
- (c) in the case of a church worker to undertake paid or voluntary ministry to children, the appointing person or body or their delegate; or
- (d) in the case of professional standards personnel and safe ministry personnel, the electing or appointing body or its delegate.

spiritual abuse has the same meaning as in the *National Register Canon 2007*;

Standing Committee means the Standing Committee of the Synod;

Synod means the Synod of the Anglican Church Diocese of Sydney; and

working with children check means an authority to work with children issued under the laws of New South Wales.

Notes

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

Table of Amendments

[not reproduced here]



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, the Standing Committee Ordinance 1897 Amendment Ordinance 2019 and the Standing Committee Ordinance 1897 Amendment Ordinance 2021.

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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).

“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.

“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.

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) The Diocesan Secretary does not have the right to vote as a member of the Standing Committee.

- (3) 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 of the same region as the absent Regional Bishop has a right to vote.
- (4) 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 ordinary session of the next Synod.
- (5) 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 an online ballot, and in such case –
 - (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.
- (2) Subject to this Ordinance the persons elected under subclause (1) hold office until the first day of the first ordinary 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, except where this arises as a result of an alteration to the boundaries of the Region;
 - (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 ordinary 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 an online ballot, and in such case –
 - (i) 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 before the first appointed day of a session of the Synod.
- (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 ordinary 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 ordinary 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

[not reproduced here]



Synod Membership Ordinance 1995

(Reprinted under the Interpretation Ordinance 1985.)

The Synod Membership Ordinance 1995 as amended by the Miscellaneous Amendments Ordinance 1997, the Assisted Provisional Parishes (Reclassification) Ordinance 1997, the Conduct of the Business of Synod Ordinance 2000, the Synod Membership Ordinance 1995 Amendment Ordinance 2003, the Synod and Standing Committee (Membership) Amendment Ordinance 2003, the Synod Membership (Election of Parochial Representatives) Amendment Ordinance 2004, the Synod Membership (Indigenous Representation) Amendment Ordinance 2006, the Synod Membership (Nominated Indigenous Representatives) Ordinance 2009, the Synod (Electronic Communications) Amendment Ordinance 2013, the Conduct of the Business of Synod Ordinance 2000 Amendment Ordinance 2014, the Synod and Standing Committee (Membership) Amendment Ordinance 2015, the Synod Membership Ordinance 1995 Amendment Ordinance 2016, the Synod Membership Amendment Ordinance 2017, the Synod Membership Ordinance 1995 Amendment Ordinance 2019 and the Synod Membership Ordinance 1995 Amendment Ordinance 2021.

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Dictionary

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Long Title

An Ordinance to provide for the election, appointment and summoning of Synod members and for matters incidental thereto.

Now the Synod of the Diocese of Sydney Ordains as follows –

Part 1 – Preliminary

1. Citation

This Ordinance may be cited as the “Synod Membership Ordinance 1995”.

2. Definitions

A word or expression used in this Ordinance and which is defined in the Dictionary at the end of this Ordinance has the meaning set out in the Dictionary.

Part 2 – Frequency and Proceedings of Synod

3. Frequency

A new Synod must be elected and convened at least once in every 3 years.

4. Rules for Conduct of Business of Synod

The rules for the conduct of all business coming before the Synod shall be those set out in the Schedule to the Conduct of the Business of Synod Ordinance 2000.

Part 3 – Membership of Synod

5. Membership

Subject to this Ordinance, the members of a Synod comprise –

- (a) Parochial Ministers (see Part 4);
- (b) Parochial Representatives for that Synod (see Part 5);
- (c) Chief Executive Officers of Nominated Organisations for that Synod (see Part 6);
- (d) Nominated Ministers for that Synod (see Part 7);
- (e) Nominated Laypersons for that Synod (see Part 8); and
- (f) Nominated Indigenous Representatives for that Synod (see Part 8A); and
- (g) Other members (see Part 9).

5A. Consent to use of personal information by Registrar

(1) Each person elected or appointed as a Parochial Representative, alternate for a Parochial Representative, Nominated Layperson or lay Nominated Indigenous Representative must give the following consent prior to notice of his or her election or appointment being given under this Ordinance to the Registrar –

“I consent to my 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) The person who or the body which is required to give the Registrar notice of an election or appointment referred to in subclause (1) must retain, or cause to be retained, a written record of the consent.

(3) For the purposes of subclause (1), the proper administration of the Diocese includes any act or practice which is –

- (a) performed pursuant to or under an ordinance or resolution of the Synod or the Standing Committee, or
- (b) reasonably necessary to give effect to an ordinance or resolution of the Synod or the Standing Committee, or
- (c) a discharge of the duties or exercise of the powers and authorities of the Archbishop however arising,

and the proper administration of the Synod includes any act or practice which is undertaken by the Diocesan Secretary or the Secretary of the Synod in the course of administering the Synod.

6. Declaration

(1) Each Parochial Representative, alternate for a Parochial Representative, Nominated Layperson and lay Nominated Indigenous Representative must sign the following declaration prior to notice of his or her election or appointment being given under this Ordinance to the Registrar –

“I, the undersigned A.B., do declare that I am a communicant member of the Anglican Church of Australia and not a member of any other Church.”

(2) The person or body which is required to give the Registrar notice of an election or appointment referred to in subclause (1) must retain, or cause to be retained, the signed declaration.

Part 3A – Synod Communications

6A. Members of Synod to ensure Registrar holds current postal and email addresses

(1) Each person who holds office as a member of the Synod *ex officio* must ensure that the Registrar holds a current postal and email address for that person.

(2) Each member of the Synod must ensure that each postal and email address held by the Registrar for the member remains current.

6B. Synod communications may be sent by email

- (1) Subject to subclauses (2), (3) and (4), a Synod Communication may be sent to a member of the Synod at any email address held by the Registrar for the member instead of the member's postal address.
- (2) If the Registrar does not hold an email address for a member of the Synod, any Synod Communication which would otherwise have been sent to the member by email is taken to have been duly sent to and received by the member.
- (3) If an email address held by the Registrar for a member of the Synod is not current and a Synod Communication is sent to the member at that email address, the Synod Communication is taken to have been duly sent to and received by the member.
- (4) The Standing Committee may make regulations from time to time prescribing –
 - (a) the manner in which Synod Communications are to be sent to members of the Synod by email, and
 - (b) any type of Synod Communication which must also be sent to members by post.

6C. Notifying information about members of the Synod to the Registrar

- (1) The Registrar may make provision for –
 - (a) any notice required by ordinance to be given to the Registrar about a member of the Synod, and
 - (b) any other information which is or may be held by the Registrar about a member of the Synod,

to be directly provided to or updated on a secure on-line database held by the Registrar.

- (2) To the extent the Registrar makes the provision referred to in subclause (1) –
 - (a) any notice required by ordinance to be given to the Registrar about a member of the Synod is taken to have been given to the Registrar, and
 - (b) any other information about a Synod member is taken to be held by the Registrar,if the notice or information is duly provided to or updated on the secure on-line database.

- (3) In making the provision referred to in subclause (1), the Registrar must take reasonable steps to ensure that –
 - (a) the information held by the Registrar on the database is secure, and
 - (b) a person who provides a notice to or updates information on the secure on-line database is a person entitled to do so.

Part 4 – Parochial Ministers***Division 1 – Parochial Ministers*****7. Each Parochial Minister must be summoned to Synod**

Each Parochial Minister is a member of the Synod and must be summoned to each session of the Synod convened after that person becomes a Parochial Minister.

8. What if a person ceases to be a Parochial Minister after a summons has issued?

If a person is summoned to a session of Synod as a Parochial Minister and before the first day of that session the person ceases to be a Parochial Minister, the person ceases to be a member of the Synod and the summons is void.

Division 2 – Alternate for a Parochial Minister**8A. Parochial Minister may appoint an alternate**

- (1) A Parochial Minister may appoint a Minister holding a licence from the Archbishop to be the alternate for the Parochial Minister for a session of the Synod if the Parochial Minister expects that during all or part of that session –
 - (a) the Parochial Minister will be outside the Diocese; or
 - (b) the Parochial Minister will be on annual leave or long service leave; or
 - (c) the Parochial Minister will be unable to perform normal ministry duties due to sickness or accident for which the Parochial Unit will be in receipt of benefits from the Sydney Diocesan Sickness and Accident Fund; or

- (d) the Parochial Minister, with the consent of the Archbishop, will for any other reason be unable to attend all or part of that session.
- (2) The appointment of an alternate can only be made by the Parochial Minister giving to the Registrar, at least 7 days, or such lesser period as the Registrar may determine prior to the first day of the session, a written notice –
- (a) certifying that the Parochial Minister expects that during all or part of that session the Parochial Minister will be outside the Diocese or will be on annual leave or long service leave or will be unable to perform normal ministry duties in terms of subclause (1)(c) or, with the consent of the Archbishop, will for another reason be unable to attend all or part of that session; and
 - (b) specifying the name of, and a postal and email address for, the alternate appointed as the alternate and the session of the Synod for which the alternate has been appointed.
- (3) An appointment made under this clause may only be revoked –
- (a) by the Parochial Minister; and
 - (b) if written notice of the revocation is given to the Registrar at least at least 7 days, or such lesser period as the Registrar may determine prior to the first day of the session.

8B. Alternate to attend in place of the Parochial Minister

- (1) At the session of the Synod for which an alternate is appointed as the alternate for a Parochial Minister, the alternate –
- (a) may exercise all the rights which a Parochial Minister may exercise as a member of the Synod; and
 - (b) shall be taken to be a Parochial Minister in determining any quorum at the session,
- but is not entitled to be elected to any office or committee of the Synod for which membership of the Synod is a qualification.
- (2) If –
- (a) a Parochial Minister has appointed an alternate under clause 8A; and
 - (b) the appointment has not ended under clause 8C,

the Parochial Minister is not to attend the session of the Synod for which the alternate has been appointed.

8C. When does an appointment of an alternate end?

The appointment of an alternate for a Parochial Minister under clause 8A ends on the first to occur of –

- (a) the person making the appointment ceasing to be the Parochial Minister of the Parochial Unit to which the person was licensed at the time the appointment was made; or
- (b) the person appointed as alternate ceasing to be licensed by the Archbishop; or
- (c) the Parochial Minister revoking the appointment under clause 8A(3); or
- (d) the end of the last day of the session of the Synod for which that person was appointed as an alternate.

Part 5 – Parochial Representatives

Division 1 – Parochial Representatives

9. Who is a Parochial Representative?

A person is a Parochial Representative for a Synod if –

- (a) that person has been elected to be a Parochial Representative for that Synod; and
- (b) notice of the election has been given to the Registrar under clause 17; and
- (c) that person has not retired as a Parochial Representative under clause 18.

Division 2 – Election of Parochial Representatives

10. How many Parochial Representatives can a Parish elect?

A Parish may elect 1 or 2 Qualified Persons to be Parochial Representatives.

11. How many Parochial Representatives can a Provisional Parish elect?

A Provisional Parish may elect 1 Qualified Person to be a Parochial Representative.

12. What if a Parish is reclassified as a Provisional Parish?

- (1) If a Parish is reclassified as a Provisional Parish, the persons elected (if any) to be Parochial Representatives for that Parish retire as Parochial Representatives on the date the reclassification takes effect.
- (2) A Parochial Representative for the Provisional Parish may be elected at a General Meeting held at any time after the date of reclassification.
- (3) For the purposes of this clause –
 - (a) “reclassified” does not include provisionally reclassified; and
 - (b) where the date of reclassification occurs within 2 months before the first day of a session of Synod or occurs during a session of Synod, the date of reclassification is taken to be the day after the last day of that session of Synod.

13. What if a Provisional Parish is reclassified as a Parish?

- (1) If a Provisional Parish is reclassified as a Parish an additional Parochial Representative for that Parochial Unit may be elected at a General Meeting held at any time after the date of reclassification.
- (2) If a Provisional Parish is reclassified as a Parish within 2 months before the first day of a session of Synod or during a session of Synod, the date of reclassification is taken to be, for the purpose of this clause, the day after the last day of that session of Synod.

14. What if 2 or more Parochial Units Amalgamate?

- (1) Where 2 or more Parochial Units are amalgamated, the persons elected (if any) to be Parochial Representatives for each of those Parochial Units retire as Parish Representatives on the date of amalgamation.
- (2) A Parish Representative or Representatives for the new Parochial Unit may be elected at a General Meeting held at any time after the date of amalgamation.
- (3) If 2 or more Parochial Units are amalgamated within 2 months before the first day of a session of Synod or during a session of Synod the date of amalgamation is taken to be, for the purposes of this clause, the day after the last day of that session of Synod.

15. When may persons be elected to be Parochial Representatives?

A person may be elected to be a Parochial Representative of a Parochial Unit for a Synod at a General Meeting held at any time during the calendar year in which the first ordinary session of that Synod is to be convened or at any time thereafter.

16. How are elections to be conducted?

The provisions which apply to the nomination of persons and the conduct of contested elections at a General Meeting apply in relation to the nomination of a person as a Parochial Representative and to the conduct of contested elections as if those provisions were set out in full in this ordinance.

17. Notice to be given to the Registrar when a person is elected to be a Parochial Representative

Upon the election of a person to be a Parochial Representative, the chairman of the General Meeting at which the election took place must give, or cause to be given, to the Registrar a written notice –

- (a) specifying the name and date of election of the person elected to be a Parochial Representative; and
- (b) specifying a postal and email address for the person; and
- (c) specifying the Synod for which the person has been elected to be a Parochial Representative; and
- (d) certifying that the person has given the consent required by clause 5A and that a written record of the consent has been retained; and
- (e) certifying that the person has signed the declaration required by clause 6(1) and that the signed declaration has been retained.

Division 3 – Retirement of Parochial Representatives**18. When does a person retire as a Parochial Representative?**

- (1) A Parochial Representative continues to be a member of the Synod until the day before the first day of the first ordinary session of the next Synod.
- (2) A person retires as a Parochial Representative if –

- (a) a Disqualifying Event occurs in respect of that person;
- (aa) the person ceases to be a Qualified Person;
- (b) the person resigns by written notice given to the Parochial Minister or, if there is no Parochial Minister, to the Wardens;
- (c) the person retires as a Parochial Representative by reason of clause 12 or 14; or
- (d) a General Meeting of the Parochial Unit resolves to revoke the person's entitlement to hold office as a Parochial Representative in circumstances where the person has ceased being a parishioner of the Parochial Unit and the Parochial Minister certifies that, having made reasonable efforts to contact the person –
 - (i) no contact has been made, or
 - (ii) contact has been made but the person did not indicate a wish to remain as a Parochial Representative.

19. Notice to be given to the Registrar when a person retires as a Parochial Representative

If a person retires as a Parochial Representative otherwise than by reason of clause 12 or 14, the Parochial Minister or, if there is no Parochial Minister, the Wardens must give, or cause to be given, to the Registrar a written notice specifying –

- (a) the name of the person and the date on which the person retired as a Parochial Representative; and
- (b) the Synod for which the person had been a Parochial Representative.

20. A vacancy in the office of a Parochial Representative may be filled

A person may be elected to fill a vacancy in the office of a Parochial Representative at a General Meeting of the Parochial Unit.

Division 4 – Summoning of Parochial Representatives to Synod

21. Parochial Representatives must be summoned to Synod

Each person who is a Parochial Representative for a Synod is a member of that Synod and must be summoned to each session of that Synod convened after that person becomes a Parochial Representative.

22. What if a person retires as a Parochial Representative after a summons has issued?

If a person is summoned to a session of Synod as a Parochial Representative and before the first day of that session that person retires as a Parochial Representative, the summons is void.

Division 5 – Alternate for a Parochial Representative

22A. Parochial Representative may appoint an alternate

(1) With the consent of the Wardens, a Parochial Representative may appoint a Qualified Person to be the alternate for the Parochial Representative for a session of the Synod if the Parochial Representative expects that during all or part of the session –

- (a) the Parochial Representative will be outside the Diocese; or
- (b) the Parochial Representative will be on annual leave or long service leave or sick leave; or
- (c) the Parochial Representative will be for any other reason unable to attend all or part of that session.

(2) The appointment of an alternate can only be made by the Parochial Representative giving to the Registrar, at least at least 7 days, or such lesser period as the Registrar may determine prior to the first day of the session, a written notice –

- (a) certifying that the Parochial Representative expects that during all or part of that session the Parochial Representative will be outside the Diocese or will be on annual leave or long service leave or sick leave or for another specified reason will be unable to attend all or part of that session; and
- (b) specifying the name of the Qualified Person appointed as the alternate and the session of the Synod for which the alternate has been appointed; and
- (c) specifying a postal and email address for the Qualified Person appointed as the alternate; and
- (d) certifying that the Wardens have consented to the appointment of the Qualified Person as the alternate; and

- (e) certifying that the Qualified Person appointed as the alternate has given the consent required by clause 5A and that a written record of the consent has been retained; and
- (f) certifying that the Qualified Person appointed as the alternate has signed the declaration required by clause 6(1) and that the signed declaration has been retained.

(3) An appointment made under this clause may be revoked if written notice of the revocation is given to the Registrar at least at least 7 days, or such lesser period as the Registrar may determine prior to the first day of the session –

- (a) by the parish council; or
- (b) by the Parochial Representative if he or she has become available to attend the session of Synod.

22B. Alternate to attend in place of the Parochial Representative

(1) At the session of the Synod for which a Qualified Person is appointed as the alternate for a Parochial Representative, the alternate –

- (a) may exercise all the rights which a Parochial Representative may exercise as a member of the Synod; and
- (b) shall be taken to be a Parish Representative in determining any quorum at the session,

but is not entitled to be elected to any office or committee of the Synod for which membership of the Synod is a qualification.

(2) If –

- (a) a Parochial Representative has appointed an alternate under clause 22A; and
- (b) the appointment has not ended under clause 22C,

the Parochial Representative is not to attend the session of the Synod for which the alternate has been appointed.

22C. When does an appointment of an alternate end?

The appointment of a Qualified Person as the alternate for a Parochial Representative under clause 22A ends on the first to occur of –

- (a) the retirement of the Parochial Representative under clause 18; or
- (b) the person appointed as the alternate ceasing to be a Qualified Person; or
- (c) the revocation of the appointment under clause 22A(3); or
- (d) the end of the last day of the session of the Synod for which that person was appointed as an alternate.

Part 6 – Chief Executive Officers of Nominated Organisations

Division 1 – Nominated Organisations

23. What is a Nominated Organisation?

Subject to clause 25, a diocesan organisation established by ordinance is a Nominated Organisation for a Synod if –

- (a) the organisation has been declared by the Standing Committee under clause 24 to be a Nominated Organisation for that Synod; and
- (b) notice of the declaration has been given to the Registrar under clause 26.

Division 2 – Declaration of organisations etc to be Nominated Organisations

24. How does a organisation etc become a Nominated Organisation?

The Standing Committee may, by resolution, declare a diocesan organisation to be a Nominated Organisation for a Synod.

25. How many Nominated Organisations may exist at one time?

(1) Standing Committee may only make a declaration under clause 24 for up to 7 diocesan organisations for the same Synod in respect of which the Standing Committee proposes making the declaration.

(2) A declaration made in breach of subclause 25(1) is void.

26. Notice must be given to the Registrar when a organisation etc is declared to be a Nominated Organisation

Upon the making of a declaration under clause 24, the Standing Committee must give, or cause to be given, to the Registrar and to the governing body of the relevant organisation a written notice specifying –

- (a) the name of the organisation and the date on which the declaration was made; and
- (b) the Synod for which the organisation has been declared to be a Nominated Organisation.

Division 3 – Chief Executive Officers of Nominated Organisations**27. Nominated Organisation to give notice re Chief Executive Officer**

At any time after receiving notice under clause 26, the governing body of a Nominated Organisation may give to the Registrar written notice of the name of, and a postal and email address for, its Chief Executive Officer.

28. Notice must be given to the Registrar when a person ceases to be Chief Executive Officer

(1) If –

- (a) the governing body of a Nominated Organisation has given a notice under clause 27; and
- (b) the person referred to in that notice ceases to be the Chief Executive Officer,

the governing body of the Nominated Organisation must give to the Registrar written notice specifying the name of that person and the date on which that person ceased to be the Chief Executive Officer.

(2) The governing body of the Nominated Organisation may then give a notice under clause 27 in respect of its new Chief Executive Officer.

Division 4 – Summoning of Chief Executive Officers to Synod**29. Chief Executive Officers of Nominated Organisations must be summoned to Synod**

If –

- (a) a diocesan organisation is a Nominated Organisation; and
- (b) a notice has been given under clause 27; and
- (c) the person referred to in that notice has not ceased to be Chief Executive Officer; and
- (d) that person is not entitled to be summoned to the Synod under Part 4, 5 or 9 of this ordinance,

that person is a member of the Synod and must be summoned to each session of the Synod held after the date on which the person became the Chief Executive Officer.

30. What if a person ceases to be Chief Executive Officer of a Nominated Organisation after a summons has issued?

If a person is summoned to a session of Synod as the Chief Executive Officer of a Nominated Organisation, and before the first day of that session that person ceases to be the Chief Executive Officer of a Nominated Organisation, the summons is void.

Part 7 – Nominated Ministers***Division 1 – Nominated Ministers*****31. Who is a Nominated Minister?**

A person is a Nominated Minister for a Synod if –

- (a) that person has been appointed by the Archbishop to be a Nominated Minister for that Synod;
- (b) notice of the appointment has been given to the Registrar and to the Standing Committee under clause 34; and
- (c) that person has not retired as a Nominated Minister under clause 35.

32. Number of Nominated Ministers

(1) As soon as is practicable in the calendar year in which the first ordinary session of a Synod is to be convened, and in any event not less than 2 months before the first day of that session, the Archbishop shall advise the Standing Committee of the number of persons the Archbishop intends to appoint as Nominated Ministers for that Synod.

(2) The number of Nominated Ministers for a Synod must not, at any time, exceed that number which is equal to 10% (rounded to the nearest whole number) of the total number of Parochial Units determined on 1 January in the calendar year in which the first session of that Synod is to be or was held.

(3) The Archbishop may, at any time, by advice to the Standing Committee increase the number of persons to be appointed as Nominated Ministers for a Synod provided that the total number of Nominated Ministers for that Synod must not exceed the number calculated in accordance with subclause (2).

(4) If the Archbishop increases the number of Nominated Ministers under subclause (3) within 2 months before the first day of a session of Synod, such increase does not take effect until the day after the last day of that session.

Division 2 – Appointment of persons to be Nominated Ministers

33. Who may be appointed to be a Nominated Minister?

The Archbishop may only appoint a person to be a Nominated Minister if –

- (a) that person is a Qualified Minister; and
- (b) that person is not entitled to be summoned to a session of Synod under Part 4, 6 or 9 of this ordinance.

34. Notice must be given on the appointment of a person to be a Nominated Minister

(1) The Archbishop must give written notice to the Registrar and the Standing Committee of the name of each person appointed by the Archbishop to be a Nominated Minister for a Synod and a postal and email address for such persons.

(2) The Archbishop must not appoint a person to be a Nominated Minister for a Synod if such appointment would result in the number of Nominated Ministers for that Synod exceeding the number advised by the Archbishop to the Standing Committee under subclauses 32(1) or (3).

Division 3 – Retirement of Nominated Ministers

35. When does a person retire as a Nominated Minister?

A person retires as a Nominated Minister if –

- (a) a Disqualifying Event occurs in respect of that person; or
- (b) the person resigns by written notice given to the Archbishop; or
- (c) the person ceases to be a Qualified Minister; or
- (d) the Archbishop, by written notice to the person, revokes the person's appointment as a Nominated Minister; or
- (e) the person becomes entitled to be summoned to a session of Synod under Part 4, 6 or 9 of this ordinance.

36. Notice must be given when a person retires as a Nominated Minister

Upon a person retiring as a Nominated Minister the Archbishop must give, or cause to be given, to the Registrar a written notice specifying –

- (a) the name of the person and the date on which the person retired as a Nominated Minister; and
- (b) the Synod for which that person had been a Nominated Minister.

37. Filling of Casual Vacancies

The Archbishop may appoint a person to fill a vacancy in the office of a Nominated Minister.

Division 4 – Summoning of Nominated Ministers to Synod

38. Nominated Ministers must be summoned to Synod

Each Nominated Minister is a member of the Synod for which that person has been appointed and must be summoned to each session of that Synod convened after that person becomes a Nominated Minister.

39. What if a person retires as a Nominated Minister after a summons has issued?

If a person is summoned to a session of Synod as a Nominated Minister and before the first day of that session the person retires as a Nominated Minister, the summons is void.

Part 8 – Nominated Laypersons

Division 1 – Nominated Laypersons

40. Who is a Nominated Layperson?

A person is a Nominated Layperson for a Synod if –

- (a) that person has been elected to be a Nominated Layperson for that Synod; and
- (b) notice of the election has been given to the Registrar under clause 45; and

- (c) the person has not retired as a Nominated Layperson under clause 46.

41. Number of Nominated Laypersons

- (1) The number of Nominated Laypersons for a Synod is the same as the number of Nominated Ministers for that Synod which the Archbishop has advised the Standing Committee under subclause 32(1) or (3).
- (2) The retirement of a Nominated Minister under clause 35 does not reduce the number of Nominated Laypersons for a Synod.

Division 2 – Election of Nominated Laypersons

42. Who elects persons to be Nominated Laypersons?

The Standing Committee may elect persons to be Nominated Laypersons.

42A. Heads of Diocesan Schools

If the Nominated Laypersons pursuant to clause 41 is greater than 15, the persons elected by Standing Committee under clause 42 must include three (and not more than three) heads of Diocesan Schools, and no more than two may come from schools located in one Diocesan region. In determining candidates, the Standing Committee must consider any names that have been recommended by heads of the Diocesan Schools in consultation with the Archbishop.

43. Who may be elected to be a Nominated Layperson

The Standing Committee may only elect a person to be a Nominated Layperson if –

- (a) that person is a Qualified Person; and
- (b) that person is not entitled to be summoned to a session of Synod under Part 5, 6 or 9 of this ordinance.

44. When may persons be elected to be Nominated Laypersons?

On receipt of advice from the Archbishop under clause 32 or at any time thereafter, the Standing Committee may, by resolution, elect Qualified Persons to be Nominated Laypersons.

45. Notice must be given on the election of a Nominated Layperson

Upon the election of a person to be a Nominated Layperson, the Standing Committee must give, or cause to be given, to the Registrar written notice –

- (a) specifying the name of that person and the date of election; and
- (b) specifying a postal and email address for that person; and
- (c) specifying the Synod for which that person has been elected to be a Nominated Lay Person; and
- (d) certifying that the person elected to be a Nominated Lay Person has given the consent required by clause 5A and that a written record of the consent has been retained.
- (e) certifying that the person elected to be a Nominated Lay Person had signed the declaration required by clause 6(1) and that the signed declaration has been retained.

Division 3 – Retirement of Nominated Laypersons

46. When does a person retire as a Nominated Layperson?

- (1) A nominated Layperson continues to be a member of the Synod until the day before the first day of the first ordinary session of the next Synod.
- (2) A person retires as a Nominated Layperson if –
- (a) a Disqualifying Event occurs in respect of that person; or
 - (b) that person resigns by written notice given to the Diocesan Secretary; or
 - (c) the Standing Committee, by resolution, revokes the person's entitlement to hold office as a Nominated Layperson; or
 - (d) the person becomes entitled to be summoned to Synod under Part 5, 6 or 9 of this ordinance.

47. Notice must be given when a person retires as a Nominated Layperson

When a person retires as a Nominated Layperson, the Standing Committee must give, or cause to be given, to the Registrar written notice specifying the name of that person and the date on which that person retired as a Nominated Layperson.

48. A new Nominated Layperson may be elected to fill a vacancy

A person may be elected by the Standing Committee to fill a vacancy in the office of a Nominated Layperson.

Division 4 – Summoning of Nominated Laypersons to Synod**49. Nominated Laypersons must be summoned to Synod**

Each Nominated Layperson is a member of the Synod for which that person has been elected and must be summoned to each session of that Synod convened after the date on which that person becomes a Nominated Layperson.

50. What if a person retires as a Nominated Layperson after a summons has issued?

If a person is summoned to a session of Synod as a Nominated Layperson and before the first day of that session the person retires as a Nominated Layperson, the summons is void.

Part 8A – Nominated Indigenous Representatives***Division 1 – Election of Nominated Indigenous Representatives*****50A. Who is a Nominated Indigenous Representative?**

A person is a Nominated Indigenous Representative for a Synod if –

- (a) that person has been elected to be a Nominated Indigenous Representative for that Synod; and
- (b) notice of the election has been given to the Registrar under clause 50C; and
- (c) the person has not retired as a Nominated Indigenous Representative under clause 50D.

50B. Election of Nominated Indigenous Representatives

(1) The Sydney Anglican Indigenous Peoples' Ministry Committee may elect up to 2 persons to be Nominated Indigenous Representatives.

(2) A person may be elected to be a Nominated Indigenous Representative if the person is –

- (a) an Indigenous Person,
- (b) a Qualified Person or Qualified Minister, and
- (c) not entitled to be summoned to a session of the Synod under any Part of this Ordinance other than Part 8A.

50C. Notice must be given on the election of a Nominated Indigenous Representative

Upon the election of a person to be a Nominated Indigenous Representative, the Sydney Anglican Indigenous Peoples' Ministry Committee must give, or cause to be given, to the Registrar written notice –

- (a) specifying the name of that person and the date of election; and
- (b) specifying a postal and email address for that person; and
- (c) specifying the Synod for which that person has been elected to be a Nominated Indigenous Representative; and
- (d) if the person elected to be a Nominated Indigenous Representative is a Qualified Person, certifying that the person has given the consent required by clause 5A and that the person has signed the declaration required by clause 6(1), and that a written record of the consent and the signed declaration have been retained.

Division 2 – Retirement of Nominated Indigenous Representatives**50D. When does a person retire as a Nominated Indigenous Representative?**

A person retires as a Nominated Indigenous Representative if –

- (a) a Disqualifying Event occurs in respect of that person, or
- (b) that person resigns by written notice given to the Chairman of the Sydney Anglican Indigenous Peoples' Ministry Committee, or
- (c) the person becomes entitled to be summoned to Synod under any Part of this Ordinance other than Part 8A.

50E. Notice must be given when the person retires as a Nominated Indigenous Representative

When a person retires as a Nominated Indigenous Representative, the Sydney Anglican Indigenous Peoples' Ministry Committee must give, or cause to be given, to the Registrar written notice specifying the

name of that person and the date on which that person retired as a Nominated Indigenous Representative.

50F. A new Nominated Indigenous Representative may be elected to fill a vacancy

A person may be elected by the Sydney Anglican Indigenous Peoples' Ministry Committee to fill a vacancy in the office of a Nominated Indigenous Representative.

Division 3 – Summoning of Nominated Indigenous Representative to Synod

50G. Nominated Indigenous Representatives must be summoned to the Synod

Each Nominated Indigenous Representative is a member of the Synod for which that person has been elected and must be summoned to each session of that Synod convened after the date on which that person becomes a Nominated Indigenous Representative.

50H. What if a person retires as a Nominated Indigenous Representative after a summons has issued?

If a person is summoned to a session of Synod as a Nominated Indigenous Representative and before the first day of that session the person retires as a Nominated Indigenous Representative, the summons is void.

Part 9 – Other Members of Synod

51. The Chancellor

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

52. The Registrar

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

52A. Diocesan Secretary

(1) The Diocesan Secretary is a member of the Synod and must be summoned to each session of the Synod.

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

Part 10 – Transitional

54. Commencement and Transitional

(1) Parts 2 to 8 inclusive and Part 9 and clause 55 commence on the last to occur of –

- (a) the date on which the Constitution Ordinance 1994 of the Provincial Synod is adopted by the Synod of each diocese in the Province of New South Wales; and

- (b) the passing of a canon of the General Synod ratifying the Constitution Ordinance 1994 of the Provincial Synod.
- (2) With effect on and from the date of commencement of Parts 2 to 8 inclusive and Part 9 –
- (a) persons who, immediately before that date, were representatives of a Parochial Unit elected for a Synod under the Former Legislation are taken to be Parochial Representatives duly elected for that Synod under Part 5;
- (b) persons who, immediately before that date, were nominated chief executive officers for a Synod under clause 2A of the Synod Representative and Membership Ordinance 1945 are taken to be duly appointed Chief Executive Officers of a Nominated Organisation for that Synod under Part 6;
- (c) clergymen who, immediately before that date, were eligible to be summoned to a session of Synod under the 14th Constitution Ordinance 1988 are taken to be duly appointed Nominated Ministers for that Synod under Part 7; and
- (d) laypersons who, immediately before that date, were eligible to be summoned to a session of Synod under the Regulations made by the Synod on 23 September 1903 under the 14th Constitution in the Schedule to the Anglican Church of Australia Constitutions Act 1902 are taken to be duly appointed Nominated Laypersons for that Synod under Part 8.
- (3) A declaration made by a person under the 17th Constitution in the Schedule to the Anglican Church of Australia Constitutions Act 1902 for the purposes of the Synod which is current on the date on which 2 to 8 inclusive and Part 9 commence are taken to have been made under clause 6.

55. Repeal of Former Legislation

The Former Legislation is repealed but without invalidating anything done under or pursuant to it before the commencement of this clause.

Dictionary

In this ordinance unless the context otherwise requires –

“Associate Minister” means an assistant minister or a senior assistant minister within the meaning of the Assistant Ministers Ordinance 1990.

“Chief Executive Officer” of a diocesan organisation means the person who is responsible to the governing body of the organisation for the work of the organisation.

“Diocesan School” means any school that is constituted by or under an ordinance of the Synod of the Diocese or in relation to which the Synod is empowered to make ordinances, and includes schools of the Anglican Schools Corporation.

“Disqualifying Event” in relation to a person means any of the following –

- (a) the death of that person;
- (b) becoming an insolvent under administration;
- (c) becoming a mentally incapacitated person;

“Former Legislation” means each of the following (as amended) –

- (a) Synod Representative and Membership Ordinance 1945;
- (b) 14th Constitution Ordinance 1988; and
- (c) regulations made by the Synod on 23 September 1903 under the 14th of the Constitutions contained in the Schedule to the Anglican Church Constitutions Act Amendment Act of 1902.

“General Meeting” means –

- (a) in relation to a Parochial Unit having only one church to which the rules in Schedule 1 of the Parish Administration Ordinance 2008 apply – a general meeting of the parishioners of the church of the Parochial Unit, and
- (b) in relation to a Parochial Unit having more than one church to which the rules in Schedule 1 of the Parish Administration Ordinance 2008 apply or in relation to a Parochial Unit to which the rules in Schedule 2 of that ordinance apply – a general meeting of the parishioners of the Parochial Unit, and
- (c) in relation to St Andrew’s Cathedral – the Annual Meeting of the Cathedral Congregations under the Cathedral Ordinance 1969.

“Indigenous Person” means –

- (a) being of Aboriginal or Torres Strait Islander descent, and

- (b) identifying as an Aboriginal Person or Torres Strait Islander, and
- (c) being accepted as such by the community in which you live or formerly lived.

“Minister” means a person in holy orders.

“Nominated Indigenous Representative” for a Synod means a person to whom clause 50A applies.

“Nominated Layperson” for a Synod means a person to whom clause 40 applies.

“Nominated Minister” for a synod means a person to whom clause 31 applies.

“Nominated Organisation” for a Synod means a diocesan organisation that, in accordance with clause 23, is a nominated organisation for the Synod.

“Parish” means a parish constituted under or recognised as such under the Parishes Ordinance 1979 or a recognised church under the Recognised Churches Ordinance 2000.

“Parochial Minister” means a Minister who is licensed as the rector or acting rector of a Parochial Unit, including an acting rector appointed to a parish during a vacancy in the position of Parochial Minister.

“Parochial Representative” for a Synod means a person to whom clause 9 applies.

“Parochial Unit” means a Parish and a Provisional Parish.

“Provisional Parish” means a provisional parish constituted under or recognised as such under the Parishes Ordinance 1979 or a provisional recognised church under the Recognised Churches Ordinance 2000.

“Qualified Minister” means a Minister who is authorised or licensed to officiate by the Archbishop.

“Qualified Person” means a layperson who –

- (a) is 18 years of age or older; and
- (b) is a communicant member of the Anglican Church of Australia.

“session of the Synod” means all meetings of the Synod to which a summons issued to members of the Synod applies.

“Synod Communication” means a summons, notice, document or other communication that is –

- (a) required by ordinance or resolutions of the Synod or the Standing Committee to be sent or provided to one or more members of the Synod; or
- (b) sent or provided to all members of the Synod or a class of members of the Synod by the Diocesan Secretary or the Secretary of the Synod in the course of administering the Synod.

“Wardens” means –

- (a) in relation to a Parochial Unit to which the rules in Schedule 1 of the Parish Administration Ordinance 2008 apply – the wardens of the principal or only church of the Parochial Unit, and
- (b) in relation to a Parochial Unit to which the rules in Schedule 2 of the Parish Administration Ordinance 2008 apply – the wardens of the Parochial Unit, and
- (c) in relation to St Andrew’s Cathedral – the Cathedral Chapter.

Note

The amendments made by Ordinance No 47, 2019 commence on 1 January 2020.

Table of Amendments

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