

**Second Session of
53rd Synod**

(to be held on 14, 16-18 and 23-24 September 2024)

Book 3

(Pages 368 to 446)

**Principal Legislation
and
Other Background Materials**

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

2024 Principal Legislation and Other Background Materials (proposed to be amended or otherwise considered)

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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- (1) The Standing Orders Ordinance 1968 is repealed.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, any amendments for which notice was given but that have not been moved will lapse, and 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 –

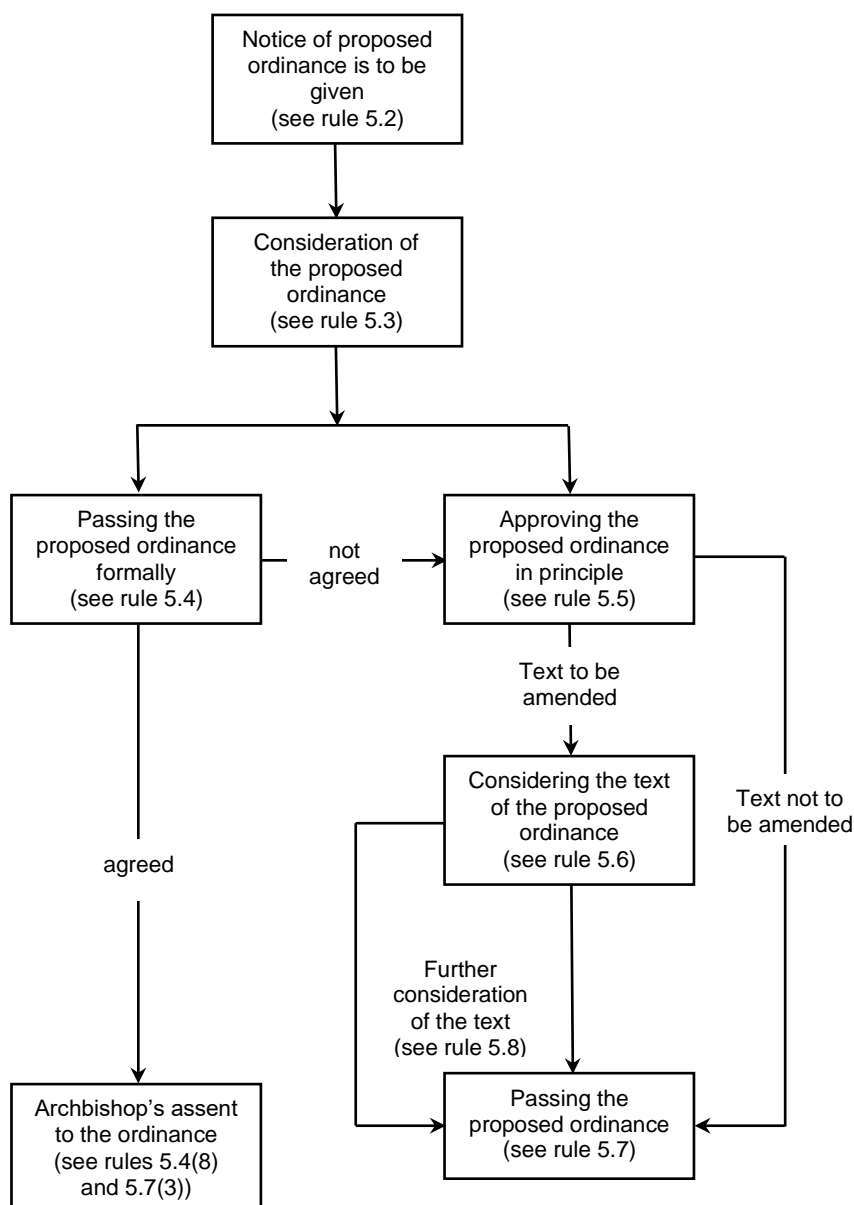
- (a) return to ordinary time limits and procedures prior to the end of a session by moving a procedural motion to that effect, or
- (b) consider a procedural motion under this clause to vary the expedited time limits and procedures adopted for that session.

(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 7 to 14 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]



Archbishop of Sydney Election Ordinance 1982

(Reprinted under the *Interpretation Ordinance 1985*.)

The Archbishop of Sydney Appointment Ordinance 1982 as amended by and in accordance with the Archbishop of Sydney Appointment Ordinance 1982 Amendment Ordinance 1993, the Archbishop of Sydney Appointment Ordinance 1997, the Miscellaneous Amendments Ordinance 1999, the Archbishop of Sydney Appointment Ordinance 1982 Amendment Ordinance 2001, the Archbishop of Sydney Appointment Ordinance 1982 Further Amendment Ordinance 2001, the Archbishop of Sydney Election Amendment Ordinance 2009, the Archbishop of Sydney (Election and Retirement) Amendment Ordinance 2010, the Archbishop of Sydney (Solemn Promises) Amendment Ordinance 2011, the Solemn Promises Ordinance 2011 Amending Ordinance 2013, the Archbishop of Sydney Election Ordinance 1982 Amendment Ordinance 2013, the Synod (Electronic Communications) Amendment Ordinance 2013, the Conduct of the Business of Synod Ordinance 2000 Amendment Ordinance 2014 and the Archbishop Election Ordinance Amendment Ordinance 2019.

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Long Title

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

Preamble

Whereas

- A. The Diocesan Doctrine Commission presented a report to the 2nd Ordinary Session of the 51st Synod of the Diocese of Sydney entitled ‘An Evangelical Episcopate’ (the Report) in response to the request made by the sixth resolution of the Synod in 2015.
- B. The Synod of the Diocese of Sydney, by resolution 14 of 2018, adopted paragraphs 44-50 of the Report as the Diocese’s definitive statement on the role of the Archbishop of Sydney, as a key reference point for the election of an Archbishop.
- C. The Report specifies that the Christian character of the Archbishop is critical to the faithful and effective discharge of this responsibility (appendix, paragraph 7). The report also lists five priorities of the Archbishop, which are set out in full in the appendix –
 - 1. To be a guardian of ‘the faith that was once for all delivered to the saints’.
 - 2. To order the ministry of the Diocese to the gospel of Christ and his mission.
 - 3. To exercise pastoral concern and insight as he provides advice and direction for gospel ministry in the Diocese.
 - 4. To represent the Diocese, in various national and international bodies, to the government, and generally to the community.
 - 5. To attend diligently to the administration of the Diocese in line with its mission.

Preliminary/Vacancy

1. Citation

This Ordinance may be cited as the “Archbishop of Sydney Election Ordinance 1982”.

1A. Interpretation

In this Ordinance –

“Administrative Committee” means the committee constituted under subclause 6(1);

“Administrator” means the person who, on the occurrence of a vacancy in the See of Sydney, is entitled under the Constitutions to exercise the powers vested in the Archbishop.

“Archbishop” means the Archbishop of the See of Sydney;

“Constitutions” means the *Anglican Church of Australia Constitutions Act 1902*, and the *Anglican Church of Australia Constitution Act 1961*;

“Director of Professional Standards” means the person appointed for the time being under clause 101 of the *Discipline Ordinance 2006*;

“National Register” means the national register within the meaning of the General Synod – *National Register Canon 2007 Adopting Ordinance 2008*;

“Nomination Officer” means the person appointed by the Standing Committee pursuant to clause 3(b);

“Nomination closing date” means that date determined in accordance with clause 7(2)(d);

“nominee” means a person nominated under clause 7;

“President”, in relation to a meeting of the Synod, means the person presiding at that meeting;

“Safe Ministry Check” means the check for clergy prescribed by the Standing Committee under the *Safe Ministry to Children Ordinance 2018*;

“Standing Committee” means the Standing Committee of the Synod;

“Synod” means the Synod of the Diocese of Sydney.

2. Declaration of Vacancy

(1) Except where the Standing Committee has passed a resolution under subclause (2), the Standing Committee shall, as soon as practicable after the date on which a vacancy occurs in the See of Sydney, declare by resolution that the See is vacant.

(2) The Standing Committee may, at any time within the period of 12 months before the date on which a vacancy shall occur in the See of Sydney, declare by resolution that the See will be vacant from that date.

3. Appointment and Functions of Returning Officers

(1) Where the Standing Committee has passed a resolution under clause 2, it shall as soon as practicable –

- (a) appoint a Returning Officer and a Deputy Returning Officer for the purposes of the meeting of the Synod summoned in accordance to clause 5; and
- (b) appoint a Nomination Officer to receive nominations for the purposes of filling the vacancy referred to in clause 2.

(2) The Returning Officer appointed under subclause (1) shall exercise and perform all the powers, authorities, duties and functions conferred or imposed on the Returning Officer under this Ordinance.

(3) Where the Returning Officer appointed under subclause (1) is, for any reason, unable to act, the Deputy Returning Officer shall have and shall exercise and perform all the powers, authorities, duties and functions conferred or imposed on the Returning Officer under this Ordinance.

(4) In the exercise and performance of their powers, authorities, duties and functions under this Ordinance, the Returning Officer may, with the approval of the Administrator, have and use the assistance of such persons as the Returning Officer considers necessary.

4. Administrative Committee

(1) The Administrator may appoint such members of the Standing Committee as he determines to constitute, under his chairmanship, an Administrative Committee for the purpose of determining and giving effect to administrative matters relating to –

- (a) the convening of the meeting of the Synod; and
- (b) the conduct of the proceedings of the Synod at that meeting.

(2) The Administrative Committee shall not make or give effect to any decision or determination which is inconsistent with the terms of this Ordinance.

5. Summoning of Synod

(1) Where a vacancy has been declared under clause 2, the Archbishop, or where a vacancy has occurred, the Administrator, shall, within 7 days after the declaration has been made, inform each member

of the Synod of the declaration, and shall as soon as practicable, summon, each member of the Synod to a meeting of the Synod specifying –

- (a) the day and the time on that day on which the meeting of the Synod shall commence;
 - (b) the place at which the meeting shall be held;
 - (c) instructions for the making of nominations;
 - (d) the day, determined in accordance with clause 7, on which nominations of duly qualified persons for the office of Archbishop shall close;
 - (e) the name of the Nomination Officer and the place, postal address and email address at which nominations can be delivered for this purpose; and
 - (f) such other matters as the person giving the notice thinks fit.
- (2) A meeting of the Synod –
- (a) shall be held within the period being –
 - (i) not less than 14 weeks from the date on which the summons is sent, and
 - (ii) not less than 3 weeks and not more than 20 weeks after the latter of –
 - (A) the occurrence of the vacancy; and
 - (B) the date on which the summons is sent;
 - (b) may commence on any day of the week; and
 - (c) shall be held at a place within the Diocese of Sydney.
- (3) Notwithstanding subclause (2) the Standing Committee by 75% majority of both houses present and voting may by resolution determine a date to commence the meeting of Synod that is beyond the ranges specified in paragraph (2)(a).

6. Report concerning finances of the See

- (1) The Administrator shall, not later than 42 days before the day on which the meeting of the Synod shall commence, cause a report to be prepared concerning the finances of the See and arrange for that report to be sent to the Nomination Officer.
- (2) Such report shall include –
 - (a) a balance sheet which sets out in detail the assets and liabilities of the Endowment of the See fund together with income and expenditure accounts of the fund for each of the three years immediately preceding such vacancy, and such balance sheet and accounts shall be certified as correct by a duly qualified auditor; and
 - (b) a description of the condition of any property to be provided for the residence of the Archbishop.
- (3) The Nomination Officer is to send a copy of the report to each person nominated for the office of Archbishop under subclause 7(2).

Nominations

7. Nominations

Making a nomination

- (1) One or more members of the Synod may, in accordance with subclause (2), nominate any duly qualified person for the office of Archbishop.
- (2) A nomination under subclause (1) must –
 - (a) be in writing;
 - (b) be signed by the nominator(s);
 - (c) specify an email address for service of notices on the nominator(s) and a postal and email address for service of notices on the nominee; and
 - (d) be given to the Nomination Officer at the specified place, postal address or email address referred to in subclause 5(4)(e) not later than 5.00 pm on the day which is 42 days before the day on which the meeting of the Synod shall commence.

Nominee to have been nominated by at least 20 members

- (3) A duly qualified person shall be deemed not to have been nominated to the office of the Archbishop unless one or more nominations signed by not less than twenty members of Synod are received under subclause (2).

7A. Administering a Nomination

Actions upon nomination by ten or more members

- (1) Upon receiving nominations in accordance with 7(2) from ten or more members of Synod, the Nomination Officer shall forthwith request confirmation in writing from the nominee that he –
- (a) is willing to make a declaration of the solemn promises contained in the Second Schedule of this Ordinance, and
 - (b) consents to a search being undertaken for information in the National Register in relation to the nominee, and
 - (c) is willing to complete a Safe Ministry Check and interview for the purpose of this nomination.
- (2) Upon receiving confirmation in accordance with subclause (1), the Nomination Officer shall forthwith –
- (a) direct the Director of Professional Standards –
 - (i) to access and report to the Nomination Officer any information in the National Register relating to the nominee, and
 - (ii) to arrange to administer a Safe Ministry Check to the nominee, and
 - (b) request copies of the following documents from the nominee –
 - (i) the nominee's letters of Orders for Deacon, Presbyter, and Bishop as applicable, and
 - (ii) where the nominee is not in episcopal orders, his Birth Certificate and Baptismal Certificate.
- (3) On the basis of the information gathered from the Safe Ministry Check and the National Register, the Director of Professional Standards shall, acting as delegate of the Synod –
- (a) determine whether the nominee is fit for archiepiscopal ministry; and
 - (b) advise the nominee and the Nomination Officer of the determination.

Actions upon nomination by twenty members

- (4) Upon a person being nominated to the office of the Archbishop in accordance with subclause 7(3), the Nomination Officer must give the nominee notice in writing –
- (a) of any information in the National Register in relation to the nominee;
 - (b) of the determination of the Director of Professional Standards referred to in subclause 7A(3); and
 - (c) of the need to disclose this information to the meeting of the Synod, unless the nominee gives notice under subclause 7B(1) that he does not wish to be a nominee for the office of the Archbishop.
- (5) A notice under subclause (4) is deemed to have been sufficiently given if sent to the postal or email address for the nominee specified in a nomination under paragraph 7(2)(c).
- (6) Seven days following the notice referred to in subclause (4), or as soon as practicable following the Nomination closing date, whichever is sooner, the Nomination Officer shall publish the name of the nominee on the SDS website.

7B. Withdrawing a Nomination

- (1) The nominee may, at any time up to 21 days before the day on which the meeting of the Synod shall commence, give notice in writing to the Nomination Officer that he does not wish to be a nominee for the office of Archbishop; whereupon that person shall be deemed, for the purposes of the remaining clauses of this Ordinance, not to have been nominated for that office.
- (2) Where a nominee does not, within seven days of the nomination closing date comply with the commitments made in accordance with 7A(1), that person shall be deemed, for the purposes of the remaining clauses of this Ordinance, not to have been nominated for the office of the Archbishop.

8. List of Nominations

The Administrator shall, as soon as practicable following the Nomination closing date and not less than 10 days before the day on which the meeting of the Synod shall commence, forward to each member of the Synod –

- (a) a list, in alphabetical order, of the persons nominated showing, in relation to each nominee, the names of all members of the Synod who have nominated that person;

- (b) any information in the National Register relating to each nominee; and
- (c) the determination of the Director of Professional Standards referred to in clause 7A(3)(a).

9. Determination of Proposer and Second

- (1) The nominators of a nominee must –
 - (a) determine, among themselves if need be, by a majority, in relation to each stage in the proceedings under this Ordinance, who shall propose and second the nomination at that stage; and
 - (b) notify the Secretary of the Synod of their determination within sufficient time to enable the name of the proposer and second to be included in the appropriate day's business paper.
- (2) Where the nominators of a nominee are unable to make a determination referred to in subclause (1) in respect of any stage, the President shall select, from among those nominators, the proposer and second of the nomination in respect of that stage.
- (3) Nothing in this clause prevents the Synod from granting leave to any member of the Synod to propose or second the nomination of a nominee at any stage in the proceedings under this Ordinance, notwithstanding that –
 - (a) the member did not nominate the nominee under clause 7; or
 - (b) the member is not a member notified under paragraph (b) of subclause (1) or selected under subclause (2).

Proceedings of Synod

10. Right of Reply

Where a motion is proposed under this Ordinance and any other member of the Synod (not being the second of the motion) speaks in respect of the motion, the proposer shall, after all speeches have been made in respect of that motion, have the right of reply.

11. Order of Business – First Day

- (1) The order of business for the first day of the meeting of the Synod shall be as follows –
 - (a) The List of Clergy summoned to the Synod shall be laid upon the table by the President.
 - (b) The List of Representatives shall be laid upon the table by the President, and those who have not presented their Certificates of Election, and signed the Declaration shall then do so.
 - (c) The President shall, subject to subclause (2), deliver his address.
 - (d) The President may lay upon the table a document appointing a Commissary.
 - (e) Motions for the election of –
 - (i) A Chairman of Committees.
 - (ii) A Deputy Chairman of Committees.
 - (iii) A Committee of Elections and Qualifications.
 - (iv) A Committee for the purpose of checking and, if agreed, certifying the minutes of each meeting other than a meeting of the Committee of the Whole Synod.
 - (f) Notices of Questions.
 - (g) Notices of Motions.
 - (h) Motions in connection with the formal reception and printing of Reports, Accounts and other documents.
 - (i) Motions by request of the Standing Committee with respect to the proceedings under this Ordinance.
 - (j) The Synod shall then proceed in accordance with clause 15.
- (2) If the President is a nominee, the person who is next entitled to preside at the meeting and who –
 - (a) is present at the meeting of the Synod, and
 - (b) is not a nominee,

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

- (3) The person who is required under this Ordinance to deliver the President's address may not invite or request another person to give the President's address.

12. Proceedings held in private

At the conclusion of the President's address, the public shall be excluded and shall continue to be excluded until the meeting of the Synod ends.

13. Order of Business – Second and Subsequent Days

The order of business for the second and subsequent days of the meeting of the Synod shall be as follows –

- (a) The Minutes of the previous day's proceedings shall be read and signed as a correct record or otherwise dealt with in accordance with any resolution passed at the meeting of the Synod.
- (b) Questions.
- (c) Notices of Motions.
- (d) The continuation of the procedure determined in accordance with this Ordinance for the election of a person to the office of Archbishop.
- (e) Motions according to the order of notice or in the order determined by the Administrative Committee.

14. Announcement as to Voting

- (1) Immediately after each vote on a motion by show of hands is taken under this Ordinance, the President shall announce the result of the vote together with the number of members of the Synod (being, where applicable, the numbers of members of each order) who have voted for and against the motion.
- (2) After each ballot is taken under this Ordinance, the Returning Officer shall hand to the President his record of the counting in respect of the ballot and the President shall announce the result appearing in the record.

Select List

15. Reduction of List of Nominations and Compilation of Select List

- (1) After the items of business referred to in paragraphs 11(1)(a)-(k) have been dealt with, each nominee shall be proposed and seconded in the order in which his name appears on the list of nominations referred to in clause 8. The purpose of the proposer and seconder's speeches is to promote the characteristics of their candidate.
- (2) After a nominee has been proposed and seconded, the President shall ask whether any member of the Synod wishes to speak against the nomination and each member of the Synod who wishes so to speak may, unless the Synod otherwise determines, address the Synod accordingly.
- (3) Where a member of the Synod speaks against a nomination, the President shall ask whether any member of the Synod wishes to speak in respect of that nomination and each member of the Synod who wishes so to speak may, unless the Synod otherwise determines, address the Synod accordingly.
- (4) Where –
 - (a) speeches in respect of the nominee whose name last appears on the list of nominations referred to in clause 8 have concluded; or
 - (b) no member of the Synod wishes to speak against that nomination,
 the President shall, unless the Synod otherwise determines, put the following motion to the Synod in respect of each nominee whose name appears on that list of nominations –

"That the name of (A.B.) be placed upon the Select List."
- (5) A vote on each of the motions put to the Synod under subclause (4) shall be taken simultaneously by a secret ballot in each order of the members of the Synod then present, the lay members of the Synod voting first, in accordance with clause 15A.
- (6) If a majority of either order of the members of the Synod then present and voting vote in favour of the motion in respect of a nominee, the name of that nominee shall be placed on the Select List.
- (7) The names of the nominees shall be placed upon the Select List in alphabetical order.
- (8) The President shall announce to the Synod the names which have been placed upon the Select List and the order in which they have been so placed.
- (9) If no nominee receives a majority of votes in either order of the members of the Synod then present and voting, the Synod shall adjourn and the nomination process shall start again pursuant to clause 33A.

15A. Ballot Procedure

- (1) Each member of the Synod then present shall be given a separate ballot paper for each motion referred to in subclause 15(4) of a colour specified by the President as the colour to be used by the members of each order.
- (2) A ballot paper referred to in subclause (1) shall be –
 - (a) printed with the name of the nominee referred to in the motion; and
 - (b) printed with two squares opposite the name of the nominee with the word “Yes” above one square and the word “No” above the other.
- (3) On receipt of a ballot paper, a member of the Synod shall record his or her vote by marking the box under the word “Yes” if the member wants the name of the nominee to be placed on the Select List or by marking the box under the word “No” if the member does not want the name of the nominee to be placed on the Select List.

Final List**16. Reduction of Select List and Compilation of Final List**

- (1) After compilation of the Select List in accordance with clause 15, each nominee whose name appears on the Select List shall be proposed and seconded in the order in which his name appears upon that List.
- (2) After a nominee has been proposed and seconded, the President shall ask whether any member of the Synod wishes to speak in respect of the nomination and each member of the Synod who wishes so to speak may, unless the Synod otherwise determines, address the Synod accordingly.
- (3) Where –
 - (a) speeches in respect of the nominee whose name last appears on the Select List have concluded; or
 - (b) no member of the Synod wishes to speak against that nomination,the President shall, unless the Synod otherwise determines, put the following motion to the Synod in respect of each nominee whose name appears on the Select List –

“That the name of (A.B.) be placed upon the Final List.”.
- (4) A vote on each of the motions put to the Synod under subclause (3) shall be taken simultaneously by a secret ballot in each order of the members of the Synod then present, the lay members of the Synod voting first, in accordance with clause 16A.
- (5) If a majority of each order of the members of the Synod then present and voting vote in favour of the motion in respect of a nominee, the name of that nominee shall be placed on the Final List.

16A. Ballot Procedure

- (1) Each member of the Synod then present shall be given a separate ballot paper for each motion referred to in subclause 16(3) of a colour specified by the President as the colour to be used by the member of each order.
- (2) A ballot paper referred to in subclause (1) shall be –
 - (a) printed with the name of the nominee referred to in the motion; and
 - (b) printed with two squares opposite the name of the nominee with the word “Yes” above one square and the word “No” above the other.
- (3) On receipt of a ballot paper, a member of the Synod shall record his or her vote by marking the box under the word “Yes” if the member wants the name of the nominee to be placed on the Final List or by marking the box under the word “No” if the member does not want the name of the nominee to be placed on the Final List.

17. Where Motion carried in respect of less than 3 Nominees on the Final List

- (1) Where –
 - (a) there were 3 or more nominees on the Select List; and
 - (b) the motion put under subclause 16(3) is carried with respect to less than 3 nominees,the President shall, without further debate, again put the motion under subclause 16(3) to the Synod in respect of each nominee whose name was on the Select List but was not placed upon the Final List.
- (2) A vote on a motion put as referred to in subclause (1) shall be taken by a secret ballot and the provisions of subclauses 16(4) and (5) and clause 16A apply to that ballot.

(3) If a majority of both orders of the members of the Synod then present and voting vote in favour of the motion in respect of a nominee, the name of that nominee shall be placed upon the Final List.

(4) Where there were 1 or 2 nominees on the Select List, the name of a nominee shall be placed on the Final List if a majority of both orders of the members of the Synod then present and voting vote in favour of the motion in respect of the nominee put under subclause 16(3).

(5) If no nominee on the Select List receives a majority of votes in both orders of the members of the Synod then present and voting, for the purpose of determining the course of action the Synod shall pursue, the President shall forthwith and without debate, put the following motions in the following order –

- (a) That a further vote on the motion under subclause 16(3) be taken by secret ballot in respect of each nominee on the Select List using the procedure under clause 16A.
- (b) That the Synod adjourn and that the nomination process start again pursuant to clause 33A.

18. Where Motion carried in respect of more than 3 Nominees on the Final List

Where –

- (a) the motion put under subclause 16(3) is carried with respect of more than 3 nominees; or
- (b) pursuant to clause 17, there are more than 3 nominees on the Final List,

a ballot or series of ballots shall without further debate be taken in accordance with clause 19, 20 or 21, as the case may require, so as to reduce the nominees on the Final List to 3.

19. More than 5 Nominees

(1) Where –

- (a) the motion put under subclause 16(3) is carried with respect to more than 5 nominees; or
- (b) pursuant to clause 17, there are more than 5 nominees on the Final List,

each member of the Synod then present shall be given 3 ballot papers, each of which is distinguishable from the others.

(2) On the first ballot, each member of the Synod then present and voting shall write on the ballot paper nominated by the President, in the order in which they appear on the Select List, the names of the 5 nominees whom he or she wishes to remain upon the Final List.

(3) The nominees in excess of 5 who receive the lowest number of votes after the votes of both orders of the members of the Synod have been added together shall be excluded.

(4) On the second ballot, each member of the Synod then present and voting shall write on the ballot paper nominated by the President, in the order in which they appear on the Select List, the names of the 4 nominees whom he or she wishes to remain upon the Final List.

(5) The nominee who receives the lowest number of votes after the votes of both orders of the members of the Synod have been added together shall be excluded.

(6) On the third ballot, each member of the Synod then present and voting shall write on the remaining ballot paper, in the order in which they appear on the Select List, the names of the 3 nominees whom he or she wishes to remain upon the Final List.

(7) The nominee who receives the lowest number of votes after the votes of both orders of the members of the Synod have been added together shall be excluded.

20. 5 Nominees

(1) Where –

- (a) the motion put under subclause 16(3) is carried with respect of 5 nominees; or
- (b) pursuant to clause 17, there are 5 nominees on the Final List,

each member of the Synod then present shall be given two ballot papers, each of which is distinguishable from the other.

(2) On the first ballot, each member of the Synod then present and voting shall write, on the ballot paper nominated by the President, in the order in which they appear upon the Select List, the names of the 4 nominees whom he or she wishes to remain upon the Final List.

(3) The nominee who receives the lowest number of votes after the votes of both orders of the members of the Synod have been added together shall be excluded.

(4) On the second ballot, each member of the Synod then present and voting shall write, on the remaining ballot paper, in the order in which they appear upon the Select List, the names of the 3 nominees whom he or she wishes to remain upon the Final List.

(5) The nominee who receives the lowest number of votes after the votes of both orders of the members of the Synod have been added together shall be excluded.

21. 4 Nominees

(1) Where –

- (a) the motion put under subclause 16(3) is carried with respect of 4 nominees; or
- (b) pursuant to clause 17, there are 4 nominees on the Final List,

each member of the Synod then present shall be given a ballot paper.

(2) On the ballot, each member of the Synod then present and voting shall write, in the order in which they appear upon the Select List, the names of the 3 nominees whom he or she wishes to remain upon the Final List.

(3) The nominee who receives the lowest number of votes after the votes of both orders of the members of the Synod have been added together shall be excluded.

22. Procedure in event of equality of votes

(1) Where, pursuant to a ballot under clause 19, 20 or 21, 2 or more nominees receive an equal number of votes and one or more of them is to be excluded and one or more of them is to remain upon the Final List, the President shall, without debate, call on each member of the Synod then present to express his or her preference among those nominees who have received an equal number of votes by voting for the number of those nominees not to be excluded, being the nominee (or nominees) whose name (or names) he or she wishes to remain upon the Final List.

(2) A vote in respect of each nominee to whom subclause (1) applies by show of hands shall be taken of the members of the Synod then present and voting as a whole.

(3) The nominee or nominees, as the case may require, who receives or receive the lowest number of votes after a vote is taken under subclause (2) shall be excluded.

(4) If two or more nominees again receive an equal number of votes those nominees shall be excluded.

23. Order of Placement of Names on Final List

(1) Where, pursuant to clause 16, 17, 18, 19, 20, 21 or 22, a nominee is placed upon or remains upon the Final List, the order in which his name shall be placed upon the Final List shall be determined by the President by lot.

(2) The President shall announce to the Synod the names which have been placed upon the Final List and the order in which they have been so placed.

Final Selection of a Nominee

24. One Nominee on Final List

(1) Where the name of only 1 nominee has, in accordance with this Ordinance, been placed upon the Final List, the President shall put the following motion to the Synod –

“That (A.B.) be invited to be Archbishop of Sydney.”

(2) A vote on the motion by show of hands shall be taken in each order of the members of the Synod then present, the lay members of the Synod voting first.

(3) If a majority of both orders of the members of the Synod then present and voting vote in favour of the motion, the President shall declare (A.B.) duly elected to the office of Archbishop of Sydney.

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

- (a) That a further vote on the motion be taken by secret ballot using the procedure under clause 16A.
- (b) That the Synod adjourn and that the nomination process start again pursuant to clause 33A.

25. Final List of 2 or 3 Nominees

- (1) Where, pursuant to clause 16, 17, 18, 19, 20, 21 or 22, the names of 2 or 3 nominees have been placed upon or remain upon the Final List, each nominee shall be proposed and seconded in the order in which his name appears upon the Final List.
- (2) After all nominees have been proposed and seconded, the President shall ask whether any member of the Synod wishes to speak in respect of any nomination and each member of the Synod who wishes so to speak may, unless the Synod otherwise determines, address the Synod accordingly.
- (3) When speeches in respect of the nominations have concluded, the Synod shall adjourn to the following day or a later day determined by the Synod.

26. Limitation of Speeches

- (1) The duration of speeches pursuant to this Ordinance shall be –
 - (a) in the case of a person proposing that the name of a nominee be placed upon the Select List – 15 minutes;
 - (b) in the case of a person proposing that the name of a nominee be placed upon the Final List - 10 minutes;
 - (c) in any other case - 5 minutes.
- (2) Nothing in subclause (1) prevents the Synod from granting leave to any member of the Synod to speak for such length of time as is specified in the grant of leave.

27. Printing and Distribution of Ballot Papers

- (1) When the Synod meets on the day to which the Synod is adjourned pursuant to subclause 25(3), each member of the Synod then present shall be given a ballot paper of a colour specified by the President as the colour to be used by the members of each order.
- (2) A ballot paper referred to in subclause (1) shall be –
 - (a) in a form as prescribed in the First Schedule to this Ordinance appropriate to the number of nominees whose names appear upon the Final List;
 - (b) printed with the names of the nominees upon the Final List in the order in which they were placed upon the Final List;
 - (c) printed with a square opposite the name of each nominee; and
 - (d) one of either of two colours, one colour being for use by the lay members of the Synod and the other colour being for use by the clerical members of the Synod.

28. Voting

On receipt of a ballot paper, a member of the Synod shall record his or her vote by placing the number “1” in the square opposite the name of the nominee for whom he or she desires to give his or her first preference and the number “2” or the numbers “2” and “3”, as the case may require, in the square opposite the name or names of the other nominees so as to indicate by numerical sequence the order of his or her preference.

29. Method of Counting Votes

- (1) The Returning Officer shall count the total number of first preferences given by the members of the respective orders for each nominee.
- (2) If one of the 2 or 3 nominees, as the case may be, has received an absolute majority of the first preferences of the members of the Synod in each order present and voting he shall be declared by the President to be elected.

30. Failure of Either of 2 Nominees to Obtain Absolute Majority on First Count

- (1) Where there are 2 nominees on the Final List and neither nominee receives an absolute majority as referred to in subclause 29(2), after the President has announced the result appearing in the Returning Officer's record of the ballot, a further ballot shall be taken.
- (2) Clauses 27, 28 and 29 apply to and in respect of a ballot under subclause (1) in the same way as they apply to and in respect of a ballot under those clauses.

31. Failure of Any of 3 Nominees to Obtain Absolute Majority on First Count

- (1) Where there are 3 nominees on the Final List and no nominee receives an absolute majority as referred to in subclause 29(2), the nominee who has received the fewest first preferences after the first preferences of both orders of the members of the Synod have been added together shall be excluded and each ballot paper counted to him shall be counted to the nominee next in the order of the voter's preference.

(2) Where there are 3 nominees on the Final List and 2 or more nominees have an equal number of first preferences after the first preferences of both orders of the members of the Synod have been added together and one of them is to be excluded, a further ballot shall be taken in respect only of those nominees who have received such equal number of first preferences.

(3) Clauses 27, 28 and subclause 29(1) apply to and in respect of a ballot under subclause (2) in the same way as they apply to and in respect of a ballot under those clauses.

(4) The nominee who, on a ballot under subclause (2), receives the lowest number of votes after the votes of both orders of the members of the Synod have been added together shall be excluded.

(5) If, after counting to a nominee the preferences of a nominee excluded under subclause (1) or subclause (4), one of the nominees receives an absolute majority of the votes of the members of the Synod in each order present and voting he shall be declared by the President to be elected.

(6) Where no nominee receives an absolute majority as referred to in subclause (5), a further ballot shall be taken in respect of the nominees who have not been excluded.

(7) Clauses 27, 28 and 29 apply to and in respect of a ballot under subclause (6) in the same way as they apply to and in respect of a ballot under those clauses.

32. Consequences of Certain Ballots

(1) If, after making a count in respect of a ballot taken under subclause 30(2) or subclause 31(7), one of the nominees receives an absolute majority of the first preferences of the members of the Synod in each order present and voting he shall be declared by the President to be elected.

(2) If, after making a count referred to in subclause (1), no nominee receives an absolute majority as so referred to, the Synod shall adjourn to the following day or a later day determined by the Synod.

33. Proceedings on Resumption After Adjournment

(1) When the Synod meets on the day to which the Synod is adjourned pursuant to subclause 32(2), for the purpose of determining the course of action the Synod shall pursue, the President shall, without debate, put the following motions in the following order –

- (a) That a further ballot be taken in respect of the nominees not excluded from the Final List.
- (b) That the Synod reconsider the nominees on the Final List by reverting to the procedure specified in clause 27 and the following clauses of this Ordinance.
- (c) That the Synod reconsider the nominees on the Select List by reverting to the procedure specified in clause 16 and the following clauses of this Ordinance.
- (d) That the Synod adjourn and that the nomination process start again pursuant to clause 33A.

(2) Where a motion put under subclause (1) is carried, the President shall not be required to put any subsequent motion under that subclause.

(3) The provisions of this Ordinance shall apply, in so far as they are applicable, to and in respect of a motion carried under subclause (1).

33A. Starting the Nomination Process again after Adjournment

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

- (a) the Standing Committee is to declare within a period of 5 weeks from the adjournment the date on which the vacancy in the See of Sydney is deemed to have occurred for the purposes of starting the nomination process again under this Ordinance, and
- (b) the Administrator shall, within 21 days after the date of the deemed vacancy, issue a notice reconvening the Synod as if the notice were a notice to summon the members of the Synod under clause 5(1).

Offer, Acceptance, Confirmation etc

34. Confirmation of Election

The Provincial Synod Ordinance for the Confirmation of Bishops' Elections (N.S.W.) Assenting Ordinance 1965 applies to and in respect of the confirmation of a person elected in accordance with this Ordinance.

35. Commencement in Office

Where the election of a nominee under this Ordinance –

- (a) is not required to be confirmed under the Provincial Synod Ordinance for the Confirmation of Bishops' Elections (N.S.W.) Assenting Ordinance 1965; or

- (b) is required to be confirmed under that Ordinance and the election of the nominee is certified pursuant to that Ordinance,

the nominee elected shall become the Archbishop upon acceptance by him, his consecration (if not then consecrated) and the taking of his seat in the Cathedral Church of the Diocese having made the solemn promises contained in the Second Schedule to this Ordinance and handed a written copy of the declaration to the Registrar.

36. Refusal of or Delay in Confirmation

Where the confirmation of the nominee elected under this Ordinance is required under the Provincial Synod Ordinance for the Confirmation of Bishops' Elections (N.S.W.) Assenting Ordinance 1965 and the election of the nominee is not certified pursuant to that Ordinance, the election of the nominee shall be null and void and proceedings shall be taken under this Ordinance as if the vacancy in the See had occurred at the time of the election becoming null and void.

37. Provision Against Deadlock

Where –

- (a) the election of the nominee has become null and void pursuant to clause 36; and
- (b) the nominee is again elected under the provisions of this Ordinance,

then subject to the election of the nominee being certified pursuant to the Provincial Synod Ordinance for the Confirmation of Bishops' Elections (N.S.W.) Assenting Ordinance 1965, the nominee shall become Archbishop upon acceptance by him, consecration (if not then consecrated) and the taking of his seat in the Cathedral Church of the Diocese.

38. Failure of Nominee to Accept Election, etc

If a nominee elected under this Ordinance does not accept the election or is not consecrated or does not take his seat in the Cathedral Church of the Diocese within a reasonable time after the election, as the case may be, then, upon a resolution in that behalf being made by the Synod, or if the Synod is not then in Session, by the Standing Committee, the election shall be null and void and proceedings shall be taken under this Ordinance as if the vacancy in the See had occurred at the time of the election becoming null and void.

39. Failure to Fill Vacancy for Other Cause

Where the vacancy in the See is not filled as a consequence of a cause not provided for in this Ordinance, then, upon a resolution declaring the failure being made by the Synod, or if the Synod is not then in Session, by the Standing Committee, the proceedings under this Ordinance shall be repeated until the vacancy is filled as if the vacancy had occurred immediately before the passing of the resolution.

40. Declaration of Election

When a person has been elected Archbishop in accordance with this Ordinance, the President shall cause a declaration of the election to be published on the SDS website, and announced in the Cathedral Church of the Diocese during the time of Public Worship on the next Sunday, the terms of the declaration being as follows –

(Title and name of the person elected)
has been duly elected Archbishop of Sydney
and consequently Metropolitan
of the Province of New South Wales.

41. Proceedings after Declaration of Election

As soon as a person is publicly declared to be elected Archbishop in accordance with clause 40, the Administrator, shall take such steps to arrange for the consecration, if applicable, and inauguration of the Archbishop-elect.

Interpretation, Repeals, Saving Provision etc

42. Application of Other Ordinances

(1) The Conduct of the Business of Synod Ordinance 2000, shall, except to the extent of any inconsistency with the provisions of this Ordinance, apply to a meeting of the Synod summoned in accordance with this Ordinance.

(2) To the extent of any inconsistency between the provisions of this Ordinance and the Standing Committee Ordinance 1897, as subsequently amended, with respect to a meeting of the Synod summoned in accordance with this Ordinance, the provisions of this Ordinance shall prevail.

43. Manner of Dealing with Certain Circumstances

Where any circumstance arises in relation to a meeting of the Synod summoned in accordance with this Ordinance for which no provision is made in this Ordinance, that circumstance shall be dealt with in such manner as may be determined by resolution of the Synod, or if the Synod is not then in session, of the Standing Committee.

44. Repeals

(1) The Archbishop of Sydney Appointment Ordinance 1962, the Elections Amendment Ordinance 1981 and clauses 5A, 5B, and 5C of the Election Ordinance 1970 are repealed.

(2) A repeal under subclause (1) shall not affect or invalidate any act, matter or thing done or suffered to be done or any election or appointment made under or by virtue of an Ordinance or provision repealed by subclause (1).

The First Schedule

(To be used in the case of 3 nominees on the Final List)

Archbishop of Sydney Election Ordinance 1982

Ballot Paper

Place the number "1" in the square opposite the name of the nominee for whom you desire to give your first preference and the numbers "2" and "3" in the squares opposite the names of the other nominees in the order of your preference.

(To be used in the case of 2 nominees on the Final List)

Archbishop of Sydney Election Ordinance 1982

Ballot Paper

Place the number "1" in the square opposite the name of the nominee for whom you desire to give your first preference and the number "2" in the square opposite the name of the other nominee.

The Second Schedule

I firmly and sincerely believe the Holy Scripture to be the Word of God, and assent to the doctrine of the Anglican Church of Australia, an expression of the Catholic and Apostolic Faith which is determined by the teaching of Scripture, confessed in the 39 Articles and given liturgical form in the Book of Common Prayer and in the Ordering of Bishops, Priests and Deacons, and I solemnly promise to teach and uphold the Word of God.

I solemnly promise to conduct only services in the Book of Common Prayer or –

- (a) services authorised by ordinance of the Synod for use in the Diocese, or
- (b) other services of public worship which are agreeable to the Word of God and consistent with the doctrine of the Anglican Church of Australia,

pursuant to the General Synod – Canon Concerning Services 1992 Adopting Ordinance 1998.

I solemnly promise that so long as I hold and perform the office of Archbishop of the See of Sydney, I will neither by myself nor by others permit the use of the chasuble or other eucharistic vestment in any church or chapel or other place in the Diocese in which I officiate.

I solemnly promise that so long as I hold and perform the office of Archbishop of the See of Sydney, I will administer and distribute the elements of bread and wine separately in the Holy Communion.

The Contemporary Role of the Archbishop of Sydney

The following paragraphs are an amended extract (originally paragraphs 44-50) from 'An Evangelical Episcopate', a report of the Sydney Diocesan Doctrine Commission, received by the Synod in October 2018.

1. The biblical principles of oversight or *episkopē*, refracted through history, have shaped the contemporary role and function of the Archbishop of Sydney. Sydney's episcopate is resolutely evangelical, in keeping with the Diocese it serves, and its archbishops have very largely been pastors and teachers, guardians and representatives of the Protestant faith, and able administrators. However, as Sydney has grown and as the structures of the Diocese and the denomination have developed, legal and institutional responsibilities have become more prominent. Nevertheless, the leadership of the Diocese of Sydney by its Archbishop, though very much personal and so influenced by the personality, gifts and special interests of each incumbent, has developed a discernible character. Our evangelical conviction demands that we ensure that the character of the archiepiscopal office, and by extension the regional bishops who assist him, faithfully reflects the biblical functions and priorities of oversight.

2. The first priority of the Archbishop of Sydney is to be a **guardian** of 'the faith that was once for all delivered to the saints' (Jude 3). This is the priority found in the New Testament and in the Anglican Ordinal. Through public proclamation and defence of the apostolic gospel, by his personal example and in all his pastoral and administrative activity, he is to do all in his power to ensure that the teaching of Scripture shapes and directs the life, ministry and mission of the Diocese. This requires the courage to speak the truth taught in Scripture when it is not popular, but equally to oppose deviation from that truth where it arises. It requires both teaching and the exercise of discipline. It requires making decisions on the basis of theological principles shaped by the biblical gospel. In this way the Archbishop of Sydney will, as Sir Marcus Loane once put it, 'share the heritage and tradition of this diocese, and will interpret it to others, and transmit it to posterity' (*Synod Presidential Address, 1966*).

3. A second priority of the Archbishop of Sydney is to **order the ministry** of the Diocese to the gospel of Christ and his mission. In many ways this is merely an extension of the first priority. Principally this involves the selection and authorisation of appropriate men and women for various ministries within the Diocese. Appointing people of godly character with theological clarity, pastoral sensitivity, and demonstrably in possession of the gifts and skills appropriate for the ministry under consideration, is a prime way the Archbishop can foster the health and gospel-mindedness of the Diocese. However, once again this must extend to dealing appropriately with those whose discharge of the responsibilities entrusted to them has been negligent in some fashion or contrary to the teaching of Scripture. Furthermore, the ordering of ministry to the gospel of Christ also involves encouraging and facilitating the reform of ministries where, for one reason or another, they no longer serve the mission of reaching the lost and building up believers.

4. A third priority is to exercise **pastoral concern and insight** as he provides advice and direction for gospel ministry in the Diocese. This has been the self-understanding of bishops throughout the twentieth century and this expression has been a regular feature in presidential addresses to election synods in the Diocese (Gunther 1909; Kirkby 1933; Barnett 2001; Forsyth 2013). This has not meant the Archbishop is expected to act as pastor to every Anglican in the Diocese, nor even to be the principal 'pastor to the pastors'. Rather, the Archbishop models pastoral care in all his interactions and so helps to encourage throughout the Diocese a commitment to thoughtful, caring relationships in which the spiritual welfare of the other person is of paramount concern.

5. A fourth priority is to **represent the Diocese**, in various national and international bodies, to the government, and generally to the community. As we have seen, this role arises from history rather than directly from the biblical text or the Ordinal. Nevertheless, it is another significant way in which the guardianship of gospel truth and mission is exercised by the Archbishop of Sydney and has been a feature of the office from its inception. This public role requires a humble confidence in the theological convictions and character of the Diocese of Sydney, since *this* is the Diocese that is being represented. In the denominational context, the Archbishop of Sydney ought to be a clear voice for an unambiguously biblical, evangelical Anglicanism, willing to stand alongside all who seek to live and serve in a way that is directed and disciplined by the word of God. In the rapidly changing context of Christian witness in this city and nation it requires a degree of mental agility and apologetic skill to handle opposition and even hostility with grace and humility and yet with the courage to present the truth of Scripture as it bears on the subject at hand.

6. A fifth priority is the **administration** of the Diocese in line with its mission. The diligent attention to administration is not to be seen as a distraction from ministry but rather serving the interests of ministry. The governance, policies and processes of the Diocese ought to facilitate its mission and a proper administration of them will direct them to this end. In a diocese with five assistant bishops, the administrative burden need not fall on the Archbishop alone, or perhaps even principally. One or more of the assistant bishops may be more able in this area and so able to shoulder much of the load. Yet faithful administration is itself a form of guardianship and the reason why bishops and the Archbishop play a key role on boards and committees of the Diocese is to ensure that all its organisations order themselves and their activities by the gospel and the commission we have received from Christ, reflecting the theological ethos and the priorities of the Diocese.

7. Ultimately, what will shape the Archbishop of Sydney more than any other single factor is his personal walk with Christ. His Christian character, his prayerfulness, his faithful obedience to the word of God, his loving care for both the lost and the redeemed, his courageous determination to proclaim the truth and to refute error, and possessing a keen sense of his accountability to the Chief Shepherd (1 Pet 5:4) are critical to the faithful and effective discharge of this responsibility. Under God's good hand, the history of this Diocese is full of bishops and archbishops who were exactly like this and whose ministry has furthered the mission of the gospel, brought blessing to God's people, and honoured the name of Christ.

Table of Amendments

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Consecration of the Archbishop of Sydney Ordinance 2021

(Reprinted under the *Interpretation Ordinance 1985*.)

Long Title

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

Preamble

Whereas

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

The Synod of the Diocese of Sydney Ordains as follows.

1. Name

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

2. Exclusion of General Synod Canon

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

3. Consecration of nominee not in episcopal orders

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



Delegation of Powers Ordinance 1998

(Reprinted under the *Interpretation Ordinance 1985*.)

The Delegation of Powers Ordinance 1998 as amended by the Delegation of Powers (Provident Fund) Amendment Ordinance 2004 and the Delegation of Powers Ordinance 1998 Amendment Ordinance 2014.

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9Amendment of the Standing Orders

XXXXXXXXXXXX

An Ordinance to delegate certain powers of the Synod and for incidental matters.

The Synod of the Diocese of Sydney Ordains –

Part 1 - General Matters

1. Name of Ordinance

This Ordinance is the Delegation of Powers Ordinance 1998.

2. Repeal and Transitional

(1) Clause 1 of the Delegation of Powers and Ordinance Procedure Ordinance 1973 is repealed and the following is inserted instead –

“1. This Ordinance is the Ordinance Procedure Ordinance 1973.”

(2) Clauses 4, 5, 6 and 7 of, and the Second and Third Schedules to, the Delegation of Powers and Ordinance Procedure Ordinance 1973 are repealed.

(3) Clause 3(2) does not affect or invalidate any ordinance made, or any act done, prior to the commencement of this Ordinance.

3. Commencement Date

This Ordinance commences on the date of assent.

4. Definitions

In this Ordinance –

Archbishop means the Archbishop or any other person who for the time being is authorised to assent to an ordinance of the Synod or the Standing Committee.

Bodies Corporate Act means the Anglican Church of Australia (Bodies Corporate) Act 1938.

Provident Fund Act means the Anglican Clergy Provident Fund (Sydney) Act 1908.

Trust Property Act means the Anglican Church of Australia Trust Property Act 1917.

1902 Constitutions means the Constitution set out in the Schedule to the Anglican Church of Australia Constitution Act 1902.

1961 Constitution means the Constitution set out in the Schedule to the Anglican Church of Australia Constitution Act 1961.

Part 2 - Delegation of Powers

5. Delegation of Powers

- (1) During the recess of the Synod, the Standing Committee, in the place of the Synod, may exercise all or any of the powers and functions and do and make such of the things as are referred to in –
- (a) the following sections of the Trust Property Act –
Sections 11, 12, 14, 15, 16, 19, 24, 25, 26, 26A, 27, 27A, 32, 32A, 32B and 37;
and
 - (b) the following sections of the Bodies Corporate Act –
Sections 4, 5, 6, 7, 10 and 11; and
 - (c) subject to Article 7(2) of the 1902 Constitutions, the following articles of the 1902 Constitutions –
Articles 2(1) and 3(2); and
 - (d) the following sections of the Provident Fund Act –
Sections 3(2) and 8; and
 - (e) the following sections of the 1961 Constitution –
Sections 28A(2) and (3),
and permits the Standing Committee to assent to a bill in exercise of this delegated authority by ordinance only.
- (2) Notwithstanding clause 5(1), the Standing Committee may not make an ordinance under section 26 of the Trust Property Act if –
- (a) the proposed ordinance relates to church trust property held for the sole benefit of a particular parish; and
 - (b) the majority of the parish council (if any) for the time being of that parish has not consented in writing to the making of that ordinance.
- (3) Any ordinance proposed to be made by the Standing Committee partly or wholly under the powers referred to in clause 5(1) at any stage before the proposed ordinance is assented to –
- (a) may be referred to the Synod by the Archbishop; and
 - (b) must be referred to the Synod by the Archbishop upon the request in writing of any 3 members of the Standing Committee,

and, if so referred, assent must be withheld.

6. Procedures

In exercising the powers and functions and doing and making the things referred to in the sections and articles referred to in clause 5(1) the Standing Committee must follow the procedure in the Standing Orders of the Synod and the Ordinance Procedure Ordinance 1973, so far as that procedure can be applied.

7. Reporting

The Standing Committee must report to the Synod from time to time on any exercise of the powers and functions or the doing or making of such of the things as are referred to in the sections and articles referred to in clause 5(1).

8. Enquiry into proposed Ordinances

- (1) During the recess of the Synod the Standing Committee may consider any proposed ordinance notwithstanding that leave to introduce the proposed ordinance has or has not been obtained from the Synod.
- (2) If –
- (a) an application is made for an ordinance to direct the sale or other dealing with church trust property under section 26 of the Trust Property Act;
 - (b) the church trust property is held for the sole benefit of a particular parish; and
 - (c) the consent of the majority of the parish council (if any) for the time being of the parish for whose benefit the church trust property is held has not been given in writing,

then, after so many of the procedures set out in the Ordinance Procedure Ordinance 1973 as can be applied have been followed, the Standing Committee, if it considers that it is in the best interests of ministry in the Diocese that the ordinance be passed, may refer the ordinance to the next ordinary session of the Synod

with a report giving its reasons why it considers that it is in the best interests of ministry in the Diocese that the ordinance be passed.

9. Amendment of the Standing Orders Ordinance 1968

The Schedule to the Standing Orders Ordinance 1968 is amended by inserting the following clause after clause 68 –

“68A. If an ordinance proposed to be made by the Standing Committee is referred to the Synod under clause 5(2) of the Delegation of Powers Ordinance 1998 then –

- (a) if the proposed ordinance is referred to the Synod before the Standing Committee has passed a motion that the bill be read a first time – consideration of the proposed ordinance by the Synod shall commence with a motion for leave to introduce the ordinance in accordance with Standing Order 64(1); and
- (b) if the proposed ordinance is referred to the Synod at any time after the Standing Committee has passed a motion that the bill be read a first time - the Synod shall be taken to have passed a motion that the bill be read a first time and consideration of the proposed ordinance by the Synod shall commence upon a motion that the ordinance be read a second time.”.

Table of Amendments

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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, the Standing Committee Ordinance 1897 Amendment Ordinance 2021, and the Standing Committee Ordinance 1897 and Synod Membership Ordinance 1995 Amendment Ordinance 2022.

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1A	Constitution of the Standing Committee (continued)
1B	Constitution of the Standing Committee (continued)
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5	Custody of Property
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9	Date of Coming into Force
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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 Archbishop’s Executive Officer, 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 Archbishop 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]



Sydney Anglican Property (Provisional Restructuring) Ordinance 2023

(Reprinted under the *Interpretation Ordinance 1985*.)

Long Title

An Ordinance to deem certain amendments to the constituting ordinances of certain diocesan organisations and for matters incidental thereto.

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

1. Name of ordinance

This Ordinance is the *Sydney Anglican Property (Provisional Restructuring) Ordinance 2023*.

2. Interpretation

In this Ordinance –

“ACGC” means the Anglican Church Growth Corporation.

“ACGC Ordinance” means the *Anglican Church Growth Corporation Ordinance 2018*.

“ACPT” means the Anglican Church Property Trust Diocese of Sydney.

“ACPT Ordinance” means the *Anglican Church Property Trust Diocese of Sydney Ordinance 1965*.

“SAHC” means the St Andrew’s House Corporation.

“SAHC Ordinance” means the *St Andrew’s House Corporation Ordinance 2018*.

“Sydney Anglican Property” means ACPT, ACGC and SAHC collectively.

3. Effect of this Ordinance

Until the date determined by the Standing Committee by resolution, the ACPT Ordinance, SAHC Ordinance and ACGC Ordinance apply as if they were amended or modified in the manner described in this Ordinance.

4. Amendments to the ACPT Ordinance

The ACPT Ordinance is deemed to be amended as follows –

- (a) insert the following new definition in clause 2 immediately before the definition of “Standing Committee” –

“Responsible Person” means an individual who –

- (a) performs a significant public function,
- (b) is a member of a professional body having a code of ethics or rules of conduct,
- (c) is officially charged with spiritual functions by a religious institution,
- (d) is a director of a company whose shares are listed on the Australian Securities Exchange,
- (e) has received formal recognition from government for services to the community,
- (f) is an individual before whom a statutory declaration may be made, or
- (g) is approved as a Responsible Person by the Commissioner of Taxation.”, and

- (b) substitute clause 3(1) with the following -

“(1) The members of the Corporate Trustee shall be the Archbishop of Sydney and not more than the number of members elected by the Synod as follows –

- (a) until immediately prior to the first day of the ordinary session of Synod in 2024 – 14 elected members,
- (b) from the first day the of the ordinary session of Synod in 2024 to immediately prior to the first day of the ordinary session of Synod in 2025 – 12 elected members,
- (c) from the first day the of the ordinary session of Synod in 2025 to immediately prior to the first day of the ordinary session of Synod in 2026 – 10 elected members, and
- (d) from the first day of the ordinary session of Synod in 2026 – 9 elected members.”, and

- (c) insert a new subclause 3(5) as follows –

“(5) If all members of the Corporate Trustee elected under clause 3 are (either directly or by reason of also being ex officio members of another body) the ex officio directors of a company that is trustee of a public ancillary fund or endorsed to operate a deductible gift recipient fund, a majority of the members appointed under clause 3 must be Responsible Persons.”

- (d) substitute clauses 19 and 21 with the following –

“19. Executive Director and other staff

- (1) The Corporate Trustee may appoint –

- (a) an Executive Director under this or such other title as the Corporate Trustee determines who is to report directly to the Corporate Trustee, and
- (b) such other staff who are to report to the Executive Director directly or indirectly to serve the Corporate Trustee,

for such period, for such remuneration and on such terms as the Corporate Trustee may determine, subject to the terms and conditions of the secondment referred to in subclause (2).

(2) The Executive Director and other staff appointed under subclause (1) are to be employed by Sydney Diocesan Services and seconded to the Corporate Trustee on such terms and conditions as Sydney Diocesan Services reasonably considers necessary to ensure its obligations as the employer are met.

(3) Prior to the beginning of the selection process for a new Executive Director, the Chair is to inform the Archbishop of the process and the Archbishop, or a Regional Bishop nominated by him, is to be invited to be a part of the interview process, and the Archbishop is to be informed of the names on the final list prior to any offer being made for the position.

(4) A person is not eligible to be appointed as the Executive Director unless he or she has first given the Chair a signed copy of the Statement of Personal Faith set out in the Synod Governance Policy.

(5) The Executive Director is responsible to the Corporate Trustee for the implementation of the strategy, policies and decisions of the Corporate Trustee and for the general administration and daily operation of the Corporate Trustee.

- (6) The Corporate Trustee may –

- (a) give the Executive Director powers, discretions and duties,
- (b) withdraw, suspend or vary any of the powers, discretions and duties given to the Executive Director, and
- (c) authorise the Executive Director to delegate any of the powers, discretions and duties given to the Executive Director.

(7) The Executive Director has the right to attend and speak at meetings of the Corporate Trustee unless the members determine that he or she should not be present for a particular meeting, or part thereof.”

5. Amendments to the SAHC Ordinance

The SAHC Ordinance is deemed to be amended as follows –

- (a) delete the definitions of “Chair” and “Secretary” in clause 3(1),
- (b) delete clauses 5, 6, 7, and 8, and
- (c) insert a new clause 5 as follows –

“5. Membership

The members of the Anglican Church Property Trust Diocese of Sydney from time to time are, with the exception of the Archbishop, who is the non-member President of SAHC under clause 15, the members of SAHC ex officio.”, and

- (d) delete clauses 10 and 11, and
- (e) insert a new clause 10 as follows –

“10. Chair, Deputy Chair and Secretary

The Chair, Deputy Chair and Secretary of the Anglican Church Property Trust Diocese of Sydney from time to time are the Chair, Deputy Chair and Secretary of SAHC ex officio.”

- (f) substitute clause 13 with the following –

“13. Quorum

A quorum for a meeting of the members is the same as a quorum for a meeting of members of the Anglican Church Property Trust Diocese of Sydney.”

- (g) delete subclauses 18(2)(c) and (d) and insert a new clause 18A as follows –

“18A. Delegation

(1) SAHC may delegate any of its powers (other than approving the affixing of the common seal of SAHC) to a committee or committees and such other persons, as SAHC thinks fit on such terms, conditions and limitations as SAHC may determine.

(2) A committee or person to which any powers have been delegated under this clause must exercise those powers in accordance with any terms, conditions, limitations and directions or protocols of SAHC. A power so exercised is taken to have been exercised by SAHC.

(3) Any such committee is to be chaired by a member of SAHC and report the exercise of its delegated functions to the next meeting of SAHC.

- (e) insert a new clause 20A after the Heading “Part 6 – General” as follows –

“20A. Executive Director and other staff

(1) The Executive Director appointed under clause 19 of the *Anglican Church Property Trust Diocese of Sydney Ordinance 1965* (the “ACPT Ordinance”) is ex officio the Executive Director of SAHC who is to report directly to SAHC.

(2) Any other staff appointed under clause 19 of the ACPT Ordinance are ex officio the staff of SAHC who are to report to the Executive Director directly or indirectly to serve SAHC.

(3) The Executive Director is responsible to SAHC for the implementation of the strategy, policies and decisions of SAHC and for the general administration and daily operation of SAHC.

(4) SAHC may –

- (a) give the Executive Director powers, discretions and duties,
- (b) withdraw, suspend or vary any of the powers, discretions and duties given to the Executive Director, and
- (c) authorise the Executive Director to delegate any of the powers, discretions and duties given to the Executive Director.

(5) The Executive Director has the right to attend and speak at meetings of SAHC unless the members determine that he or she should not be present for a particular meeting, or part thereof.”

6. Amendments to the ACGC Ordinance

The ACGC Ordinance is deemed to be amended as follows –

- (a) delete the definitions of “Chair” and “Responsible Person” in clause 3(1),
- (b) delete clause 5, 6, 7, and 8, and
- (c) insert a new clause 5 as follows –

“5. Membership

The members of the Anglican Church Property Trust Diocese of Sydney from time to time, with the exception of the Archbishop, who is the non-member President of the Corporation under clause 14, are the members of the Corporation ex officio.”

- (d) delete clause 10 and insert –

“10. Chair, Deputy Chair and Secretary

The Chair, Deputy Chair and Secretary of the Anglican Church Property Trust Diocese of Sydney from time to time are the Chair, Deputy Chair and Secretary of the Corporation ex officio.”

- (e) substitute clause 12 with the following –

“12. Quorum

A quorum for a meeting of the members is the same as a quorum for a meeting of members of the Anglican Church Property Trust Diocese of Sydney.”

- (f) delete clause 19 and insert instead –

“19. Executive Director and other staff

(1) The Executive Director appointed under clause 19 of the *Anglican Church Property Trust Diocese of Sydney Ordinance 1965* (the “ACPT Ordinance”) is ex officio the Executive Director of the Corporation who is to report directly to the Corporation.

(2) Any other staff appointed under clause 19 of the ACPT Ordinance are ex officio the staff of the Corporation who are to report to the Executive Director directly or indirectly to serve the Corporation.

(3) The Executive Director is responsible to the Corporation for the implementation of the strategy, policies and decisions of the Corporation and for the general administration and daily operation of the Corporation.

(4) The Corporation may –

- (a) give the Executive Director powers, discretions and duties,
- (b) withdraw, suspend or vary any of the powers, discretions and duties given to the Executive Director, and
- (c) authorise the Executive Director to delegate any of the powers, discretions and duties given to the Executive Director.

(5) The Executive Director has the right to attend and speak at meetings of the Corporation unless the members determine that he or she should not be present for a particular meeting, or part thereof.”

7. Amendments to the *Sydney Diocesan Services Ordinance 2017*

The *Sydney Diocesan Services Ordinance 2017* is amended as follows –

- (a) delete the word “and” at the end of paragraph 18(2)(i), and
- (b) insert the following at the end of paragraph 18(2)(j) in place of the full stop –

‘, and

- (k) to formulate, in consultation with those bodies which centrally administer and manage the affairs of the Diocese, group governance policies for those bodies.’

8. Reporting

(1) The members of the ACPT, SAHC and ACGC are to provide to the Standing Committee, at least every 3 months, a report about the affairs of Sydney Anglican Property, including any information about the affairs of Sydney Anglican Property that the Standing Committee requests by resolution.

(2) A report given under subclause (1) satisfies the reporting obligations under clause 22 of the SAHC Ordinance and clause 23(b) of the ACGC Ordinance.

(3) Despite any provision of the *Accounts, Audits and Annual Reports Ordinance 1995*, Sydney Anglican Property –

- (a) is to be treated as a single Organisation for the purposes of Part 2 of that Ordinance, and
- (b) is permitted, to the extent possible, to submit a consolidated annual report to Synod for 2023 and future years in relation to the affairs of the ACPT, SAHC and ACGC under clause 14 of that Ordinance.

9. Transitional

(1) Each of the following persons is, subject to their consent, a member of the ACPT for the purposes of clause 3(1)(a) of the ACPT Ordinance (as deemed amended by this Ordinance) and is taken to have been last elected as a member on the dates set out below –

Name	Last Elected
Peter Hicks	1 January 2024
Melinda West	1 January 2024
Sally Manion	1 January 2023
Andrew Schmidt	1 January 2023
Ian Pike	1 January 2023
Ewen Crouch	1 January 2022
David Ould	1 January 2022
Caleb Teh	1 January 2022
Maureen Peatman	1 January 2022
Margaret Stuart	1 January 2021
Andrew Robson	1 January 2021
Marianne Yacoel	1 January 2021
Philip Bell	1 January 2021
Wayne Bramley	1 January 2021

(2) Sydney Diocesan Services may give the persons listed in the table under subclause (1) access to the secure board portal sites it manages for members of the ACPT, ACGC and SAHC despite such persons not being members of those bodies subject to such persons –

- (a) having provided their consent to being a member of the ACPT under subclause (1), and
- (b) agreeing to treat such material and information as confidential.

10. Motion for Synod

The Standing Committee is to arrange for a motion to be moved by request of the Standing Committee at the ordinary session of the Synod in 2024 by which the Synod can ratify or otherwise determine on the arrangements for establishing Sydney Anglican Property under this Ordinance.

11. Commencement

Except for this clause and clause 9(2) (which commence upon assent being given to this Ordinance), this Ordinance commences immediately following the commencement of the *Anglican Church Property Trust Diocese of Sydney Ordinance 1965 Amendment Ordinance 2023*.



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, the Synod Membership Ordinance 1995 Amendment Ordinance 2021, and the Standing Committee Ordinance 1897 and Synod Membership Ordinance 1995 Amendment Ordinance 2022.

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Dictionary

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 and have not been convicted of a disqualifying offence listed in Schedule 2 of the *Child Protection (Working with Children) Act 2012*.”

(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**

Subject to subclauses 8D(1) and (2), 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) Subject to subclause 8D(3), 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 or appointed under subclause 8D(4), 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 or as an alternate under subclause 8D(4) 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.

8D. Regional Bishops, Nominated Ministers and Parochial Ministers who are acting rectors

- (1) A Regional Bishop or Nominated Minister who is an acting rector of one or more Parochial Units is not a member of Synod as a Parochial Minister while he remains a member of the Synod as a Regional Bishop or Nominated Minister.
- (2) A Parochial Minister who is licensed as the rector of a Parochial Unit while also licensed as an acting rector of any other Parochial Unit is not a member of Synod as a Parochial Minister of the Parochial Unit(s) of which he is licensed as acting rector.
- (3) A Regional Bishop, Nominated Minister or Parochial Minister to whom subclause 8D(1) or (2) applies may not appoint an alternate under subclause 8A(1) for the Parochial Minister of any Parochial Unit of which they are an acting rector.
- (4) Notwithstanding subclauses 8D(1) and (2), a Regional Bishop, Nominated Minister or Parochial Minister to whom one of those subclauses apply –
 - (a) may appoint a Minister licenced to the Parochial Unit(s) of which they are acting rector to be the alternate for the Parochial Minister of that Parochial Unit for a session of the Synod by giving a notice to the Registrar in accordance with clause 8A(2), and
 - (b) is deemed to be the Parochial Minister of the Parochial Unit(s) for the purposes of subclauses 8A(2), (3) and 8C.

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 Archbishop's Executive Officer

The Archbishop's Executive Officer 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.

Table of Amendments

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Governance Policy for Diocesan Organisations

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Background

- Representative members of the Anglican Church of Australia in New South Wales meet in synods to attend to governance needs arising from membership in the unincorporated association known as The Anglican Church of Australia. The New South Wales Parliament has provided a legislative framework for the seven New South Wales Anglican Diocesan Synods to carry out responsible and effective governance. The *Anglican Church of Australia Constitutions Act 1902* empowers each Anglican synod in New South Wales to make ordinances for the order and good government of the Anglican Church of Australia within that diocese. The *Anglican Church of Australia Trust Property Act 1917* gives a synod the power –
 - to vary the trusts on which church trust property is held,
 - to appoint and remove trustees of such property, and
 - to constitute councils and committees to govern and control the management and use of such property.

In addition the *Anglican Church of Australia (Bodies Corporate) Act 1938* gives an extraordinary power to a Synod in New South Wales to constitute such councils and committees as bodies corporate for the management and governance of an organisation of the Anglican Church or for holding, managing or dealing with church trust property.
- In the context of the Diocese of Sydney, there are currently about 60 diocesan organisations constituted by the Synod. There are also a number of bodies not constituted by the Synod in respect of whose organisation or property the Synod is nonetheless empowered to make ordinances. These organisations pursue diocesan purposes through a wide range of activities, including welfare, aged care, schooling, youth work, theological education, and administrative, secretarial and investment services. About 20 of these are incorporated by or under legislation including the *Anglican Church of Australia Trust Property Act 1917* or the *Anglican Church of Australia (Bodies Corporate) Act 1938*.
- The Synod acknowledges that diocesan organisations have taken steps on their own boards to ensure proper and effective board governance. Nevertheless, the Synod as the ‘parliament of the diocese’ also has a responsibility to the wider community to facilitate proper and effective governance as part of its oversight of all diocesan organisations.
- Currently, the Synod seeks to discharge this responsibility by electing a majority of the board members of diocesan organisations and requiring diocesan organisations which manage church trust property to provide an annual report to the Synod including its financial statements and auditor’s report.

Purpose of this document

- The adoption of a Synod Policy on the governance of diocesan organisations will enable the Synod to articulate more clearly how it intends exercising its powers to better achieve two broad expectations in the area of governance.
- The first expectation is that those responsible for governing diocesan organisations will seek the highest standards of governance appropriate to the size and nature of each organisation.

7. The second expectation addresses the reason for pursuing the highest standards of governance, namely, to maximise the extent to which a diocesan organisation meets the object for which it is constituted. The object of any diocesan organisation is to advance one purpose or another of the Diocese. Ultimately such purposes seek to promote the kingdom of Christ and give glory to God.

The nature of Christian leadership

8. Leadership is a gift of God for the purposes of order and good government. Among the people of God, church leaders are gifted by God for the teaching, discipline and modelling of godliness to those under their care. Secular leaders are likewise accountable to God for their governance, which is for the good of the community they serve, since they also act as “God’s servants” (Rom 13:4). Boards of Christian organisations should therefore have similar standards of integrity, truth and commitment with respect to their governance responsibilities. In particular, Jesus’ use of the imagery of both shepherd and servant for his own ministry, as well as that of his apostles, ought to characterise those who would govern Christian organisations.
9. Scripture states: “We aim at what is honourable not only in the Lord’s sight but also in the sight of others” (2 Cor. 8:21). In light of this, it is appropriate that Christian organisations take pains to ensure the appearance (as well as the substance) of propriety and accountability. This includes abiding by the highest governance standards observed by secular organisations, e.g. corporations, where they are applicable.
10. The Synod acknowledges and gives thanks for the board members of diocesan organisations who give generously of their time, energy and skills to exercise the governance responsibilities with which they have been entrusted.
11. The Synod encourages board members of diocesan organisations to work in partnership with the Synod in seeking the highest standards of governance. Such standards are to be underpinned by prayer, sacrificial service, a dependence upon God for wisdom and a proper regard to best practice so that decisions made will enhance the organisation’s effectiveness to promote the kingdom of Christ and give glory to God.

Application of this Policy

12. In this Policy –
- “board” means the body of persons responsible for governing a diocesan organisation.
- “chief executive officer” means the person who is responsible to the board for the leadership and management of the diocesan organisation.
- “Diocese” means the Anglican Church of Australia in the Diocese of Sydney.
- “diocesan organisation” means a body which has an Australian Business Number and –
- (a) is constituted by ordinance or resolution of the Synod, or
 - (b) in respect of whose organisation or property the Synod may make ordinances,
- but excludes –
- (i) the Synod, the Standing Committee and any of their subcommittees,
 - (ii) parish councils,
 - (iii) the chapter of a cathedral, and
 - (iv) entities that perform an administrative function under ordinance or resolution rather than conduct an enterprise in their own right.
- See Schedule 1 for a list of diocesan organisations.
- “Governance Standards” means the standards referred to in Appendix 1.
- “Policy Guidelines” means the guidelines referred to in Appendix 2.
- “Synod” means the Synod of the Diocese and includes, when the Synod is not in session, the Standing Committee of the Synod.
13. In support of the mission of the Diocese, this policy sets out the Governance Standards and Policy Guidelines that the Synod considers should apply to diocesan organisations.
14. The Synod will use these Governance Standards and Policy Guidelines as the basis for assessing and, as appropriate, changing (or seeking changes to) the ordinances, policies and procedures that apply to diocesan organisations.

15. The Governance Standards and Policy Guidelines are also intended to align with and give appropriate expression to the governance standards for registered entities made under the *Australian Charities and Not-for-profits Commission Act 2012*.
16. The Synod anticipates that it will amend this policy from time to time in order to better align the Governance Standards and Policy Guidelines with the purposes of the Diocese and to reflect any changes to the ACNC governance standards. For this purpose the Synod encourages on-going input from boards.

Appendix 1: Governance Standards

The Synod regards the following Governance Standards as applicable to all diocesan organisations and expects diocesan organisations to implement each of the Governance Standards in an appropriate and demonstrable way.

A. **Christian leadership shaped by the Bible**

- (a) The board members of a diocesan organisation elected by the Synod, the chair of the board and the chief executive officer must profess a personal Christian faith shaped by the Bible.
- (b) Other board members should profess a personal Christian faith shaped by the Bible.
- (c) The Archbishop must be able to address the board of a diocesan organisation on any pastoral or policy issue concerning the Anglican Church of Australia as it applies to the diocesan organisation, including the appointment of a chief executive officer for the organisation.
- (d) The board of a diocesan organisation should include members with formal theological training.

B. **Mission clarity**

(cf. ACNC governance standard 1 – purposes and not-for-profit nature of a registered entity)

- (a) The purpose of a diocesan organisation must be clearly expressed in its constituting ordinance, must align with the religious, educational or other charitable purposes of the Diocese whether such purposes are within or beyond the Diocese or the State and must ultimately promote the kingdom of Christ and give glory to God.
- (b) Information about the purpose of a diocesan organisation must be made available to the public, including any members, donors, employees and volunteers, as well as those that benefit from its activities.
- (c) A diocesan organisation must comply with its purpose and ensure that all its activities are demonstrably linked either directly or incidentally to the pursuit of its purpose.

C. **Not-for-profit character**

(cf. ACNC governance standard 1 – purposes and not-for-profit nature of a registered entity)

- (a) The property of a diocesan organisation must not be distributed for the private benefit of individuals either during the operation of the organisation or on its winding-up.
- (b) A diocesan organisation must comply with its not-for-profit character and take reasonable steps to ensure compliance.

D. **Accountability and transparency**

(cf. ACNC governance standard 2 – accountability to members)

- (a) A diocesan organisation must maintain an adequate level of accountability and transparency to the Synod and its members.
- (b) A majority of the board members of a diocesan organisation must be elected by the Synod.
- (c) A diocesan organisation which manages church trust property must submit to the Synod for tabling an annual report and such other reports as Synod requires and must take reasonable steps to ensure such reports are accurate, complete and provided on a timely basis.
- (d) Members of the Synod must have reasonable access to the annual reports of diocesan organisations tabled at the Synod and must have an adequate opportunity to ask and have answered questions about the governance of diocesan organisations.
- (e) A diocesan organisation which has a class of members which is distinct from the members of its governing board must maintain similar levels of accountability and transparency for such members.

E. **Corporate responsibility**

(cf. ACNC governance standard 3 – compliance with Australian laws)

- (a) A diocesan organisation must ensure its on-going operations, the safety of people in its care and the safety of its assets through compliance with applicable Australian laws and ordinances of the Synod.

- (b) A diocesan organisation must maintain as a reference for its board members a record, preferably in the form of a handbook, of the ordinances by which it is constituted or regulated and any other documents or policies by which it is governed.

F. Suitability of board members

(cf. ACNC governance standard 4 – suitability of responsible entities)

- (a) The board of a diocesan organisation must develop effective processes to ensure –
 - (i) the collective qualifications, skills, experience and gender balance of its members are adequate having regard to its purpose and the activities it undertakes in pursuit of its purpose, and
 - (ii) the induction of new members and the ongoing training and development of existing members, and
 - (iii) board renewal under the direction of the chair.
- (b) A person who is –
 - (i) disqualified from managing a corporation within the meaning of the *Corporations Act 2001*, or
 - (ii) disqualified by the ACNC Commissioner, at any time during the preceding 12 months, from being a responsible entity of a registered entity under the *Australian Charities and Not-for-profits Commission Act 2012*,is not eligible to be a board member of a diocesan organisation.

G. Board member responsibility

(cf. ACNC governance standard 5 – duties of responsible entities)

- (a) A diocesan organisation must take reasonable steps to ensure that its board members are subject to and comply with the following duties –
 - (i) to exercise the powers and discharge the duties of the diocesan organisation with the degree of care and diligence that a reasonable individual would exercise as a board member of a diocesan organisation, and
 - (ii) to act in good faith in the best interests of the diocesan organisation and to further the purposes of the diocesan organisation, and
 - (iii) not to misuse their position as a board member, and
 - (iv) not to misuse information obtained in the performance of their duties as a board member of a diocesan organisation, and
 - (v) to disclose perceived or actual material conflicts of interest of the board member, and
 - (vi) to ensure that the financial affairs of the diocesan organisation are managed in a responsible manner, and
 - (vii) not to allow the diocesan organisation to operate while insolvent.
- (b) A diocesan organisation must take reasonable steps to ensure compliance with these duties and to remedy any non-compliance.

Appendix 2: Policy Guidelines

The Synod considers that the constituting ordinances of diocesan organisations which are bodies corporate should usually conform to the following Policy Guidelines. However the Synod recognises that for some diocesan organisations it may not be appropriate to conform to all these Policy Guidelines. This will be the case particularly for those Policy Guidelines which go beyond the Governance Standards. Where it is proposed to amend the constituting ordinance of a diocesan organisation to conform with the Policy Guidelines, a full consultation process will be undertaken with the board of the organisation before any such amendments are made. Where a board of a diocesan organisation believes that a particular Policy Guideline should not apply, it would usually be appropriate for the board to provide a brief explanation of its position as part of the consultation process.

Purpose

1. The purpose of the diocesan organisation should be clearly expressed. Such purpose must align with the religious, educational or other charitable purposes of the Diocese whether such purposes are within or beyond the Diocese or the State and must ultimately promote the kingdom of Christ and give glory to God.
2. In recognition that the diocesan organisation is part of a network of parishes and organisations which is collectively seeking to advance the broader charitable purposes of the Diocese, the diocesan organisation should be expressly permitted to pursue its purposes in a manner which advances the broader charitable purposes of the Diocese, including such purposes as are declared or recognised from time to time by the Synod. See also paragraph 32.

Board size and composition

3. The total number of board members should be no less than 9 and no more than 14.
4. A majority of board members must be elected by the Synod.
5. The membership of the board should not include the Chief Executive Officer.
6. The membership of the board should include –
 - (a) at least two clergy licensed in the Diocese of Sydney, and
 - (b) at least two members with (at minimum) a three year theological degree from Moore Theological College or another college that is endorsed by the Archbishop for the purpose of this clause,noting that the requirements of paragraphs (a) and (b) may be met by the same two people.
7. The membership of the board may include no more than two persons appointed by the board.
8. Where a significant majority of members are elected by the Synod, the membership of the board may include persons appointed by any representative alumni association.

Role of the Archbishop

9. If the Archbishop is a board member he should be entitled to chair meetings of the board when present.
10. If the Archbishop is not a board member he should be entitled –
 - (a) to receive board papers at his request, and
 - (b) to attend board meetings, and
 - (c) to address the board on any pastoral or policy issue concerning the Anglican Church of Australia as it applies to the diocesan organisation including the appointment of a chief executive officer for the organisation.

The Archbishop should be able to appoint a nominee to exercise these entitlements on his behalf.

Election, appointment and term of office of board members

11. A board member should be elected or appointed for a term not exceeding 3 years. One third of Synod elected members should therefore retire at each ordinary session of the Synod or, in the case of members elected by the Standing Committee, at the first meeting of the Standing Committee following each ordinary session.
12. Any person who wishes to be elected, appointed or to remain as a board member must sign a statement of personal faith in a form determined by the Synod. The form of the statement is set out in Appendix 3.
13. A casual vacancy should arise in the office of a board member if the member –

- (a) dies,
- (b) resigns in writing to the chairman of the board or to the Diocesan Secretary,
- (c) is an insolvent under administration,
- (d) is of unsound mind or whose person or estate is liable to be dealt with in any way under the laws relating to mental health or is otherwise incapable of acting,
- (e) is disqualified from managing a corporation within the meaning of the *Corporations Act 2001*;
- (f) has at any time during the preceding 12 months been disqualified from being a responsible entity of a registered entity by the Commissioner of the Australian Charities and Not-for-profits Commission;
- (g) is convicted of an offence punishable by imprisonment for 12 months or longer,
- (h) is subject to a recommendation from a tribunal or body under the Discipline Ordinance 2006 (or from a comparable tribunal or body in any other diocese or church) that he or she be prohibited from holding office or should be removed from office as a board member,
- (i) is absent without leave for 3 consecutive meetings of the board and the board resolves that the person's membership should cease,
- (j) fails to sign the statement of personal faith, or declares that he or she is no longer able to subscribe to the statement, or
- (k) fails to disclose his or her actual material conflict of interest in any matter brought for the consideration of the board which, in the opinion of the board, resulted in a resolution of the board which would not have been made if the actual material conflict of interest had been disclosed, and the board resolves by at least a three-quarters majority that the person's membership should cease as a result of this failure,

and a person should be disqualified from being elected or appointed as a board member if any of the circumstances referred to in paragraphs (c) to (h) and (j) apply to the person.

14. Casual vacancies arising for Synod elected members should be filled by the Standing Committee. The person who fills the casual vacancy should hold office until the day on which the person whose vacancy he or she has filled would have retired had the vacancy not occurred.
15. In the absence of an alternative methodology in the constituting ordinance of a diocesan organisation which achieves effective board renewal in the context of that organisation under the direction of the chair, a retiring board member should only be eligible for re-appointment or re-election where such re-appointment or re-election would not in the normal course result in that member being a board member for more than 14 consecutive years. For this purpose, years are consecutive unless they are broken by a period of at least 12 months.
16. Board members should not be remunerated for their service as board members except by way of reimbursement for reasonable out-of-pocket expenses.

Chair and other office holders

17. The chair and any other officer of the board should be elected by board members for a term not exceeding 3 years. Such persons are eligible to stand for re-election but should not serve in the same office for more than 9 consecutive years.
18. A person is not eligible to be appointed or elected as the chair of a board unless he or she has first signed a statement of personal faith in a form determined by the Synod. The initial form of such a statement is set out in the Appendix 3.
19. A person should not be the chair of the board of a diocesan organisation if a member of the person's immediate family is employed by the diocesan organisation, unless the board has considered the circumstances and unanimously agreed to it by secret ballot.

The Chief Executive Officer

20. The board should have the power to appoint and remove the Chief Executive Officer.
21. The Chief Executive Officer is responsible to the board for the leadership and management of the diocesan organisation.
22. A person is not eligible to be appointed as the Chief Executive Officer unless he or she has first signed a statement of personal faith in a form determined by the Synod. The initial form of such a statement is set out in the Appendix 3.

Board meetings

23. Meetings of the board may be convened by the chair or a specified number of board members.

24. Board members should be able to attend meetings either personally or by suitable electronic means.
25. A quorum for meetings of the board should be no less than one half of its members.
26. The board should be able to pass resolutions without a meeting if –
 - (a) a copy of the proposed resolution is sent to all board members and a reasonable timeframe within which members may indicate their support for or objection to the proposed resolution being passed is specified, and
 - (b) at least 75% of board members indicate within the specified timeframe that they support the proposed resolution being passed, and
 - (c) no board member objects within the specified timeframe either to the proposed resolution being passed or the proposed resolution being passed without a meeting.
27. The Chief Executive Officer should have the right to attend and speak at board meetings unless the board determines that he or she should not be present for a particular meeting, or part thereof.
28. The board must cause minutes to be made of –
 - (a) the names of the persons present at all board meetings and meetings of board committees,
 - (b) all disclosures of perceived or actual material conflicts of interest, and
 - (c) all resolutions made by the board and board committees.
29. Minutes must be signed by the chair of the meeting or by the chair of the next meeting of the relevant body following an agreed resolution to do so. If so signed the minutes are conclusive evidence of the matters as between the members stated in such minutes.

Duties, powers and limitations

30. The diocesan organisation should have such powers as are necessary for the diocesan organisation to fulfil its purpose.
31. The board should, in governing the diocesan organisation, exercise all the powers of the diocesan organisation.
32. A board member is taken to act in good faith in the best interests of the diocesan organisation and to further the purposes of the diocesan organisation for the purposes of paragraph 33(b) if –
 - (a) the diocesan organisation is expressly permitted to pursue its purposes in the manner referred to in paragraph 2;
 - (b) the board member acts in good faith in pursuing the purpose of the diocesan organisation in a manner which advances the broader charitable purposes of the Diocese; and
 - (c) the diocesan organisation is not insolvent at the time the board member acts and does not become insolvent because of the board member's act.
33. Board members are subject to and must comply with the following duties –
 - (a) to exercise the powers and discharge the duties of the diocesan organisation with the degree of care and diligence that a reasonable individual would exercise if they were a board member of a diocesan organisation, and
 - (b) to act in good faith in the best interests of the diocesan organisation and to further the purposes of the diocesan organisation, and
 - (c) not to misuse their position as a board member, and
 - (d) not to misuse information obtained in the performance of their duties as a board member of a diocesan organisation, and
 - (e) to disclose perceived or actual material conflicts of interest of the board member, and
 - (f) to ensure that the financial affairs of the diocesan organisation are managed in a responsible manner, and
 - (g) not to allow the diocesan organisation to operate while insolvent.
34. A board member who has an actual or perceived material conflict of interest in a matter that relates to the affairs of the board must disclose that interest to the board and should not participate in any consideration of that matter by the board unless the board, by resolution, notes the interest and permits the member to participate.
35. The board should maintain records of applicable eligibility criteria for board membership and conflicts of interest disclosed by board members.

36. The board should have the power to delegate the performance of any of its functions to one or more committees provided any such committee is chaired by a board member and reports the exercise of its delegated functions to the next board meeting.
37. The diocesan organisation should not offer its property as security for any liability other than a liability of the diocesan organisation or a body controlled by the diocesan organisation.
38. Any mortgage, charge, debenture or other negotiable instrument given by the diocesan organisation over its property (other than a cheque drawn on a bank account held by the diocesan organisation) should include a provision limiting the liability of the diocesan organisation to the amount available to be paid in the event it is wound up.
39. The diocesan organisation should comply with all applicable ordinances and policies of the Synod (as amended from time to time) including, as applicable –
 - (a) the *Investment of Church Trust Property Ordinance 1990*,
 - (b) the *Accounts, Audits and Annual Reports Ordinance 1995*,
 - (c) the *Anglican Schools Ministry Ordinance 2016*, and
 - (d) the *Sydney Anglican Use of Property Ordinance 2018*, and
 - (e) the *Safe Ministry to Children Ordinance 2018*.

Not-for-profit

40. There should be a provision which affirms that because the property of the diocesan organisation is church trust property within the meaning of the *Anglican Church of Australia Trust Property Act 1917*, it must not as a matter of law be distributed for the private benefit of individuals, either during the operation of the organisation or on its winding-up.

Winding up

41. There should be a provision which affirms that if, on the diocesan organisation's winding up or dissolution, there remains after satisfaction of all its liabilities any property, such property must be applied for such purposes of the Diocese as the Synod may determine or, where appropriate, such purposes of the Diocese as the Synod may determine which are similar to the organisation's purposes. Where the diocesan organisation has been endorsed as a deductible gift recipient, there should be a provision which affirms that on the winding-up or dissolution of the organisation, the Synod must transfer the remaining property of the organisation to one or more deductible gift recipients which, in any case, is either a fund which comprises church trust property or another diocesan organisation.

Appendix 3: Statement of Personal Faith

Statement of personal faith

1. I believe and hold to the truth of the Christian faith as set forth in the Nicene Creed, as well as the Apostles' Creed as set out below –

*I believe in God, the Father Almighty,
maker of heaven and earth;
and in Jesus Christ, his only Son our Lord,
who was conceived by the Holy Spirit,
born of the virgin Mary, suffered under Pontius Pilate,
was crucified, dead, and buried.*

*He descended into hell.
The third day he rose again from the dead
He ascended into heaven,
and is seated at the right hand of God the Father almighty;
from there he shall come to judge the living and the dead.*

*I believe in the Holy Spirit;
the holy catholic church;
the communion of saints;
the forgiveness of sins;
the resurrection of the body,
and the life everlasting.*

2. In particular I believe –
- (a) that God's word written, the canonical Scriptures of the Old and New Testaments, is the supreme authority in all matters of faith and conduct;
 - (b) that there is only one way to be reconciled to God which is through his Son, Jesus Christ, who died for our sins and was raised for our justification;
 - (c) that we are justified before God by faith only; and
 - (d) that this faith produces obedience in accordance with God's word, including sexual faithfulness in marriage between a man and a woman, and abstinence in all other circumstances.
3. I shall endeavour to fulfil my duties as a member/the Chief Executive Officer [*delete whichever is not applicable*] of the [*insert name of board*] in accordance with its Christian ethos and its constituting ordinance.
4. I agree that my continuance as a member/the Chief Executive Officer [*delete whichever is not applicable*] of the [*insert name of board*] is dependent upon my continuing agreement with this statement and I undertake to resign if this ceases to be the case.

Signature

Full name (in block letters)

Date:

Schedule 1

Schedule of Diocesan Organisations

<p>12. In this policy – “diocesan organisation” means a body which has an Australian Business Number and –</p> <ul style="list-style-type: none"> (a) is constituted by ordinance or resolution of the Synod, or (b) in respect of whose organisation or property the Synod may make ordinances, <p>but excludes</p> <ul style="list-style-type: none"> (i) the Synod, the Standing Committee and any of their subcommittees, (ii) parish councils, (iii) the chapter of a cathedral, and (iv) entities that perform an administrative function under ordinance or resolution rather than conduct an enterprise in their own right.
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Incorporated	<p>Abbotsleigh (The Council of)</p> <p>Anglican Church Growth Corporation</p> <p>Anglican Church Property Trust Diocese of Sydney</p> <p>Anglican Community Services (Anglicare)</p> <p>Anglican National Superannuation Board</p> <p>Anglican Schools Corporation</p> <p>Anglican Youth and Education Diocese of Sydney (Anglican Youthworks)</p> <p>Archbishop of Sydney’s Anglican Aid (The)</p> <p>Arden Anglican School Council (The)</p> <p>Barker College (The Council of)</p> <p>Campbelltown Anglican Schools Council</p> <p>Endowment of the See Corporation</p> <p>Evangelism and New Churches</p> <p>Glebe Administration Board</p> <p>Illawarra Grammar School (The Council of The)</p> <p>King's School (The Council of The)</p> <p>Macarthur Anglican School Council</p> <p>Moore Theological College Council</p> <p>St Andrew's Cathedral School (The Council of)</p> <p>St Andrew's House Corporation</p> <p>St Catherine's School, Waverley (The Council of)</p> <p>Sydney Anglican (National Redress Scheme) Corporation</p> <p>Sydney Church of England Grammar School Council (SHORE)</p> <p>Sydney Diocesan Services</p> <p>Tara Anglican School for Girls (The Council of)</p> <p>Trinity Grammar School (The Council of)</p> <p>William Branwhite Clarke College Council</p>
Unincorporated	<p>Anglican Media Council</p> <p>Arundel House Council</p> <p>Living Faith Council</p> <p>Ministry Training and Development Council</p> <p>Northern Regional Council</p> <p>South Sydney Regional Council</p> <p>South Western Regional Council</p> <p>Sydney Church of England Finance and Loans Board (Sydney Anglican Loans)</p> <p>Western Sydney Regional Council</p> <p>Wollongong Regional Council</p>

Table of Amendments

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