

Synod Membership Ordinance 1995

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Dictionary

No 29, 1995

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

Citation

- 1. This Ordinance may be cited as the "Synod Membership Ordinance 1995".

Definitions

- 2. 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

Frequency

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

Rules for Conduct of Business of Synod

- 4. The rules for the conduct of all business coming before the Synod shall be those set out in the Schedule to the Standing Orders Ordinance 1968.

Part 3 - Membership of Synod

Membership

5. 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) Other members (see Part 9).

Declaration

6. Each Parochial Representative and Nominated Layperson must, before taking part in or voting at any session of the Synod, sign and deliver to the President the following declaration -
- “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.”

Part 4 - Parochial Ministers

Each Parochial Minister must be summoned to Synod

7. 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.

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

8. 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.

Part 5 - Parochial Representatives

Division 1 - Parochial Representatives

Who is a Parochial Representative?

9. 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

How many Parochial Representatives can a Parish elect?

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

How many Parochial Representatives can a Provisional Parish or Assisted Provisional Parish elect?

11. A Provisional Parish and an Assisted Provisional Parish may elect 1 Qualified Person to be a Parochial Representative.

What if a Parish is reclassified as a Provisional Parish?

12. (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 Vestry 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.

What if a Provisional Parish is reclassified as a Parish?

13. (1) If a Provisional Parish is reclassified as a Parish an additional Parochial Representative for that Parochial Unit may be elected at a Vestry 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.

What if 2 or more Parochial Units Amalgamate?

14. (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 Vestry 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.

When may persons be elected to be Parochial Representatives?

15. A person may be elected to be a Parochial Representative of a Parochial Unit for a Synod at a Vestry 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.

How are elections to be conducted?

16. The provisions of clause 14 of the Church Administration Ordinance 1990 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.

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

17. Upon the election of a person to be a Parochial Representative, the chairman of the Vestry Meeting at which the election took place must give, or cause to be given, to the Registrar a written notice specifying -

- (a) the name, address and date of election of the person elected to be a Parochial Representative; and
- (b) the Synod for which the person has been elected to be a Parochial Representative.

Division 3 - Retirement of Parochial Representatives

When does a person retire as a Parochial Representative?

18. A person retires as a Parochial Representative if -

- (a) a Disqualifying Event occurs in respect of that person;
- (b) the person resigns by written notice given to the Parochial Minister or, if there is no Parochial Minister, to the churchwardens of the church of the Parochial Unit or if there is more than one church in the Parochial Unit, to the churchwardens of the principal church; or
- (c) the person retires as a Parochial Representative by reason of clause 12 or 14.

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

19. 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 churchwardens of the church of the Parochial Unit or if there is more than one church in the Parochial Unit, the churchwardens of the principal church 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.

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

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

Division 4 - Summoning of Parochial Representatives to Synod

Parochial Representatives must be summoned to Synod

21. 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.

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

22. 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.

Part 6 - Chief Executive Officers of Nominated Organisations

Division 1 - Nominated Organisations

What is a Nominated Organisation?

23. Subject to clause 25, a diocesan board, department or organisation is a Nominated Organisation for a Synod if -

- (a) the board, department or 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 boards etc to be Nominated Organisations

How does a board etc become a Nominated Organisation?

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

How many Nominated Organisations may exist at one time?

25. (1) The Standing Committee must not make a declaration under clause 24 if, at the time the declaration is made, similar declarations are in force for 5 other diocesan boards, departments or 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.

Notice must be given to the Registrar when a board etc is declared to be a Nominated Organisation

26. 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 board, department or organisation a written notice specifying -

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

Division 3 - Chief Executive Officers of Nominated Organisations

Nominated Organisation to give notice re Chief Executive Officer

27. 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 and address of its Chief Executive Officer.

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

28. (1) If -

- (a) the governing body of a Nominated Organisation has given notice of the name and address of its Chief Executive Officer 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

Chief Executive Officers of Nominated Organisations must be summoned to Synod

29. If -

- (a) a diocesan board, department or organisation is a Nominated Organisation; and
- (b) notice of the name and address of the person who is the Chief Executive Officer that board, department or organisation has been given under clause 27; and
- (c) the person referred to in paragraph (b) 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.

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

30. 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

Who is a Nominated Minister?

31. 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.

Number of Nominated Ministers

32. (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% of the total number of Parochial Ministers determined on 1 January in the calendar year in which the first session of that Synod is to be or was held.

(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

Who may be appointed to be a Nominated Minister?

33. 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.

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

34. (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.

(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

When does a person retire as a Nominated Minister?

35. 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 person becomes entitled to be summoned to a session of Synod under Part 4, 6 or 9 of this ordinance.

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

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

Filling of Casual Vacancies

37. 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

Nominated Ministers must be summoned to Synod

38. 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.

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

39. 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

Who is a Nominated Layperson?

40. 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.

Number of Nominated Laypersons

41. (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

Who elects persons to be Nominated Laypersons?

42. The Standing Committee may elect persons to be Nominated Laypersons.

Who may be elected to be a Nominated Layperson

43. 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.

When may persons be elected to be Nominated Laypersons?

44. 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.

Notice must be given on the election of a Nominated Layperson

45. 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 specifying -

- (a) the name and address of that person and the date of election; and
- (b) the Synod for which that person has been elected to be a Nominated Layperson.

Division 3 - Retirement of Nominated Laypersons

When does a person retire as a Nominated Layperson?

46. 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 person becomes entitled to be summoned to Synod under Part 5, 6 or 9 of this ordinance.

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

47. 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.

A new Nominated Layperson may be elected to fill a vacancy

48. 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

Nominated Laypersons must be summoned to Synod

49. 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.

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

50. 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 9 - Other Members of Synod

The Chancellor

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

The Registrar

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

Warden of St Paul's College and College Representatives

53. (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 be summoned to the Synod. The Warden must cause a certificate of election to be delivered to each member of the council so elected and to the Registrar.

Part 10 - Transitional

Commencement and Transitional

54. (1) Parts 2 to 9 inclusive 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 9 inclusive -
- (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 Parts 2 to 9 inclusive commence are taken to have been made under clause 6.

Repeal of Former Legislation

55. 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 -

“Assisted Provisional Parish” means an assisted provisional parish constituted under or recognised as such under the Parishes Ordinance 1979.

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

“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.

“Minister” means a person in holy orders.

“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 board, department or 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.

“Parochial Minister” means a Minister who -

- (a) is licensed as the rector of a Parish;
- (b) is licensed as the curate-in-charge of a Parochial Unit; or
- (c) is licensed as the acting rector of a Parish if the license expressly states that the person is entitled to receive a summons to Synod.

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

“Parochial Unit” means a Parish, a Provisional Parish and an Assisted Provisional Parish.

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

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

- (a) has previously been summoned to a session of a Synod as a Parochial Minister; or

- (b) is engaged in teaching or ministry within the Diocese on a full-time basis under the direction of the Archbishop or of a committee or corporation whose members are elected or appointed by the Synod or the Standing Committee.

"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.

"Vestry Meeting" means -

- (a) in relation to a Parochial Unit having only one church - a vestry meeting of the church convened under the Church Administration Ordinance 1990; and
- (b) in relation to a Parochial Unit having more than one church - a vestry meeting of the principal church of the Parochial Unit convened under the Church Administration Ordinance 1990.

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

N.M. CAMERON
Chairman of Committees

We Certify that this Ordinance was passed by the Synod of the Diocese of Sydney on 19 October 1995.

W.G.S. GOTLEY
C.J. MORONEY
Secretaries of Synod

I Assent to this Ordinance.

R.H. GOODHEW
Archbishop of Sydney
23/10/1995