

ANGLICAN CHURCH OF AUSTRALIA

DIOCESE OF CANBERRA AND GOULBURN

GOVERNANCE OF THE DIOCESE ORDINANCE 2000¹

CONSOLIDATED VERSION

AN ORDINANCE

To provide for the governance of the Diocese

The Synod of the Diocese of Canberra and Goulburn enacts—

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¹ Please note that this is a copy of the original ordinance recorded in the Ordinance books of the Diocese of Canberra and Goulburn. If you have any concern about this ordinance please contact: ordinances@anglicands.org.au

This version of the Ordinance has not been approved by the Chancellor in accordance with section 75 of the Diocesan Legislation Ordinance 2007 and is provided only for information.

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GOVERNANCE OF THE DIOCESE ORDINANCE

1 Name of the Ordinance

- 1.1 This Ordinance is the Governance of the Diocese Ordinance 2000.²

PART 1 – PREAMBLE

2 Fundamental principles

- 2.1 The Synod is mindful of the status of the Diocese as a member diocese of the Anglican Church of Australia and affirms the Fundamental Declarations and Ruling Principles outlined in the Constitution of the Anglican Church of Australia.
- 2.2 The Synod acknowledges that the church, which is God's, finds its expression in the world through human structures and organisations. In enacting this Ordinance, the Synod, by providing structures which give life and purpose to the community of faith, seeks to reflect the openness of God to a changing world.
- 2.3 It is the intention of the Synod that all that is done pursuant to this Ordinance is done to the glory of the triune God, and for the building up of God's kingdom.

3. Objectives

- 3.1 In enacting this Ordinance, the Synod seeks to establish a system of governance of the affairs of this Church in the Diocese that is–
- (a) flexible, to permit this Church to work in new ways to meet the differing needs of different parts of the Diocese and of different groups of people within the Diocese;
 - (b) responsive, to enable this Church to respond to new opportunities for outreach and mission;
 - (c) responsible, to ensure that those who direct the affairs of the institutions of the Diocese are accountable for their stewardship.

² Amended by the Governance of the Diocese Amendment Ordinance 2012

PART 2 – DICTIONARY

4. Dictionary

4.1 In this Ordinance, unless the contrary intention appears:

administrator means the administrator of the Diocese determined in accordance with section 18;

assistant clergy means clergy who are licensed in the diocese but who are not either a rector or a chaplain;

bankrupt includes a person who applies to take the benefit of any law for the relief of bankrupt or insolvent debtors, compounding with his or her creditors or making an assignment of his or her remuneration for their benefit³

Bishop means the Bishop of the Diocese and does not include an Assistant Bishop;⁴

Bishop-in-Council means the body constituted in accordance with Part 8;

chaplain, in relation to a chaplaincy unit, means the person appointed to be the person in charge of the chaplaincy unit;

chaplaincy unit means a ministry unit established in accordance with section 23;

chaplaincy unit council, in relation to a chaplaincy unit, means the chaplaincy unit council established pursuant to subsection 35.2 in respect of that chaplaincy unit;

Clergy Appointment Board means the Clergy Appointment Board established pursuant to Schedule 8;

commissary means a person appointed by the Bishop to exercise the Bishop's functions during an absence of the Bishop from the Diocese;

Committee Chair means the person appointed as Committee Chair or to a like office in accordance with the standing orders of the Synod;

Constitution means the Constitution of the Anglican Church of Australia as in force from time to time;

constitutions of the Province means the constitutions set out in the schedule to the Anglican Church of Australia Constitutions Act 1902 (NSW) as amended from time to time;

covenant means an agreement of the kind referred to in sections 27 and 30;

Diocese means the Anglican Diocese of Canberra and Goulburn

³ Inserted by the Governance of the Diocese (Amendment) Ordinance 2010

⁴ Amended by Governance of the Diocese Amendment Ordinance 2007

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diocesan agency means an agency established by ordinance or by Bishop-in-Council to carry out functions of this Church in the Diocese but does not include a ministry unit but the Ordinance or Resolution establishing the agency may exempt an agency from this definition;⁵⁶

Diocesan organ means a ministry unit, agency or other duly constituted body recognised by Bishop-in-Council or the Synod as exercising mission and ministry in the life of the diocese;

disqualified person means a person referred to in section 35.4;⁷

Electoral Synod means the clerical and lay members of the Synod convened pursuant to section 11 for the purpose of electing a new Bishop;

Member of this Church means a baptized person who attends the public worship of this Church and who declares that he or she is a member of this Church and of no other church which is not in communion with this Church.⁸

Metropolitan means the Metropolitan of the Province;

ministry unit means a chaplaincy unit or a parish;

mental incapacity means a person who has a mental illness within the meaning of the *Mental Health Act 2007* (NSW) or *Mental Health (Care and Treatment) Act 2004* (ACT) or a person who is a managed person within the meaning of Chapter 4 of the *NSW Trustee and Guardianship Act 2009* (NSW) or a person for whom a guardian has been appointed because the person has an impaired decision-making ability within the meaning of the *Guardianship and Management of Property Act 1991* (ACT);⁹

National Register means the National Register established under the *National Register Canon 2007*;¹⁰

parish means a ministry unit established in accordance with section 22;

parish council, in relation to a parish, means the parish council established by subsection 35.1 in respect of that parish;

⁵ Amended by Governance of the Diocese Amendment Ordinance 2006

⁶ Inserted by the Governance of the Diocese Amendment Ordinance 2012

⁷ Inserted by the Governance of the Diocese (Amendment) Ordinance 2010

⁸ Inserted by Governance of the Diocese Amendment Ordinance 2001

⁹ Inserted by the Governance of the Diocese (Amendment) Ordinance 2010

¹⁰ Inserted by the Governance of the Diocese (Amendment) Ordinance 2010

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Person of Concern means a person who

- (a) has pleaded, or who has been found, guilty, or has admitted to having committed, a sexual offence against the criminal law; or
- (b) has been disciplined as a member of the clergy or a church worker within the Church because of sexual misconduct, or who has been refused ordination, employment or appointment or a licence because of an adverse risk assessment arising from sexual misconduct; or
- (c) has been disciplined by another organisation for sexual misconduct; or
- (d) is currently charged by a law enforcement agency with having committed a sexual offence; or
- (e) is a member of the clergy or a church worker against whom an allegation of sexual misconduct is currently being dealt with under the Church's disciplinary procedures; or
- (f) is receiving or who has received treatment for disordered sexual behaviour; or
- (g) is considered by the Bishop, after consulting the Chancellor and the Professional Standards Director, to be a risk to the safety of children or vulnerable adults because of an adverse risk assessment relating to sexual misconduct.¹¹

prohibited person means a person who is at prohibited person within the meaning of Part 7, Division 2 of the *Commission for Children and Young People Act 1998* (NSW);¹²

Province means the Province of New South Wales;

Provincial Constitution means the Constitution being the Schedule to the Anglican Church of Australia Constitutions Act 1902 (New South Wales) as amended by the Constitution Ordinance 1994 which was ratified by the New South Wales Constitution Ratification Canon 1998.¹³

rector means the person appointed to be the person in charge of a parish;

relevant Archdeacon, in relation to a ministry unit, means:

- (a) the Archdeacon appointed pursuant to subsection 85.2(a) in respect of the district within which the ministry unit is established; or

¹¹ Inserted by the Governance of the Diocese Ordinance Amendment Ordinance 2015

¹² Inserted by the Governance of the Diocese (Amendment) Ordinance 2010

¹³ Inserted by Governance of the Diocese Amendment Ordinance 2001

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- (b) the Archdeacon designated by the Bishop to exercise the relevant function in relation to the ministry unit,

as the case may be;

this Church means the Anglican Church of Australia;

sexual offence means a sexual offence within the meaning of Part 2 of the *Criminal Records Act 1991* (NSW) or the *Spent Convictions Act 2000* (ACT)¹⁴

Vicar-General means the person appointed by the Bishop as Vicar-General pursuant to section 83.

4.2 In this Ordinance, unless a contrary intention appears-

- (a) a reference to a member of the clergy is a reference to a priest or deacon;
- (b) a reference to a member of this Church includes a reference to a person who is a member of another Church in communion with this Church;
- (c) a reference to the Metropolitan includes a reference to the person for the time being occupying or performing the functions of the office of Metropolitan of the Province in accordance with the law of this Church; and
- (d) a reference to the law of this Church includes a reference to the Constitution and to the canons of General Synod and the ordinances of the Provincial Synod and of this Synod as in force in the Diocese from time to time.

PART 3 – THE DIOCESE

5. Mission and Ministry

5.1 In accordance with the Constitution and traditions of this Church, the Diocese is, under the care and authority of the Bishop, the unit of organisation of this Church for carrying out its mission and ministry within the geographical area of the Diocese.

5.2 The members of this Church in the Diocese acknowledge, through the Synod, their responsibility for that mission and ministry.

6. Objectives

6.1 This Church in the Diocese is part of the Body of Christ called in partnership with the rest of the Anglican Communion and other churches to be Christ's continuing presence in the world.

6.2 In its area of mission this Church in the Diocese–

- (a) proclaims the Gospel;
- (b) provides for the worship of God;

¹⁴ Inserted by the Governance of the Diocese (Amendment) Ordinance 2010

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- (c) provides for the administration of the sacraments, baptises new believers and teaches and nurtures all believers;
- (d) responds to human need through loving service;
- (e) seeks to transform the unjust structures of society; and
- (f) strives to safeguard the integrity of creation

in ways which are consistent and compatible with Anglican practice and tradition.

PART 4 – THE BISHOP

7. Authority and responsibility of the Bishop

7.1 The Bishop as Chief Pastor of the Diocese–

- (a) provides leadership and vision to this Church in the Diocese; and
- (b) has, in addition to the functions conferred by the law of this Church, all of the authority and responsibility vested in a bishop of a diocese by the customs and traditions of this Church.

The Bishop's exercise of his or her authority and responsibility is subject to the laws of this Church.

7.2 The Bishop shall exercise his or her episcopal authority and responsibility only after due and appropriate consultation, in particular with the Assistant Bishop or Bishops, other senior clergy and lay leaders or, where this ordinance so requires, after consultation with the relevant diocesan organ and in accordance with the relevant procedures.

7.3 The Bishop, in his or her role as Chief Pastor of the Diocese–

- (a) is responsible for the work of this Church in a ministry unit during any vacancy in the office of rector or chaplain, as the case may be;
- (b) is pastor to the clergy;
- (c) has full and free access to all places used for the public worship of this Church in the Diocese;
- (d) is entitled to attend all general meetings of members of ministry units; and
- (e) may convene general meetings of members of ministry units.

8. Tenure

8.1 The Bishop holds office, subject to the Constitution, the canons of General Synod and the ordinances of this Diocese, until resignation or until he or she attains such age of retirement as is fixed by Ordinance.

9. Resignation

9.1 The Bishop resigns his or her office by writing under the Bishop's seal delivered to the Metropolitan.

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- 9.2 The Bishop's resignation takes effect on the date specified in the instrument of resignation or, if no date is specified, on the date on which the resignation is received by the Metropolitan.

10. Removal from office

- 10.1 The Bishop may only be removed from office in accordance with the Constitution and the canons of General Synod.
- 10.2 Procedures relating to the removal of the Bishop from office for incapacity are provided by the Bishop (Incapacity) Canon 1995 of General Synod.

11. Convening of Electoral Synod

- 11.1 When the See becomes vacant the administrator of the Diocese must convene the Synod as an Electoral Synod for the purpose of choosing a new Bishop.
- 11.2 Subject to this Ordinance the only business that may be conducted by an Electoral Synod is the election of a new Bishop.¹⁵
- 11.3 Except with the approval of the Bishop-in-Council in a case of necessity, the Electoral Synod must be held not later than 3 months after the vacancy occurs.

12. Administrator to preside in an Electoral Synod

- 12.1 The President of the Electoral Synod shall be the Vicar-General or, if the Vicar-General is a nominee for the office of Bishop or has nominated a nominee, by the Commissary, or, if the Commissary is a nominee or has nominated a nominee, the member of the clergy in full-time service in the Diocese who is then next in ecclesiastical rank or degree in the Diocese and who is neither a nominee nor has nominated a nominee".¹⁶
- 12.2 References in this Ordinance to the President of the Electoral Synod shall be to the person who is the President in accordance with sub-section 12.1.¹⁷
- 12.3 ¹⁸.

13. Procedure for election of new Bishop

- 13.1 The procedure for the election of the Bishop is set out in Schedules 1 and 2.

14. Name of Bishop-elect to be sent to Metropolitan

- 14.1 When the Bishop-elect has accepted the office the President of the Electoral Synod must transmit the name of the Bishop-elect and a certificate of election to the Metropolitan.

¹⁵ Amended by Governance of the Diocese Amendment Ordinance 2007

¹⁶ Amended by Governance of the Diocese Amendment Ordinance 2007

¹⁷ Amended by Governance of the Diocese Amendment Ordinance 2007

¹⁸ Deleted by Governance of the Diocese Amendment Ordinance 2007

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15. Announcement of result of election

- 15.1 No member of the Electoral Synod may disclose the name of the Bishop-elect until it has been published by the President of the Electoral Synod.
- 15.2 The name of the Bishop-elect must not be published until–
- (a) the name of the Bishop-elect has been communicated to the Metropolitan and Bishops of the Province in accordance with the provisions of the Provincial Ordinance for the Confirmation of Bishops' Elections Ordinance 1965 of the Province; and
 - (b) if the Bishop-elect is not a bishop of the Anglican Church of Australia, the election has been confirmed by the Metropolitan and Bishops of the Province in accordance with that provincial ordinance.

16. Consecration and installation of new Bishop

- 16.1 Where the Bishop-elect is not a bishop and the election has been confirmed, the Bishop-elect must be consecrated in accordance with the Consecration of Bishops Canon 1966 as amended of General Synod.
- 16.2 The administrator of the Diocese is responsible for taking all of the steps required to effect the consecration of the Bishop-elect.
- 16.3 When the Bishop-elect has been consecrated (if consecration is necessary), the Bishop-elect is installed in the Cathedral.
- 16.4 The installation is carried out by the administrator of the Diocese.
- 16.5 The Bishop-elect must make the declaration set out in Schedule 3 during the installation:
- 16.6 The Bishop-elect, having been duly installed in accordance with this section, becomes for all purposes the Bishop of Canberra and Goulburn and successor to the last preceding Bishop of Canberra and Goulburn.
- 16.7 If the administrator of the Diocese is the Bishop-elect, the duties of the administrator under this section are to be carried out by the member of the clergy determined in accordance with paragraph 18.1(c).

17. Absence of the Bishop

- 17.1 The Bishop must not be absent from the Diocese for a period of more than three months without the consent of Bishop-in-Council.

18. Administration of the Diocese during the absence or incapacity of the Bishop or a vacancy in the See

- 18.1 The administrator of the Diocese during the absence or incapacity of the Bishop or during a vacancy in the See is –

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- (a) the Vicar-General;
 - (b) if there is no Vicar-General or the Vicar-General is not available, the commissary appointed by the Bishop; or
 - (c) if no commissary has been so appointed or the commissary is not available, the member of the clergy in full time service in the Diocese who:
 - (i) is then the next in ecclesiastical rank or degree in the Diocese; and
 - (ii) is present in the Diocese; and
 - (iii) who consents to do so.
- 18.2 The administrator may exercise all of the powers and authorities of the Bishop that may be lawfully exercised by a commissary or that are conferred on the Bishop by an ordinance of the Diocese.

19. Conditions of service of the Bishop

19.1 Certain conditions of service of the Bishop are set out in Schedule 4.

20. Other provisions relating to the functions of the Bishop

20.1 Section 68 sets out the relationship between the Bishop and Bishop-in-Council.

20.2 Other provisions relating to the functions of the Bishop are to be found in Schedule 5.

PART 5 – MINISTRY UNITS

21. Purpose of this Part

21.1 The purpose of this Part is to provide structures within which the members of this Church within the Diocese may be enabled to participate in the corporate life of the Church within their local area.

21.2 Synod therefore provides for the establishment of ministry units that are organised either on a geographical basis or to serve particular objectives of mission and ministry.

21.3 These ministry units are to be known as parishes and chaplaincy units respectively.

22. Establishment of parish ministry unit

22.1 A parish ministry unit is established within each geographical area of the Diocese specified by Bishop-in-Council.

22.2 A geographical area so specified shall be known as a parish under such name as is approved by Bishop-in-Council.

22.3 In establishing a parish, Bishop-in-Council shall have regard to the most appropriate way of providing for the work of this Church in the area and shall take the following matters into account-

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- (a) the general community of interest of the people in the area; and
- (b) the financial capacity of the members of this Church in the area to support a parish ministry and to provide the buildings and other facilities required for parish life and to contribute to the wider life of this Church.

23. Establishment of chaplaincy ministry unit

- 23.1 Bishop-in-Council may establish a ministry unit for the purposes of ministry to a group of persons forming an active community of faith and–
- (a) who have a particular community of interest unrelated to a geographical area; or
 - (b) who are related to a diocesan agency.
- 23.2 A ministry unit so established shall be known as a chaplaincy unit.
- 23.3 The procedure to be followed in establishing a chaplaincy unit is provided in Schedule 10. A chaplaincy unit shall be so established by Bishop-in-Council after receiving a report from the relevant Archdeacon.

24. Appointment of chaplains in other cases and of persons to special ministries

- 24.1 The Synod recognises the authority of the Bishop to appoint persons as chaplains for ministry to other groups of people whether in institutions within the Diocese or otherwise and to license persons for the exercise of special ministries within the Diocese.

25. Alteration or abolition of ministry unit

- 25.1 The functions conferred on Bishop-in-Council by this section are to be exercised in accordance with the objective of making effective provision for the work of this Church and the most effective use of the resources of this Church.
- 25.2 Bishop-in-Council may alter or abolish a ministry unit in accordance with this section.
- 25.3 Bishop-in-Council must not alter the boundaries of or abolish a parish unless the alteration or abolition has been agreed to by the parish council or has been approved by the Synod.
- 25.4 A parish council may request Bishop-in-Council to alter the boundaries of the parish.
- 25.5 Where a proposed boundary alteration would affect the boundaries of another parish, Bishop-in-Council may not make the alteration proposed unless it has been agreed to by the parish council of that other parish or has been approved by the Synod.
- 25.6 Bishop-in-Council may not make any alteration to the boundaries of a parish that would leave any part of the Diocese not within a parish.

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- 25.7 Bishop-in-Council may alter or abolish a chaplaincy unit either of its own motion or in accordance with a request by the chaplaincy unit council.
- 25.8 At the request of the council of a ministry unit, Bishop-in-Council may approve the change of the name of a ministry unit or the dedication of a place of worship within that ministry unit.¹⁹

26. Appointment and licensing of persons having the charge of ministry units

- 26.1 A reference in this section to a **person having the charge of a ministry unit** means that the person is charged in partnership with the members of this Church in that ministry unit with the authority and responsibility under the Bishop for the work of this Church within the ministry unit to which he or she is appointed.
- 26.2 Within the partnership the rector or chaplain who is a priest has, jointly with the Bishop, a special role of spiritual leadership and decision-making responsibility for the teaching, sacramental and pastoral ministry within the parish or chaplaincy unit.
- 26.3 Subject to section 28, the Bishop shall, in accordance with the procedures set out in section 39 or section 40, as the case may be, appoint a person to each ministry unit to have the charge of that ministry unit.
- 26.4 The person so appointed to a parish shall be known as the rector of the parish.
- 26.5 The person so appointed to a chaplaincy unit shall be known as the chaplain of the chaplaincy unit.
- 26.6 The Bishop may appoint 2 or more persons to a ministry unit to have the joint charge of that ministry unit.
- 26.7 An appointment under this section may be on a full-time or part-time basis.
- 26.8 A person appointed under this section must exercise his or her functions in accordance with the conditions, if any, specified in his or her licence.
- 26.9 Where the person appointed as rector of a parish or chaplain of a chaplaincy unit is not a person in priest's orders, the Bishop may appoint a priest to have, jointly with the Bishop, oversight of the teaching, sacramental and pastoral ministry within the parish or chaplaincy unit.

27. Covenants

- 27.1 A licence issued to a person to have the charge of a parish or chaplaincy unit shall embody the terms of a covenant between the Bishop, the people of the parish or chaplaincy unit and the person issued with the licence.

¹⁹ Inserted by Governance of the Diocese Amendment Ordinance 2007

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- 27.2 The covenant shall set out the objectives and expectations for the ministry of the licence holder in the parish or chaplaincy unit to which he or she is appointed.
- 27.3 The covenant may be renewed or varied from time to time to reflect the changing opportunities, needs and circumstances of the ministry unit.
- 27.4 The objectives and expectations set out in the covenant are an expression of the intention of the parties and do not impose legally binding obligations on any party to the covenant.

28. Special provisions relating to appointment of deacons or lay persons having the charge of a ministry unit

- 28.1 A deacon or lay person appointed as a rector or chaplain shall perform such functions of the office as the Bishop directs from time to time.
- 28.2 The Bishop may, after consultation with the parish members of the Clergy Appointment Board, terminate the appointment of a deacon or lay person as rector or chaplain at any time.

29. How references to rector or chaplain are to be read in the case of joint appointments

- 29.1 Where 2 or more persons are appointed to have joint charge of a ministry unit, references in this Ordinance to functions of the rector or chaplain, as the case may be, are to be read as references to whichever of those persons is to perform the function in accordance with the arrangements made by the Bishop.

30. Appointment and licensing of assistants in ministry units

- 30.1 The Bishop may, in accordance with the procedure set out in subsection 39.6 or section 40, as the case may be, appoint one or more persons to assist the rector of a parish or the chaplain of a chaplaincy unit in the work of the parish or chaplaincy unit, as the case may be.
- 30.2 The functions of a person appointed under this section are such as are agreed upon from time to time by the Bishop and the rector or chaplain, as the case may be.
- 30.3 An appointment under this section may be on a full-time or part-time basis.
- 30.4 An appointment under this section shall be made by licence issued by the Bishop.
- 30.5 An appointment shall, subject to the provisions of any other ordinance, be for such period and on such other terms and conditions as are specified in the licence.
- 30.6 The licence issued to a person appointed under subsection 30.1 may provide that the appointment may be terminated and the licence for the appointment cancelled by the Bishop at any time.

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30.7 The licence issued to a person appointed under subsection 30.1 may embody the terms of a covenant between the rector of the parish or the chaplain of the chaplaincy unit, the people of the parish or chaplaincy unit, and the person issued with the licence.

31. Temporary appointments to ministry units

31.1 This section applies where—

- (a) the position of rector or chaplain in a ministry unit is temporarily vacant; or
- (b) the rector or chaplain of a ministry unit is absent from duty on leave or because of ill-health.

31.2 The Bishop may, after consulting the parish members of the Clergy Appointment Board and the Rector's Warden and the Chair of Parish Council in the case of a parish or the chaplaincy council in the case of a chaplaincy, appoint a person to have the charge of the ministry unit during the vacancy or absence.²⁰

31.3 A person so appointed has such of the functions and authority of the rector or chaplain, as the case may be, as the Bishop directs.

32. Meetings of ministry unit members

32.1 Provisions relating to meetings of members of a parish are set out in Schedule 6.

32.2 Chaplaincy units will operate in accordance with the requirements in accordance with subsection 38.3.

33. Membership of ministry unit

33.1 In accordance with the Constitution a member of this Church for the purposes of this Ordinance is a baptised person who-

- (a) attends the public worship of this Church; and
- (b) declares that he or she is a member of this Church and is not a member of a church which is not in communion with this Church.

33.2 For the purposes of this Ordinance a person is a member of a ministry unit if that person is a member of this Church and is entitled to have his or her name on the roll of members of that ministry unit.

34. Roll of members of ministry unit

34.1 A member of this Church who customarily worships with a parish congregation or who ordinarily resides within a parish is entitled to have his or her name entered on the roll of members of the parish maintained for the purposes of this Ordinance.

34.2 A parish congregation is a congregation worshipping within a parish, other than a chaplaincy unit congregation meeting for worship within the boundaries of the parish.

²⁰ Amended by the Governance of the Diocese Amendment Ordinance 2009

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- 34.3 A member of this Church who customarily worships with a chaplaincy unit congregation is entitled to have his or her name entered on the roll of members of the chaplaincy unit maintained for the purposes of this Ordinance.
- 34.4 A chaplaincy unit congregation is a congregation worshipping as a congregation attached to a chaplaincy unit and under the care of the chaplain.
- 34.5 Ministry units are required to report to the Registrar on the information from the roll of members and on other activities as determined by Bishop-in-Council from time to time.

35. Establishment of ministry unit council

- 35.1 There shall be a parish council for each parish.
- 35.2 There may be a chaplaincy unit council for each chaplaincy unit.
- 35.3 The parish or chaplaincy unit council, as the case may be, is a body representative of the members of the ministry unit and elected or appointed in accordance with the procedures established by or under this Ordinance.
- 35.4 ²¹Subject to section 35.6, a person ('a disqualified person') who is:
- (a) an undischarged bankrupt; or
 - (b) a prohibited person; or
 - (c) a person who, if they were resident in NSW, would be a prohibited person; or
 - (d) a person in respect of whom information has been entered on the National Register; or
 - (e) a person who has been convicted of an offence punishable by more than 10 years imprisonment; or
 - (f) a person who has been convicted or found guilty of a sexual offence;
- may not be elected or appointed as a member of a parish or chaplaincy unit council.

Note: "bankrupt", "National Register" and "sexual offence" are defined in section 4.1

- 35.5 ²²A person who is permanently or for a period of more than 12 months incapable to a substantial degree by reason of mental incapacity or physical disability to discharge the duties of a member of a parish or chaplaincy unit council at the time of election or appointment shall not be elected or appointed as a member of one of those councils and shall be a disqualified person for the purposes of this section.

Note: "mental incapacity" is defined in section 4.1

- 35.6 ²³The Bishop, on the advice of the Chancellor and the Professional Standards Director, may exempt a person from the application of sections 35.4 and 35.5.

²¹ Inserted by the Governance of the Diocese (Amendment) Ordinance 2010

²² Inserted by the Governance of the Diocese (Amendment) Ordinance 2010

²³ Inserted by the Governance of the Diocese (Amendment) Ordinance 2010

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35.7 ²⁴The participation of a disqualified person in a meeting of a parish or chaplaincy council shall not invalidate the meeting or any proceedings at it.’

36. Functions of ministry unit council

36.1 Within each ministry unit, the rector or chaplain, as the case may be, and the council of the ministry unit have, in partnership, the responsibility and authority under the Bishop for the mission and ministry of this Church in that ministry unit.

36.2 The council provides leadership for the ministry unit by setting, in conjunction with the rector or chaplain, objectives and strategies for the work of this Church in the ministry unit and by the efficient and effective management of the resources of the ministry unit.

36.3 Without limiting the other provisions of this section, the council is responsible to the Bishop and to the members of the ministry unit for–

- (a) managing the financial affairs of the ministry unit; and
- (b) maintaining the building, grounds and other property held on behalf of the ministry unit in good order and repair; and²⁵
- (c) ensuring, as far as is reasonably practicable, that all church workers and persons accessing the ministry provided by the ministry unit comply with the provisions of the *Work Health and Safety Act 2011* of the Commonwealth; and²⁶
- (d) taking action, as far as is reasonably practicable, to address and reduce actual and reasonably likely risk of physical or psychological harm to members of the ministry unit or other persons accessing any ministry provided by the ministry unit.²⁷

36.4 The council is also responsible to the Bishop for meeting the obligations of the ministry unit in accordance with a covenant referred to in section 27.

37. Parish administration

37.1 The administration, of a parish, including the constitution of its parish council shall be as provided for in this section and, subject to modifications required by sub-section 37.5, general meetings of the parish shall be conducted in accordance with the provisions of Schedule 6.²⁸

²⁴ Inserted by the Governance of the Diocese (Amendment) Ordinance 2010

²⁵ Amended by the Governance of the Diocese Ordinance Amendment Ordinance 2015

²⁶ Inserted by the Governance of the Diocese Ordinance Amendment Ordinance 2015

²⁷ Inserted by the Governance of the Diocese Ordinance Amendment Ordinance 2015

²⁸ Amended by Governance of the Diocese Amendment Ordinance 2006

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- 37.2 A general meeting of the members of a parish may, subject to the procedures in this section, adopt a system of parish administration, including the constitution of a parish council, appropriate to the circumstances of their parish.
- 37.3 A constitution for a parish council must provide for the following matters—
- (a) the number of members of the council;
 - (b) the method of choosing those members;
 - (c) the method of appointment of a presiding member of the council;
 - (d) an executive committee of the council; and
 - (e) where a parish includes 2 or more places at which a congregation regularly worships, appropriate representation on the council for the congregations of each of those places.
- 37.4 The constitution for a parish council may include such other matters as are appropriate to the circumstances of the parish.
- 37.5 A general meeting of members of a parish may²⁹
- (a) adopt the provisions of Schedule 7 Part A; or³⁰
 - (b) adopt the provisions of Schedule 7 Parts A and B which has the effect of adopting all of Part A except for the substitution of the provisions of Part B for the provisions of clause 8 in Part A; or³¹
 - (c) adopt the provisions of Schedule 7 with such modifications as it thinks appropriate and any consequential modifications of Schedule 6,³²
- as its system of parish administration.
- 37.6 If a parish adopts as its system of parish administration that set out in paragraph 37.5(c), the system does not have effect unless it is approved by Bishop-in-Council.³³
- 37.7 Before approving a constitution of a parish council under this section Bishop-in-Council shall obtain a report from the relevant Archdeacon.
- 37.8 Where Bishop-in-Council approves the constitution of a council under this section, the parish council is constituted in accordance with that approval and Bishop-in-Council shall make any consequential modifications to Schedule 6 in relation to that parish.
- 37.9 A system of parish administration adopted by a parish under this section may be amended or revoked in like manner.
- 37.10 Bishop-in-Council may issue guidelines for the constitution of a parish council.

²⁹ amended by Governance of the Diocese Amendment Ordinance 2006

³⁰ Inserted by Governance of the Diocese Amendment Ordinance 2006

³¹ Inserted by Governance of the Diocese Amendment Ordinance 2006

³² Inserted by Governance of the Diocese Amendment Ordinance 2006

³³ amended by Governance of the Diocese Amendment Ordinance 2006

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37.11 Until a parish has adopted a system of parish administration in accordance with this section, including, where necessary, obtaining the approval of Bishop-in-Council, the parish shall be administered in accordance with the provisions of Schedule 7 Part A.³⁴

38. Constitution of chaplaincy unit council

38.1 A chaplaincy unit council shall be constituted in accordance with this section.

38.2 The chaplain of a chaplaincy unit, after consultation with the members of the chaplaincy unit and the relevant Archdeacon, may recommend to Bishop-in-Council that a chaplaincy unit council be established for the chaplaincy unit.

38.3 Where Bishop-in-Council approves the establishment of a chaplaincy unit council the council is constituted in accordance with the decision of Bishop-in-Council. When approving the establishment of a chaplaincy unit council Bishop-in-Council will have regard to need for clear provision for the following-

- (a) a statement of goals and objectives;
- (b) lay involvement in the work of the chaplaincy unit; and
- (c) a management structure and administrative procedures, including procedures for the management of funds.

38.4 The constitution of a chaplaincy unit council may in like manner be amended or revoked by Bishop-in-Council.

39. Procedures for appointments to parishes

39.1 This section sets out the procedures for appointments to parishes.

39.2 Where there is, or there is to be, a vacancy in an office of rector, the relevant Archdeacon, or a person appointed by the relevant Archdeacon for the purpose, must meet with the people of the parish to discuss the expectations and needs of the parish for the work of this Church in that place (**the consultation**).

39.3 After the consultation, the Clergy Appointment Board for the parish meets to consider prospective candidates for appointment.

39.4 The Clergy Appointment Board must have regard to the results of the consultation when considering prospective candidates.

39.5 The Bishop may not appoint a person to be the rector of a parish unless a majority of the members of the Clergy Appointment Board, including at least 2 of the parish members of the Board, agree to the appointment or, where those members have refused to agree to any of 3 candidates nominated by the Bishop, the Bishop informs the Board that he or she proposes to appoint a person without the agreement of those members.

39.6 An appointment by the Bishop of a person to a parish, other than an appointment as rector, requires the agreement of the rector

³⁴ Amended by Governance of the Diocese Amendment Ordinance 2006

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and shall be made only after consultation with the parish members of the Clergy Appointment Board.

39.7 A Clergy Appointment Board is constituted in accordance with Schedule 8.

40. Procedures for appointments to chaplaincy unit

40.1 Where a chaplaincy unit council has been established for a chaplaincy unit, the Bishop must consult with the members of the chaplaincy unit council about the appointment of a person as chaplain of the chaplaincy unit or another person as assistant to the chaplain.

PART 6 – COMBINED MINISTRY DISTRICTS

41. Ministry districts

41.1 This section applies where the mission and ministry of this Church in an area may be more effectively exercised by the shared leadership and resources of two or more ministry units as a consequence of changes in the demographic or other social characteristics of an area or for any other reason.

41.2 The Bishop may, with the concurrence of a general meeting of the members of each ministry unit concerned, appoint a ministry team to work in relation to two or more ministry units within an area of the Diocese, referred to in this Ordinance as a ministry district.

41.3 The ministry team may include chaplains without chaplaincy units and other persons licensed by the Bishop to special ministries within the ministry district.

41.4 The responsibilities of the members of the ministry team shall be such as are agreed between the Bishop, the members of the ministry team and each parish or chaplaincy unit council concerned.

41.5 Where no chaplaincy unit council exists for a chaplaincy unit concerned, the Bishop shall consult the members of the chaplaincy unit about the responsibilities of the members of the ministry team in relation to that chaplaincy unit.

41.6 Bishop-in-Council may approve arrangements for the operation of a ministry district council, including provisions for-

(a) the number of members and method of choosing the members; and

(b) the functions of the council, including its relation to parish or chaplaincy unit councils within the ministry district,

that have been adopted by general meetings of members of each ministry unit within the ministry district.

41.7 A ministry district council may perform such of the functions of a parish or chaplaincy unit council within the ministry district as are agreed by the parish or chaplaincy unit council concerned or

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by a general meeting of the members of the parish or chaplaincy unit.

- 41.8 ³⁵Where two or more parish ministry units have become a combined ministry district under this section each parish ministry unit shall continue to be a parish for the purposes of section 47 unless Bishop-in-Council in approving the arrangements for the operation of the ministry district council under sub-section 41.6, determines otherwise.

PART 6A - MISSION DISTRICTS³⁶

41A. Mission Districts³⁷³⁸

- 41A.1 This section applies where the mission and ministry of this Church in an area is growing, developing, dwindling or otherwise situated such that it is inappropriate to establish or continue a ministry unit but it is appropriate to provide structure, oversight and pastoral arrangements similar to those provided by a parish ministry unit.³⁹
- 41A.2 The Bishop-in-Council may establish a Mission District within a defined geographical area.⁴⁰⁴¹
- 41A.3 The Bishop-in-Council may provide that such conditions as it considers appropriate shall apply to such a Mission District, including but not limited to:⁴²⁴³
- (a) the governance arrangements to apply for the Mission District; and⁴⁴
 - (b) the staffing and financial arrangements for the Mission District; and⁴⁵
 - (c) the conditions under which the Mission District may seek to apply to become a parish ministry unit;⁴⁶⁴⁷
- 41A.4 The Bishop-in-Council may specify that sections, parts or schedules, or parts of those provisions, of this Ordinance shall apply to the Mission District as if it were a parish ministry unit for the purpose of the specified provisions and the priest-in-charge of the Mission District were a rector.⁴⁸⁴⁹

³⁵ Inserted by the Governance of the Diocese Amendment Ordinance 2009

³⁶ Amended by the Governance of the Diocese Ordinance Amendment Ordinance 2012

³⁷ Inserted by Governance of the Diocese Ordinance 2000 Amendment Ordinance 2002

³⁸ Amended by the Governance of the Diocese Ordinance Amendment Ordinance 2012

³⁹ Inserted by Governance of the Diocese Ordinance 2000 Amendment Ordinance 2002

⁴⁰ Inserted by Governance of the Diocese Ordinance 2000 Amendment Ordinance 2002

⁴¹ Amended by the Governance of the Diocese Ordinance Amendment Ordinance 2012

⁴² Inserted by Governance of the Diocese Ordinance 2000 Amendment Ordinance 2002

⁴³ Amended by the Governance of the Diocese Ordinance Amendment Ordinance 2012

⁴⁴ Amended by the Governance of the Diocese Ordinance Amendment Ordinance 2012

⁴⁵ Amended by the Governance of the Diocese Ordinance Amendment Ordinance 2012

⁴⁶ Amended by the Governance of the Diocese Ordinance Amendment Ordinance 2012

⁴⁷ Amended by the Governance of the Diocese Ordinance Amendment Ordinance 2012

⁴⁸ Inserted by Governance of the Diocese Ordinance 2000 Amendment Ordinance 2002

⁴⁹ Amended by the Governance of the Diocese Ordinance Amendment Ordinance 2012

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- 41A.5 Despite section 46 of this Ordinance, the Bishop-in-Council may make provision for representation of the Mission District in Synod by the membership of lay persons from the Mission District provided that such membership does not exceed 3 lay members.⁵⁰⁵¹
- 41A.6 The Bishop-in-Council after consultation with the body established to govern the Mission District may alter the boundaries or name of the Mission District or abolish the Mission District.⁵²⁵³
- 41A.7 Section 39 of this Ordinance shall apply to the appointment of a priest-in-charge of a Mission District as if the priest-in-charge were a rector.⁵⁴⁵⁵

PART 7 – THE SYNOD

42. Mission and objectives

42. The Synod is a meeting together of the Bishop and the representatives of the clergy and the laity of the Diocese—
- (a) to affirm and celebrate our common life in the Lord Jesus Christ;
 - (b) to conduct the business of the Synod which is-
 - (i) the expression, through the resolutions of the Synod, of the mind of the people of the Diocese on matters of common concern relating to this Church in the Diocese and to the world in which this Church is called to exercise its mission and ministry;
 - (ii) the ordering of our common life by the making of ordinances;
 - (iii) the oversight of the conduct of the affairs of this Church in the Diocese by the agencies and officers of the Diocese.

43. Functions and powers of the Synod

- 43.1 The Synod has the function of making ordinances concerning the order and good government of this Church and the regulation of its affairs within the Diocese in accordance with article 2 of the constitutions of the Province.
- 43.2 The Synod also constitutes a forum in which the members of Synod may consult together on all matters concerning the life of this Church in the Diocese.

⁵⁰ Inserted by Governance of the Diocese Ordinance 2000 Amendment Ordinance 2002

⁵¹ Amended by the Governance of the Diocese Ordinance Amendment Ordinance 2012

⁵² Inserted by Governance of the Diocese Ordinance 2000 Amendment Ordinance 2002

⁵³ Amended by the Governance of the Diocese Ordinance Amendment Ordinance 2012

⁵⁴ Inserted by Governance of the Diocese Ordinance 2000 Amendment Ordinance 2002

⁵⁵ Amended by the Governance of the Diocese Ordinance Amendment Ordinance 2012

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- 43.3 The Synod exercises oversight over the administration of the institutional affairs of this Church in the Diocese by requiring those responsible for the conduct of those affairs to account to the Synod when required to do so—
- (a) by ordinance; or
 - (b) in accordance with a resolution of the Synod.
- 43.4 The Synod also has the power conferred by article 3(2) of the constitutions of the Province to call, by resolution, on any person holding church property to account for that property and its administration.
- 43.5 The term **church property** in subsection 43.4 means property—
- (a) belonging to or held in trust for this Church in the Diocese or any part of the Diocese; or
 - (b) in which this Church in the Diocese or any part of the Diocese has an interest.

44. Term of a Synod

- 44.1 The term of a Synod is three years commencing on 1 May and ending on the third succeeding 30 April.
- 44.2⁵⁶

45. The convening of Synod

- 45.1 The Synod shall, in accordance with Article 1(2) of the constitutions of the Province, be convened for a session at least once in each year.
- 45.2 The Bishop convenes a session of Synod by summons stating the time and place of meeting.
- 45.3 The Bishop must convene a session of Synod when requested to do so in writing by such number of members of the Synod as are, in accordance with rules made by the Synod, sufficient to constitute a quorum of Synod.
- 45.4 A session of Synod is the period between the time when Synod convenes in accordance with a summons of the Bishop and the time when, in accordance with rules made by the Synod, Synod adjourns until the date on which it is next summoned by the Bishop.

46 Membership of the Synod⁵⁷

- 46.1 The Synod intends that-
- (a) the composition of the Synod should be representative of this Church in the Diocese so that the outcome of a meeting of the Synod might truly enliven the ministry of this Church;

⁵⁶ Omitted by the Governance of the Diocese Amendment Ordinance 2016

⁵⁷ Inserted by Governance of the Diocese Amendment Ordinance 2001

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- (b) those charged with the responsibility for electing or appointing members of Synod should choose those able to make a significant contribution to its work; and
 - (c) members of Synod accept responsibility for effective communication between Synod and the people of this Church in the Diocese.
- 46.2 Synod seeks to achieve a membership of Synod in which the proportion of laity to clergy should continue to be approximately 2 to 1.
- 46.3 For these purposes, the Synod is composed of
- (a) the Bishop (who shall not be able to vote in Synod)
 - (b) the ex officio members:
 - (i) Assistant Bishop or Bishops;
 - (ii) The Dean;
 - (iii) The Archdeacons;
 - (iv) The Registrar;
 - (v) The Chancellor; and
 - (vi) The Chairs of the Finance Committee.⁵⁸
 - (c) the clergy members who are the clergy licensed for service within the Diocese;
 - (d) the members who are lay persons in charge of a ministry unit;
 - (e) the members who are the representatives of ministry units elected in accordance with this Ordinance; and
 - (f) such other persons as are appointed to be members of Synod in accordance with this Ordinance.
- 46.4 Persons elected or appointed to be members of Synod hold office for the term of the Synod to which they are elected or appointed.⁵⁹

47. Lay representation of ministry units⁶⁰

- 47.1 Each parish is entitled to elect 3 lay members of Synod.
- 47.2 Each chaplaincy unit is entitled to elect 1 lay member of Synod. If the person in charge of a chaplaincy unit is a lay person, that person who is a member by virtue of subsection 46.3(d) is not to be counted as the lay member elected for the purposes of this subsection.
- 47.3 It is desirable that at least one of the lay members elected under this section should be a member of the parish council or chaplaincy unit council of the ministry unit by which they are elected.

⁵⁸ inserted by Finance and Annual Reports Amendment Ordinance 2012

⁵⁹ Inserted by Governance of the Diocese Amendment Ordinance 2001

⁶⁰ Inserted by Governance of the Diocese Amendment Ordinance 2001

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- 47.4 A ministry unit may at the meeting at which the ministry unit elects lay members of Synod elect, in the case of a parish, up to three persons and, in the case of a chaplaincy unit, one person as alternate lay members of Synod and shall endeavour to do so. If a lay member of Synod is unable, unwilling or fails to attend a session of Synod, then one of any alternate lay members elected shall attend that session of Synod in substitution. If the lay member who cannot or does not attend is a member of the parish council and an alternate lay member is a member of the parish council, that alternate lay member should desirably attend, but if unable to do so, another alternate lay member may attend.
- 47.5 A person must be a member of this Church and have attained the age of 18 years to be eligible for election as a lay member or alternate lay member representative of a ministry unit.
- 47.6 The Bishop must issue a mandate for the election of lay members and alternate lay members for the next Synod not later than 1 November in the year preceding the expiration of the term of a Synod.
- 47.7 The Mandate issued by the Bishop must specify the period within which the election shall be held.
- 47.8 The Bishop may extend the period within which an election may be held.
- 47.9 The elections of lay members and alternate lay members shall be in accordance with the procedures set out in Schedule 9.⁶¹

48 Representatives of Diocesan Agencies⁶²

- 48.1 Bishop-in-Council may appoint the chair of the governing body (however described) and the chief executive officer (however described) of a diocesan agency as a member of Synod, provided that such persons are members of this Church.
- 48.2 Where either of the persons is already a member of Synod by virtue of s 46.3(a) to (e) (both inclusive) or s 49 of this Ordinance, then Bishop-in-Council may appoint either member of the governing body (however described) in lieu of the chair or a senior member of the staff in lieu of the chief executive officer (however described) of that diocesan agency provided that such person is a member of this Church.
- 48.3 The Synod intends that Bishop-in-Council, in exercising its powers under this section, shall have regard to the desirability of the diocesan agency being represented in the Synod as a means of communication between that agency and the Synod.
- 48.4 For the purposes of this section “diocesan agency” includes an Anglican Company School.^{63 64 65}

⁶¹ Inserted by Governance of the Diocese Amendment Ordinance 2001

⁶² Section replaced by Governance of the Diocese Amendment Ordinance 2013 (No2)

⁶³ Inserted by Governance of the Diocese Amendment Ordinance 2013 (No 2)

49 Members of Synod appointed by the Bishop and Bishop-in-Council⁶⁶

- 49.1 The Bishop may appoint as members of Synod up to 10 persons who are members of a ministry unit of this Church and resident in the Diocese but are not otherwise members of the Synod.
- 49.2 The Bishop-in-Council may appoint as members of Synod up to 2 persons who are members of a ministry unit of this Church and resident in the Diocese but are not otherwise members of the Synod for each person appointed by the Bishop under subsection 49.1
- 49.3 In acting under this section, the Bishop and Bishop-in-Council must have regard to the desirability of maintaining a balance of representation of the several demographic, geographic, cultural and social areas of the Diocese including the clergy and lay balance.
- 49.4 The instrument of appointment under subsection 49.1 or the resolution of appointment under subsection 49.2 may expressly refer to the appointment being made because the appointee holds an office specified in the instrument or resolution.⁶⁷

50 Synod President⁶⁸

- 50.1 In accordance with clause 5(d) of the Provincial Constitution, the President of Synod is-
- (a) the Bishop;
 - (b) where the Bishop is absent from Synod, the administrator; or
 - (c) if the Bishop and the administrator are both absent from Synod, a Synod member appointed by Synod in accordance with the standing orders of Synod.
- 50.2 The President shall not vote on any question or matter arising in Synod.
- 50.3 This section does not affect the power of the President, in accordance with the standing orders of Synod, to appoint a Synod member to act in his or her place during any temporary absence of the President from a sitting of Synod.⁶⁹

51. Procedures of Synod

- 51.1 The procedures of Synod and the conduct of business by Synod shall, subject to the Provincial Constitution, be in accordance with rules made by Synod.⁷⁰

⁶⁴ Inserted by Governance of the Diocese Amendment Ordinance 2001

⁶⁵ Amended by the Governance of the Diocese Amendment Ordinance 2016

⁶⁶ Inserted by Governance of the Diocese Amendment Ordinance 2001

⁶⁷ Inserted by Governance of the Diocese Amendment Ordinance 2001

⁶⁸ Inserted by Governance of the Diocese Amendment Ordinance 2001

⁶⁹ Inserted by Governance of the Diocese Amendment Ordinance 2001

⁷⁰ Inserted by Governance of the Diocese Amendment Ordinance 2001

52 Assent by Bishop to ordinances

- 52.1 This section embodies for convenience of reference, the provisions of article 5(c) of the Provincial Constitution.
- 52.2 Subject to subsection 53.4, an ordinance passed by Synod does not take effect unless the Bishop has assented to the ordinance within one month after it has been passed.
- 52.3 Synod may, by resolution, submit to Provincial Synod an ordinance to which the Bishop has refused assent.
- 52.4 If the ordinance is agreed to by the Provincial Synod, the ordinance takes effect within the Diocese on the date on which it was agreed to by the Provincial Synod.⁷¹

53 Members of Synod to sign attendance book

- 53.1 Each member of Synod must, at some time during each session of Synod, enter his or her name in an attendance book kept for that purpose.
- 53.2 A member whose name is not so entered in the attendance book is presumed, unless it is otherwise shown, to have been absent from Synod during the whole of that session.⁷²

54 Vacation of office of a lay member representative of a ministry unit

- 54.1 The office of a lay member or alternate lay member of Synod elected as a representative of a ministry unit becomes vacant if the member ceases to be a member of that ministry unit.⁷³

55 Vacation of office of a member appointed by the Bishop or Bishop-in-Council

- 55.1 The office of a member of Synod appointed -
- (a) under subsection 48.1 becomes vacant if the member ceases to be a member of the governing body of the diocesan agency concerned;
 - (b) under subsection 48.2 becomes vacant if the member ceases to be from the diocesan agency concerned; and
 - (c) under section 49 expressly because he or she holds an office specified in the instrument or resolution of appointment becomes vacant if the member ceases to hold that office.⁷⁴

56 Additional grounds for vacation of office of a lay member

- 56.1 The office of a lay member or an alternative lay member of Synod elected under section 47 or appointed under sections 48 or 49 becomes vacant if the member-
- (a) dies;

⁷¹ Inserted by Governance of the Diocese Amendment Ordinance 2001

⁷² Inserted by Governance of the Diocese Amendment Ordinance 2001

⁷³ Inserted by Governance of the Diocese Amendment Ordinance 2001

⁷⁴ Inserted by Governance of the Diocese Amendment Ordinance 2001

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- (b) becomes of unsound mind;
- (c) is convicted of an indictable offence in any court and sentenced to a term of imprisonment for more than 7 days;
- (d) other than an alternate lay member who is not required under this Ordinance to attend a session of Synod, is absent from the whole of any session of Synod without leave of the Bishop; or
- (e) resigns his or her membership of Synod by written notice to the Bishop; or
- (f) ceases to be a member of this Church.⁷⁵

57 Additional grounds for vacation of office of a clergy member appointed by the Bishop or Bishop-in-Council

57.1 The Office of a clergy member of Synod appointed under sections 48 or 49 becomes vacant if the member:

- (a) dies;
- (b) becomes of unsound mind;
- (c) is convicted of an indictable offence in any court and is sentenced to a term of imprisonment for more than 7 days;
- (d) is absent from the whole of any session of Synod without leave of the Bishop;
- (e) resigns his or her membership of Synod by written notice to the Bishop;
- (f) is deposed from holy orders; or
- (g) ceases to be a member of this Church.⁷⁶

58 Filling of casual vacancy caused by vacation of office

58.1⁷⁷ Subject to subsections 58.2 and 58.4, where the office of a lay member becomes vacant by reason of sections 54 or 55, an alternate lay member shall fill that vacancy for the balance of the term of office of the lay member.

58.2⁷⁸ Subject to subsection 58.4 and unless the general meeting at which alternate lay members are elected has made other provision, the alternate lay member to fill a casual vacancy under subsection 58.1 shall be that alternate lay member who received the most votes at the ballot for, so far as elected, alternate lay members. If that person has already filled a casual vacancy, the person who received the next most votes at that election shall fill the casual vacancy.

58.3⁷⁹ Where the office of an alternate lay member becomes vacant, the ministry unit may in general meeting elect a person to fill the vacancy. The person so elected shall, for the purposes of sub-

⁷⁵ Inserted by Governance of the Diocese Amendment Ordinance 2001

⁷⁶ Inserted by Governance of the Diocese Amendment Ordinance 2001

⁷⁷ Amended by the Governance of the Diocese Amendment Ordinance 2009

⁷⁸ Amended by the Governance of the Diocese Amendment Ordinance 2009

⁷⁹ Inserted by the Governance of the Diocese Amendment Ordinance 2009

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section 58.2 be deemed to have received less votes than any other alternate lay member. The person elected shall hold office until the next election of alternate lay members under subsection 47.4.

58.4 ⁸⁰Notwithstanding subsection 58.2, where the lay member whose office becomes vacant was a member of the parish council and there is one or more alternate lay members who are members of the parish council, that casual vacancy shall be filled by the alternate lay member who is a member of the parish council and, if more than one, by the person who received most votes at the election for alternate lay members.

58.5 ⁸¹Where the office of an elected lay member has become vacant, and there is no alternate lay member who may fill that vacancy, then the parish council should within 3 months convene a general meeting for the election of an eligible person to fill the vacancy and may also elect an alternate lay member.

58.6 ⁸²The procedures set out in Schedule 9 apply, with such modifications as are required by the circumstances of the case, to an election under this section. ⁸³

59. Record to be kept of ordinances and rules made by Synod

59.1 The Registrar shall maintain a register of all ordinances made by the Synod.

59.2 The register shall comprise a printed or written copy of each ordinance which shall be-

- (a) certified by the Chair of Committees as having been passed by the Synod; and
- (b) when assented to by the Bishop, signed by the Bishop as having received his or her assent.

60. Synod to make Standing Orders

60.1 The Synod is empowered to make orders for the conduct of its business, to be called the Standing Orders of Synod.

60.2⁸⁴

61. Election of diocesan representatives to General Synod and Provincial Synod

61.1 The election of the clerical and lay representatives to the General Synod and to the Provincial Synod must take place during the first session of each Synod.

⁸⁰ Amended by the Governance of the Diocese Amendment Ordinance 2009

⁸¹ Amended by the Governance of the Diocese Amendment Ordinance 2009

⁸² Amended by the Governance of the Diocese Amendment Ordinance 2009

⁸³ Inserted by Governance of the Diocese Amendment Ordinance 2001

⁸⁴ Omitted by Governance of the Diocese Amendment Ordinance 2013 (No 2)

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61.2 Only persons who are and who continue to be members of Synod may be elected or appointed as representatives to the General Synod or the Provincial Synod and may continue to be such representatives.

62. Casual vacancies in the office of General Synod or Provincial Synod representative

62.1 If–

- (a) the number of persons elected as representatives to the General Synod or the Provincial Synod is less than the number required to be elected; or
- (b) a person elected as a representative is unable to attend any session of the Synod to which he or she is elected,

Bishop-in-Council may appoint a clerical or lay member, as the case may require, as an acting representative.

63. Conduct of elections in Synod

63.1 Elections to offices to be filled by Synod under this or any other Ordinance are to be held in accordance with the provisions of the Standing Orders of Synod.

PART 8 – BISHOP-IN-COUNCIL

64. Functions

64.1 Bishop-in-Council is responsible to Synod:

- (a) for establishing strategies and goals for the mission and ministry of this Church in the Diocese and for the execution of those strategies and the attainment of those goals;
- (b) for the nurturing and oversight, in consultation with the Bishop, of the well-being of ministry units;
- (c) for the effective, efficient and economical management of the property and financial resources of the Diocese for the purposes of carrying out and sustaining the mission and ministry of this Church in the Diocese; and
- (d) for the supervision of the affairs of diocesan agencies.

64.2 Bishop-in-Council is the Standing Committee of Synod and, in that capacity, exercises such of the powers and functions of the Synod as the Synod delegates to the Council by ordinance.

65. Composition of Bishop-in-Council

65.1 The composition of Bishop-in-Council is intended to bring together with the Bishop key members of the diocesan ministry and clergy and laity who are representative of a spread of interests in the Diocese, including the interests of rural and urban parishes, ministry units and major diocesan agencies.

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- 65.2 The Synod intends that the appointment or election of members of Bishop-in-Council will be made in accordance with the principles in subsection 65.1 and subsection 74.4.
- 65.3 The members of Bishop-in-Council are—
- (a) the Bishop
 - (b) the ex officio members
 - (i) the Assistant Bishop or Bishops;
 - (ii) the Dean;
 - (iii) the Archdeacons;
 - (iv) the Registrar;
 - (v) the Chancellor;
 - (vi) the Chair of the Finance Committee^{85, 86};
 - (c) 4 clerical and 10 lay members elected by the Synod; and
 - (d) 2 clerical and 4 lay members appointed by the Bishop;
 - (e) those persons who are members of the Council by virtue of subsection 74.5.
- 65.4 Subject to section 67, the appointed members and the elected members hold office from the date of their appointment or election until the last day of the first session of the next Synod.

66. Election of members of Bishop-in-Council

- 66.1 An election for the members of Bishop-in-Council to be elected by Synod shall be held during the first session of each Synod.
- 66.2 Where a vacancy occurs in the office of an elected member an election to fill that vacancy shall be held at the next session of Synod.
- 66.3 Where a vacancy occurs in the office of an elected member, Bishop-in-Council may appoint temporarily a member of the clergy or of the laity, as the case may be, to fill the vacancy until the next session of Synod.

67. Termination of membership of Bishop-in-Council

- 67.1 Because Bishop-in-Council is also the Standing Committee of Synod exercising legislative powers delegated by the Synod, a person may not become or remain a member of Bishop-in-Council unless that person is and remains a member of Synod.
- 67.2 A clergy member of Bishop-in-Council ceases to be a member if he or she becomes ineligible to be summoned to Synod.
- 67.3 A lay member of Bishop-in-Council ceases to be a member if he or she ceases to be a member of Synod.
- 67.4 Subsection 67.1 does not apply to a person who is a member of Bishop-in-Council by virtue of subsection 74.5.

⁸⁵ Replaced by Finance and Annual Reports Amendment Ordinance 2012

⁸⁶ Amended by the Governance of the Diocese Amendment Ordinance 2016

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- 67.5 Notwithstanding subsections 67.1 and 67.3 but subject to the remaining provisions of this section, an elected or appointed member of Bishop-in-Council who ceases to be a member of Synod-
- (a) because of the operation of subsection 55.1 (lay member elected by parish or chaplaincy unit ceasing to be a member of that parish or chaplaincy unit); or
 - (b) because that person was not re-elected as a lay representative of a ministry unit,
- nevertheless continues to be eligible to hold office until the conclusion of the next session of Synod.
- 67.6 A member of Bishop-in-Council ceases to be a member if he or she ceases to be a member of this Church.
- 67.7 A member of Bishop-in-Council appointed by the Bishop may be removed at any time by the Bishop and another person appointed in the place of the member so removed.
- 67.8 A member of Bishop-in-Council elected by Synod may be removed by a resolution of Synod.
- 67.9 An elected or appointed member of Bishop-in-Council-
- (a) may resign in writing to the Bishop and the resignation takes effect when it is received by the Bishop;
 - (b) ceases to be a member of the Council if that person is absent from 3 consecutive meetings of the Council without the leave of the Council.
- 67.10 A person who is a member of Bishop-in-Council by virtue of holding an office ceases to be a member of the Council when the person ceases to hold that office.

68. Relationship between the Bishop and Bishop-in-Council

- 68.1 The Bishop presides at the meetings of Bishop-in-Council.
- 68.2 A decision of Bishop-in-Council does not take effect unless the Bishop agrees to the decision.
- 68.3 The Bishop may not act in any matter that involves
- (a) the disposition or management of property; or
 - (b) the expenditure of money, other than money in respect of which the Bishop has sole discretion as to its application,
- unless the action is in accordance with a decision of Bishop-in-Council (including approval of the diocesan budget) or, in a matter dealt with by the Ministry Executive, a decision of the Ministry Executive.
- 68.4 Subsection 68.3 does not apply where urgent action is required and it is impracticable to obtain a formal decision of Bishop-in-Council or the Ministry Executive as appropriate.
- 68.5 Where, in accordance with subsection 68.4 the Bishop has taken action as a matter of urgency without first obtaining the agreement of the Bishop-in-Council or the Ministry Executive as

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appropriate, the Bishop must, as soon as practicable thereafter, report the action to the members of the Bishop-in-Council.

68.6 Nothing in section 67 will be taken to limit the position of the Bishop in Bishop in Council.

69. Accountability

69.1 Bishop-in-Council must report to each ordinary annual session of Synod.

69.2 The report must set out the strategies and goals adopted by the Bishop-in-Council and the extent to which the Council considers that it has implemented those strategies and achieved those goals.

69.3 The report must include an audited statement of the financial affairs of the Diocese for the preceding calendar year and an estimate of the financial outcomes for the Diocese for the ensuing calendar year in accordance with the strategies adopted by Bishop-in-Council.

70. Procedures of Bishop-in-Council

70.1 Meetings of Bishop-in-Council are convened by the Registrar at the direction of the Bishop or at the request of a quorum of the Council.

70.2 Bishop-in-Council must meet at least 4 times in each year.

70.3 A quorum of Bishop-in-Council consists of 5 clerical members other than the Bishop and 5 lay members.

70.4 The Bishop presides at meetings of Bishop-in-Council at which he or she is present.

70.5 In the absence of the Bishop from a meeting, the administrator of the Diocese or a member of Bishop-in-Council designated by the Bishop presides.

70.6 Subject to this Part, the procedures to be followed at meetings of Bishop-in-Council are a matter for Bishop-in-Council.

70.7 A meeting of Bishop-in-Council may be held by audio or video telecommunication between the members of the Council or between members of the Council present together in one or more places and in audio or video telecommunication with other members of the Council not so present.

70.8 A vote of members of Bishop-in-Council otherwise than at a meeting of the Council may be taken by mail, facsimile transmission, electronic mail, telephone or other means of communication.

70.9 A resolution on which a vote is taken in accordance with subsection 70.8 is to be taken to have been agreed to by the Council if a majority of members vote in favour of the resolution.

70.10 Where a vote is taken in accordance with subsection 70.8 the Registrar must record the vote of each member who votes.

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71. Committees of Bishop-in-Council

71.1 The Bishop-in-Council may appoint such task groups or committees as it considers necessary to assist it in the discharge of its functions.

71.2 Despite sub-section 71.1, the Bishop-in-Council shall establish a Diocesan Legal Committee to be chaired by the Chancellor and appoint as members of it such persons as it considers appropriate.⁸⁷

71.3 The Bishop-in-Council shall make appropriate provision for the terms of reference and membership of and procedure to be followed by any task groups or committees established under this section and give such powers or functions to them as it considers appropriate.⁸⁸

71.4⁸⁹ Despite sub-sections 71.1 and 71.2, the Bishop-in-Council shall establish an Advisory Committee on Clergy Terms and Conditions as follows:

- (a) the terms of reference of the Advisory Committee shall be
 - (i) to consider issues related to Clergy Terms and Conditions of Service referred to it by the Registrar,⁹⁰ the Ministry Executive, Bishop-in-Council or the Bishop and report on those issues to that body;⁹¹
 - (ii)⁹² to develop policy proposals and make recommendations in relation to Clergy Terms and Conditions of Service for consideration by Bishop-in-Council;
 - (iii) to monitor developments in relation to Clergy Terms and Conditions of Service in other Dioceses;
 - (iv)⁹³ to maintain open and effective communications with the clergy in its consideration of Clergy terms and Conditions of Service.
 - (v)⁹⁴ to become and remain familiar with the Clergy Terms and Conditions of Service in the Diocese;
 - (vi)⁹⁵ to provide advice to the Bishop or the Registrar on matters relating to Clergy Terms and Conditions of Service in the Diocese; and
 - (vii)⁹⁶ to do such other things as may be determined by Bishop-in-Council after consultation with the Chair."
- (b) there shall be seven members appointed by Bishop-in-Council as follows:

⁸⁷ Inserted by Governance of the Diocese Amendment and Extension Ordinance 2004

⁸⁸ Inserted by Governance of the Diocese Amendment and Extension Ordinance 2004

⁸⁹ Inserted by Governance of the Diocese Amendment Ordinance 2006

⁹⁰ Omitted by the Governance of the Diocese Amendment Ordinance 2016

⁹¹ Amended by Governance of the Diocese Amendment Ordinance 2007

⁹² Amended by the Governance of the Diocese Amendment Ordinance 2009

⁹³ Amended by the Governance of the Diocese Amendment Ordinance 2009

⁹⁴ Inserted by Governance of the Diocese Amendment Ordinance 2007

⁹⁵ Inserted by Governance of the Diocese Amendment Ordinance 2007

⁹⁶ Inserted by Governance of the Diocese Amendment Ordinance 2007

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- (i) a Chair who shall be a lay person
- (ii) four other lay persons
- (iii) two members of the clergy.

and the members may be persons who are not members of Bishop-in-Council;

- (c) a quorum for a meeting of the Advisory Committee shall be at least two of the lay members and one of the members of the clergy;
- (d) subject to any resolution of Bishop-in-Council, the Advisory Committee shall conduct its business in such manner as it sees fit.
- (e) the members of the Advisory Committee shall be appointed for three years but a member may resign in writing to the Bishop and shall cease to be a member if he or she ceases to be a member of this Church or ceases to be resident in this Diocese or, being a member of the clergy, ceases to hold a licence from the Bishop.

71.5⁹⁷ Committees appointed under this section are not diocesan agencies within the meaning of this Ordinance.

PART 9 — MINISTRY EXECUTIVE

72. Objective

72.1 Synod establishes the Ministry Executive with the object of enhancing the capacity of Bishop-in-Council for effective planning and implementation of decisions concerning the mission and ministry of the Church in the Diocese and the strategic application of diocesan resources relating to that mission and ministry.

73. Establishment of Ministry Executive

73.1 The Ministry Executive is established as an executive group within Bishop-in-Council.

74. Membership of the Ministry Executive

74.1 The Ministry Executive consists of-

- (a) the Bishop;
- (b) the Registrar; and
- (c) ⁹⁸⁹⁹¹⁰⁰
- (d) not more than 10 other persons appointed by the Bishop from time to time on the advice of Bishop-in-Council, 5 of whom must be members of Bishop-in-Council (referred to in this Part as **appointed members**).

⁹⁷ inserted by Governance of the Diocese Amendment Ordinance 2006

⁹⁸ Amended by Finance and Annual Reports Amendment Ordinance 2013

⁹⁹ Replaced by Finance and Annual Reports Amendment Ordinance 2012

¹⁰⁰ Omitted by the Governance of the Diocese Ordinance Amendment Ordinance 2012

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- 74.2 The period of appointment of an appointed member expires, unless sooner terminated in accordance with section 79, on the conclusion of the last day of the first session of the next Synod following his or her appointment.
- 74.3 The appointed members shall be those persons who, in the opinion of the Bishop-in-Council, are by their abilities and involvement in the work of the Diocese best able to achieve the objective of establishing the Ministry Executive.
- 74.4 Without binding the Bishop in the exercise of his or her discretion in appointing members of Bishop-in-Council in accordance with subsection 65.3(d), it is intended that the Bishop will, in making those appointments, have regard to the appointment of persons suitable to be appointed members of the Ministry Executive.
- 74.5 If an appointed member is not, at the date of his or her appointment, a member of Bishop-in-Council that person shall, for all purposes, be a member of Bishop-in-Council during the term of his or her appointment to the Ministry Executive.

75. Functions of the Ministry Executive

- 75.1 The functions of the Ministry Executive are-
- (a) to assist Bishop-in-Council in the execution of its functions by:
 - (i) playing a leadership role in the development of policies and strategies for the mission and ministry of the Diocese; and
 - (ii) the implementation of those policies and strategies approved by Bishop-in-Council;
 - (b) subject to this section, to exercise the powers of Bishop-in-Council between meetings of the Council other than:
 - (i) the functions of Bishop-in-Council as the Standing Committee of the Synod, including the making of ordinances and any matters referred to Bishop-in-Council under the Standing Orders of the Synod;
 - (ii) except in the case of urgency or by express delegation, any functions of Bishop-in-Council conferred by an ordinance other than subsection 64.1; and¹⁰¹
 - (iii) decisions on any matters expressly reserved by Bishop-in-Council for its own consideration;
 - (c) to bring recommendations to Bishop-in-Council on any matter within the powers and functions of Bishop-in-Council.
- 75.2 Where the Ministry Executive is of the opinion that a matter it has under consideration ought to be dealt with by Bishop-in-Council it must refer the matter to Bishop-in-Council.

¹⁰¹ Amended by Governance of the Diocese Amendment Ordinance 2007

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- 75.3 The Ministry Executive must perform its functions in accordance with any direction given to it by Bishop-in-Council.
- 75.4 Any expenditure committed, authorised or made by the Ministry Executive must be within the budget approved by Bishop-in-Council.
- 75.5 Nothing in this section prevents Bishop-in-Council from exercising any of its powers and functions.
- 75.6 Nothing in this section authorises or empowers the Ministry Executive to make any ordinance.¹⁰²

76. Confirmation by Bishop of Ministry Executive decisions

- 76.1 A decision by the Ministry Executive to take action in any matter does not have effect until it is confirmed by the Bishop.

77. Quorum of Ministry Executive

- 77.1 The number of members required for a quorum of the Ministry Executive is the next whole number greater than one-half of the total number of its members at the relevant time.

Example: if either 10 or 11 members have been appointed to the Ministry Executive, the quorum is 6.

78. Procedures of Ministry Executive

- 78.1 The Ministry Executive shall meet as often as is required to deal with its business.
- 78.2 The provisions of subsections 70.4 to 70.7 apply with such adaptations as are required by the circumstances of the case to the Ministry Executive.

79. Termination of appointment of members of the Ministry Executive

- 79.1 The Bishop acting in accordance with the advice of Bishop-in-Council may revoke the appointment of a member of the Ministry Executive at any time.
- 79.2 A member of the Ministry Executive may resign by written notice given to the Registrar.
- 79.3 A member of the Ministry Executive ceases to hold office if—
- (a) having been a member of Bishop-in-Council at the date of his or her appointment, the member ceases to be a member of Bishop-in-Council; or
 - (b) the member ceases to be a member of this Church.

PART 10 – ASSISTANT BISHOPS

80. Provisions relating to Assistant Bishops

- 80.1 The provisions relating to the appointment and functions of the Assistant Bishops are set out in the Assistant Bishops Ordinance 1998.

¹⁰² Inserted by Governance of the Diocese Amendment Ordinance 2007

PART 11 – VICAR-GENERAL

81. Office of Vicar-General

- 81.1 There is an office of Vicar-General of the Diocese.
- 81.2 The Vicar-General must be a member of the clergy who is licensed by the Bishop for service within the Diocese.

82. Powers and functions of the Vicar-General

- 82.1 The Vicar-General administers the Diocese when the Bishop is absent from the Diocese or is otherwise absent from duty or during a vacancy in the See.
- 82.2 The Vicar-General may exercise the powers and perform the functions vested in the Bishop under any ordinance of the Diocese during the absence from duty of the Bishop due to incapacity or otherwise, whether the Bishop is within or outside the Diocese;
- 82.3 The Vicar-General may exercise and perform–
 - (a) such powers and functions as are delegated to the Vicar-General under subsection 84.1; and
 - (b) such other powers and functions as are conferred on the Vicar-General by or under an ordinance.
- 82.4 The person for the time being holding the office of Vicar-General is appointed for the purpose of section 39 of the Anglican Church of Australia Trust Property Act, 1917 of New South Wales and of that section as in force in the Australian Capital Territory.

83. Appointment of Vicar-General

- 83.1 The Vicar-General is appointed by the Bishop after having received the advice of the Bishop-in-Council.
- 83.2 Subject to subsection 83.3, the Vicar-General holds office during the pleasure of the Bishop.
- 83.3 The Vicar-General ceases to hold office–
 - (a) if his or her appointment is terminated by the Bishop;
 - (b) if the Vicar-General tenders a written resignation to the Bishop;
 - (c) if the Vicar-General ceases to hold office under subsection 83.4; or
 - (d) if the Vicar-General ceases to be licensed by the Bishop for service within the Diocese otherwise than by reason of being re-licensed by the Bishop for such service.
- 83.4 Where there is a vacancy in the See, the person who held the office of Vicar-General immediately before the vacancy occurred continues to hold that office until the appointment of a new Bishop is complete.

84. Bishop may delegate matters to the Vicar-General

- 84.1 The Bishop may delegate to the Vicar-General all or any of the powers conferred upon the Bishop by an ordinance, other than this power of delegation.
- 84.2 A delegation must be in writing signed by the Bishop.
- 84.3 A delegation under this section does not prevent the exercise of a power by the Bishop.
- 84.4 A delegated power exercised by the Vicar-General has effect for all purposes as if it had been exercised by the Bishop.

PART 12 – ARCHDEACONS

85. Appointment of archdeacons

- 85.1 Synod recognises and confirms the right of the Bishop, at his or her discretion, to appoint priests or deacons as archdeacons for the purpose of assisting the Bishop in the administration of the Diocese.
- 85.2 The Bishop may appoint an archdeacon to exercise, on behalf of the Bishop—
- (a) functions within a district of the Diocese; or
 - (b) functions throughout the Diocese in respect of particular matters.
- 85.3 The functions to be performed by an archdeacon shall be specified by the Bishop in the licence given to the archdeacon.

86. Archdeacon emeritus

- 86.1 The Bishop may at any time confer the title of Archdeacon Emeritus upon any archdeacon who has ceased to hold office as archdeacon.

87. Duration of archdeacon's appointment

- 87.1 Subject to the provisions of this section, a person appointed as archdeacon holds office for a period of 7 years from the date of the appointment, but is eligible for re-appointment.
- 87.2 An archdeacon may resign to the Bishop as archdeacon.
- 87.3 The Bishop may, at his or her discretion, revoke the appointment of an archdeacon.
- 87.4 The persons holding office as archdeacon at the expiration of one year from the appointment of a new Bishop are taken to have resigned on that date.
- 87.5 A person taken to have resigned under subsection 87.4 is eligible for appointment as archdeacon by the new Bishop.

PART 13 – AREA DEANS

88. Establishment of area deaneries

- 88.1 The Bishop may group ministry units into area deaneries and may change any such grouping.
- 88.2 Area Deans may be known as Rural Deans and Area Deaneries as Rural Deaneries.

89. Appointment of area deans

- 89.1 The Bishop may appoint, in respect of each area deanery, a priest licensed to an appointment within the area deanery as area dean to assist the Bishop in the administration of that part of the Diocese within the area deanery.
- 89.2 The reference in subsection 89.1 to a part of the Diocese includes a reference to chaplaincy units established within that part.
- 89.3 The priest appointed as area dean must be a person elected by the area deanery chapter.

90. Term of office of area dean

- 90.1 Subject to the provisions of this section, an area dean holds office for a period of 3 years from the date of his or her appointment or until a successor has been appointed.
- 90.2 An area dean ceases to hold office if he or she ceases to be licensed to an appointment within the area deanery.
- 90.3 The Bishop may, at his or her discretion, revoke the appointment of an area dean.
- 90.4 An area dean may resign to the Bishop as area dean.

91. Functions of area deans

- 91.1 An area dean has such functions, in respect of the area deanery, as are specified by the Bishop in the licence given to the area dean or as the Bishop requests from time to time.
- 91.2 An area dean may perform such other functions within the area deanery as are requested by the area deanery chapter.

92. Area deanery chapter

- 92.1 The chapter of an area deanery comprises all members of the clergy licensed to appointments, whether full-time or part-time or stipendiary or honorary, within the area deanery.
- 92.2 The chapter also includes members of the clergy licensed to appointments within the diocese that are not located within any particular area of the diocese and who choose to be members of the chapter.
- 92.3 The chapter also includes those clergy active in ministry within the area who have an Authority to Officiate issued by the Bishop, but who are not licensed.

PART 13A - REGISTRAR¹⁰³

92A. The Registrar

- 92A.1 There shall be a Registrar of the Diocese.
- 92A.2 Only a member of this Church is eligible to be appointed as the Registrar.
- 92A.3 The Registrar shall be appointed by Bishop-in-Council on the nomination of the Bishop.
- 92A.4 Bishop-in-Council shall determine the terms and conditions on which the Registrar shall be appointed and hold office and may vary those terms and conditions but only consistently with the contractual terms under which the Registrar is appointed.
- 92A.5 Bishop-in-Council may terminate the appointment of the Registrar for misbehaviour, inefficiency or physical or mental incapacity.

92B. Functions of the Registrar

- 92B.1 The functions of the Registrar are:
- (a) Functions with respect to the Bishop:
- (i) To aid and facilitate the Bishop's ministry and mission;
 - (ii) To register and record all licences, faculties and other official documents granted or made by the Bishop;
 - (iii) To arrange for all necessary documents and certificates to be prepared, sighted and signed for ordinations by the Bishop, and to perform at ordinations the duties ordinarily performed by the Registrar of a Diocese.
- (b) Functions with respect to the administration of the Diocese, namely:
- (i) To manage the Diocesan Registry Office, including the engagement in consultation with the Bishop of the staff of the office (within the establishment approved by Bishop-in-Council) and the organisation and control of the duties of that staff;
 - (ii) To be responsible for the keeping of proper accounts of the financial affairs and transactions of the Diocese and trust property vested in the Property Trust or the

¹⁰³ Inserted by the Governance of the Diocese Amendment Ordinance 2016

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- Bishop and for the preparation of financial reports for Synod, Bishop-in-Council and the Property Trust;
- (iii) To be responsible for the financial administration of the Diocese in accordance with the decisions of the Bishop-in-Council and the Property Trust;
 - (iv) To implement, or arrange for the implementation of, decisions of Synod, Bishop-in-Council and the Property Trust, other than decisions within the pastoral responsibilities of the Bishop;
 - (v) To have custody of the records relating to, and to maintain registers of, all property of the Diocese, the parishes and mission districts and authorities of the Diocese vested in the Property Trust or the Bishop, and of the trusts upon which that property is held;
 - (vi) To ensure as far as practicable that all property vested in the Property Trust or the Bishop is adequately insured and to maintain records of the insurances; and
 - (vii) To register, and arrange for the publication of notice of Ordinances passed by Synod or Bishop-in-Council.
- (c) Functions with respect to Synod, Bishop-in-Council and the Property Trust:
- (i) To act as Secretary to Bishop-in-Council and the Property Trust;
 - (ii) To prepare and circulate the Bishop's summonses convening a session of Synod and to make all necessary arrangements for meetings of Synod;
 - (iii) In consultation with the Bishop and in accordance with any relevant decisions of Bishop-in-Council, to prepare the notice paper for the first day of a session of Synod and for each subsequent day of a session and to circulate the notice paper for the first day and copies of draft Ordinances, reports and financial documents to members of Synod in accordance with the Standing Orders of Synod;
 - (iv) Subject to the Standing Orders of Synod, to arrange and supervise the conduct of elections at Synod and receive and record the results of the election of members of Synod by parishes and mission districts;
 - (v) To have custody of minutes of the proceedings of Synod;
 - (vi) In consultation with the Bishop to prepare the agenda for each meeting of Bishop-in-Council and the Property Trust and circulate copies of the agenda and

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of all relevant reports, financial statements and other documents to members;

(vii) To prepare and circulate, and have custody of, minutes of proceedings of meetings of Bishop-in-Council or the Property Trust; and

(viii) To have custody of the common seal of the Property Trust and to be responsible for its due use; and

(d) Such other functions as are conferred on the Registrar by any Ordinance or the Standing Orders of Synod.

92B.2 It is the duty of the Registrar, subject to the Standing Orders of the Synod, to table at each session of the Synod the reports and accounts required to be tabled, and when requested, or when the Registrar considers it desirable, provide advice on these functions.¹⁰⁴

92B.3 The Registrar shall report to each meeting of Bishop-in-Council concerning the exercise of the Registrar's functions.

92B.4 The Registrar shall report, and provide advice, to Synod and the Property Trust concerning the exercise of the Registrar's functions on request and otherwise from time to time as the Registrar considers it desirable.¹⁰⁵

PART 14 - AREAS OF ECUMENICAL CO-OPERATION

93. Application of Ordinance to co-operating parish

93.1 Where a parish is administered in conjunction with a congregation of another Church, whether in accordance with a covenant entered into by this Church and the appropriate authorities of other Churches or otherwise, this Ordinance applies to the parish –

- (a) subject to the modifications provided for in this section; or
- (b) subject to such modifications as are approved by Bishop-in-Council.

93.2 At a meeting of the Clergy Appointment Board to choose a person to be the rector of a parish to which this section applies, 2 persons elected by the members of other Churches associated with this Church in relation to the parish may take part in the discussion as associate members of the board, but are not entitled to vote.

¹⁰⁴ Amended by the Governance of the Diocese Amendment Ordinance 2016

¹⁰⁵ Inserted by the Governance of the Diocese Amendment Ordinance 2016

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- 93.3 A person elected under subsection 93.2 may be a member of clergy or a lay person.
- 93.4 To the extent that a group council does not have the functions conferred on a parish council by this Ordinance, those functions are hereby conferred on the members of this Church who are members of the group council together with any churchwardens who are not members of the group council.
- 93.5 The annual general meeting or the annual electoral meeting, or both meetings, of a parish to which this section applies may be held in conjunction with, and at the same time and place as, a general meeting of the joint congregation or joint congregations.
- 93.6 In this section, a reference to the group council, in relation to a parish to which this section applies, is a reference to the council administering the parish in conjunction with the congregation of the other church.

PART 15 – REVIEW AND ADMINISTRATION

94. Review

- 94.1 Synod recognises that this Ordinance deals with significant changes in the organisation and administration of the Diocese to better equip this Church for its work in the world and that there will be a need to review this Ordinance from time to time.

94.2¹⁰⁶

- 94.3 Bishop-in-Council shall report to Synod on the operation of this Ordinance as a part of any review.

95. Repeal

- 95.1 As this Ordinance comes into effect the following Ordinances will be repealed-
- (a) Bishopric Synod and Bishop-in-Council Ordinance 1959 as amended; and
 - (b) Administration of Parishes and Special Districts Ordinance 1975 as amended.

95.2¹⁰⁷

96 Cathedral Ordinance 1996 – Consequential Amendments

- 96.1 The Cathedral Ordinance 1996 in so far as it relates to the Administration of Parishes and Special Districts Ordinance 1975 is amended as provided in Schedule 11

97. Commencement and period of operation

- 97.1 This Ordinance comes into effect at the time it is assented to by the Bishop.

¹⁰⁶ Omitted by Governance of the Diocese Amendment Ordinance 2013 (No 2)

¹⁰⁷ Repealed by Governance of the Diocese Amendment Ordinance 2001

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97.2 .¹⁰⁸

PART 16 - DIOCESAN AGENCIES

98 Indemnity^{109 110}

- 98.1 The Registrar shall ensure that the members of Bishop-in-Council and of each Board or other governing body of each diocesan agency are covered by an appropriate policy of insurance that will indemnify them for any civil¹¹¹ liability, including reasonable¹¹² costs of legal proceedings, that they or any of them may incur in the discharge in good faith and without gross¹¹³ negligence of their duties as such members to a value of \$20,000,000.
- 98.2 If, for whatever reason, any member of Bishop-in-Council or of the Board or other governing body of a diocesan agency, including a ministry unit¹¹⁴, is not indemnified in whole by a policy of insurance as provided for in subsection 98.1, then the Diocese shall indemnify that member from any unmet civil¹¹⁵ liability, including the reasonable¹¹⁶ costs of legal proceedings that the member may incur in the discharge in good faith and without gross¹¹⁷ negligence of his or her duties as a member of any such body.
- 98.3 Where the Diocese provides funds for the payment of any premium of insurance to cover, or for any indemnification of, any member of the Board or other governing body of a diocesan agency, including a ministry unit¹¹⁸, the Registrar may levy the diocesan agency concerned to recover the funds expended.

99^{119 120}

¹⁰⁸ Repealed by Governance of the Diocese Amendment and Extension Ordinance 2004

¹⁰⁹ Inserted by Governance of the Diocese Amendment Ordinance 2005

¹¹⁰ Amended by the Governance of the Diocese Amendment Ordinance 2016

¹¹¹ Inserted by the Governance of the Diocese Amendment Ordinance 2016

¹¹² Inserted by the Governance of the Diocese Amendment Ordinance 2016

¹¹³ Inserted by the Governance of the Diocese Amendment Ordinance 2016

¹¹⁴ Inserted by the Governance of the Diocese Amendment Ordinance 2016

¹¹⁵ Inserted by the Governance of the Diocese Amendment Ordinance 2016

¹¹⁶ Inserted by the Governance of the Diocese Amendment Ordinance 2016

¹¹⁷ Inserted by the Governance of the Diocese Amendment Ordinance 2016

¹¹⁸ Inserted by the Governance of the Diocese Amendment Ordinance 2016

¹¹⁹ Inserted by Governance of the Diocese Amendment Ordinance 2006

¹²⁰ Omitted by the Diocesan Legislation Ordinance Amendment Ordinance 2012

THE SCHEDULES

SCHEDULE 1 – ELECTION OF BISHOP

1.¹²¹ Dictionary

1.1 In this Schedule, unless the contrary intention is shown:

Committee means the Episcopal Election Organising Committee appointed under sub-section 2.1

Committee Chair means the person appointed under Standing Order 73 or 74 as the case may be.

Medical Practitioner means, in respect of a nominee, the person by whom the nominee is examined as arranged under paragraph 5.2(a) by the Committee.

Nominee means a person nominated for election to the office of Bishop under sub-section 5.1.

President means the President of the Electoral Synod as provided for in section 12.1 of this Ordinance.

Professional Standards Director means the person appointed under section 24 of the Professional Standards Ordinance 2004.

2.¹²² Episcopal Election Organising Committee

2.1 When the Bishop notifies an intention to resign or a vacancy in the See occurs, Bishop-in-Council shall appoint an Episcopal Election Organising Committee (the Committee) comprising 3 members of the clergy, 3 lay members of Synod and the Registrar ex officio.

2.2 The functions of the Committee are to:

- (a) arrange for a consultation in the Diocese in accordance with section 3; and
- (b) call for nominations and process them as provided for in this Schedule; and
- (c) facilitate the work of the Electoral Synod.

2.3 A person ceases to be a member of the Committee if the person

- (a) dies;
- (b) ceases to be a member of this Church;
- (c) in the case of a member of the clergy – ceases to be licensed by the Bishop;
- (d) in the case of a lay member – ceases to be a member of Synod;
- (e) resigns his or her position;
- (f) becomes incapable by reason of physical or mental incapacity of discharging the duties of a member of the Committee; or

¹²¹ Section replaced by Governance of the Diocese Amendment Ordinance 2007

¹²² Section replaced by Governance of the Diocese Amendment Ordinance 2007

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- (g) is nominated for the office of Bishop or nominates a person for that office.

2.4 Bishop-in-Council may fill any vacancy in the membership of the Committee.

3.¹²³ Consultation process

3.1 The Committee must arrange for the conduct of a consultation throughout the Diocese, especially with members of Synod, with a view to the preparation of a profile of the Diocese which will show, so far as it can be ascertained:

- (a) the present state of the Diocese; and
- (b) any particular challenges or opportunities faced by the Diocese; and
- (c) any specific needs of the Diocese; and
- (d) the expectations of the members of this Church in the Diocese for the work of this Church.

3.2 In conducting its consultations, the Committee must:

- (a) encourage Synod members to reflect on the particular qualities and experience that would be appropriate to seek in a Bishop for the Diocese; and
- (b) prepare the profile with a view to assisting members of Synod to decide between likely nominees; and
- (c) ensure that appropriate information on the Diocese is collected and included in the profile for provision to nominees.

3.3 The Committee must complete its consultation and prepare the profile within the time specified by Bishop-in-Council when making the appointment of the Committee.

4.¹²⁴ Nomination Process

4.1. The Committee must prepare appropriate materials for distribution to prospective nominees which will include:

- (a) a consent form for a comprehensive medical examination; and
- (b) a professional standards check which shall include a consent form for a police check from the appropriate police force or forces; and
- (c) a request for a curriculum vitae in appropriate form; and
- (d) a request for any other information the Committee, after consultation with Bishop-in-Council, considers is appropriately required.

4.2 After completing the materials required by sub-section 4.1, the Committee must call for nominations for the office of Bishop in

¹²³ Section replaced by Governance of the Diocese Amendment Ordinance 2007

¹²⁴ Section replaced by Governance of the Diocese Amendment Ordinance 2007

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such form as the Committee thinks fit and set a date by which all nominations must be received.

- 4.3 The Committee must provide a copy of the materials referred to in sub-section 4.1 and the profile referred to in sub-section 3.1 to
- (a) any person who requests them as a potential nominee or on their behalf; and
 - (b) all persons who are nominated under sub-section 4.2.

5. Nominations for the office of Bishop

- 5.1 Nominations of persons for election as Bishop must be:
- (a) made in writing; and
 - (b) by both a lay member of Synod and a member of the clergy who shall each sign the nomination; and
 - (c) contain the written consent of the nominee; and
 - (d) contain the curriculum vitae referred to in paragraph 4.1(c) and any information requested under paragraph 4.1(d); and
 - (e) enclosed in an envelope addressed to the Registrar; and
 - (f) contain enclosed in the envelope but in separately sealed envelopes marked “Consent to Medical Check” and “Professional Standards Check” respectively the forms referred to in paragraphs 4.1(a) and (b) duly completed; and
 - (g) delivered to the Registrar by the date set by the Committee.
- 5.2 Upon receipt of the nominations, the Committee must:
- (a) arrange for the nominee to be examined by a suitably qualified medical practitioner; and
 - (b) refer the envelope labelled “Professional Standards Check” to the Professional Standards Director; and
 - (c) as soon as practicable but, where possible, after receiving the reports referred to in sub-sections 5.3, 5.4 and 5.7, prepare a list of nominees in alphabetical order by surname and circulate it to every member of Synod together with the curriculum vitae referred to in paragraph 4.1(c) and such other material as the Committee, in consultation with Bishop-in-Council, considers appropriate.
- 5.3 The medical practitioner must be requested to conduct a medical examination of the nominee and express to the Committee an opinion as to whether or not the nominee is medically fit for the office of Bishop and whether there is any medical matter that ought to be disclosed, without disclosing the matter. The Committee shall ensure that the medical practitioner has sufficient information with which to form such an opinion.

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- 5.4 The Professional Standards Director must be requested to make such inquiries and give such consideration as may be necessary to be able to express to the Committee an opinion on whether there is any matter that might render the nominee unfit for the office of Bishop or which ought otherwise to be disclosed, without identifying the matter.
- 5.5 Despite the provision of any other Ordinance, the medical practitioner and the Professional Standards Director must not, without the consent of the nominee, disclose to any person other than the nominee any information received from or about the nominee other than as expressly provided for in this Ordinance.
- 5.6 If either the medical practitioner or the Professional Standards Director report that the nominee is not fit or that there is a matter that ought to be disclosed, the Committee must refer that report to the nominee and request any comment that the nominee may care to make.
- 5.7 The Committee must consider any comment received from the nominee and, as a result, may seek a further opinion from the medical practitioner or the Professional Standards Director and further clarification from the nominee and must advise the nominee that, if at the end of that process, the comment or clarification is not considered satisfactory, the Committee must advise the Synod that there is a matter which it considers should be disclosed by the nominee to Synod.
- 5.8 A nominee may in writing withdraw consent to the nomination at any time and shall thereafter be no longer considered a nominee.
- 5.9 The Registrar must cause ballot papers to be prepared containing the names of all nominees.

6. Procedure for election of Bishop

- 6.1 Synod sits in Committee to receive the report of the Committee.
- 6.2 The election of the Bishop takes place in Synod in Committee.
- 6.3 The proceedings of the Synod in Committee are confidential and must not be open to the public.
- 6.4 If any member of Synod has been nominated, that member must withdraw from Synod immediately after Synod sits in Synod in Committee and remain absent until a Bishop has been elected or until such time as his or her name is no longer on the list of nominees.

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- 6.5 Prior to the Electoral Synod, the President in consultation with the Committee and the Chancellor must prepare a procedure for the conduct of the Synod in Committee at the Electoral Synod and the Registrar shall circulate that procedure to all members of Synod with a request that any proposed amendments to that procedure be notified to the Registrar by a specified date.
- 6.6 If any proposed amendments are accepted by the President after consultation with the Committee and the Chancellor, the Registrar must circulate to all members of Synod a further copy of the procedure with all such amendments incorporated together with a list of those amendments not incorporated.
- 6.7 Any person may, at the commencement of the Electoral Synod, move to amend the procedures but only in accordance with any amendment that has been circulated under sub-section 6.6.
- 6.8 Subject to this Ordinance, the Electoral Synod must not consider any other amendment to the procedures circulated under sub-section 6.6.
- 6.9 Subject to this Schedule, but notwithstanding anything to the contrary in the Standing Orders of the Synod or any other Ordinance, the Synod in Committee must be conducted in accordance with the procedures circulated under sub-sections 6.5 or 6.6 as the case may be as amended under sub-section 6.7.
- 6.10 The Committee must report to the Synod in Committee when it commences to sit, the findings from their considerations under section 5, including, where applicable, that, without disclosing the matter, there is a matter which it considers should be disclosed by the nominee to Synod as mentioned in sub-section 57, and any other matters which any nominee consents to being reported.
- 6.11 When Synod in Committee has decided to proceed to a vote, the voting must take place, whether one or more persons have been nominated, in accordance with the rules set out in Schedule 2.
- 6.12 When one of the persons nominated has received a majority of votes of the members of Synod in Committee as required under Schedule 2, the Committee Chair must report to the President.

7.¹²⁵ Declaration of result of election

- 7.1 The President must upon receiving the report of the Committee Chair under subsection 6.12-
- (a) declare to the Electoral Synod the person to be the Bishop-elect of Canberra and Goulburn;

¹²⁵ Section inserted by Governance of the Diocese Amendment Ordinance 2007

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- (b) inform the person of the fact; and
- (c) ask the person whether the person accepts the office.

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SCHEDULE 2 - BALLOTING FOR ELECTION OF BISHOP

1. Returning officer and tellers.

- 1.1 The Registrar shall be the returning officer.
- 1.2 The Electoral Synod shall elect two clerical and two lay members of Synod as tellers to count the votes.

2. Ballot papers

- 2.1 For the purpose of voting in any ballot the scrutineers shall deliver to each member present a ballot paper containing the list of names then under ballot.
- 2.2 As each member receives his or her ballot paper the member's name shall be crossed off a list of the members of Synod.
- 2.3 At the conclusion of any ballot the tellers shall count the votes and report in writing signed by them to the Committee Chair who shall thereupon announce the result of the ballot.

3. The Select List

- 3.1 If there be no more than four nominations all the names shall be placed on a Select List.
- 3.2 If there be more than four nominations each member shall vote by making a cross opposite not more nor less than four names on the ballot paper and depositing it in the ballot box.
- 3.3 The four names receiving the highest number of votes shall be placed upon a Select List.
- 3.4 In the event of two or more names having received an equal number of votes for fourth place both or all such names shall be placed upon a Select List.

4. The Final List

- 4.1 If there be no more than two names upon the Select List both names shall be placed upon a Final List.
- 4.2 If there be more than two names upon the Select List each member shall vote by making a cross opposite not more nor less than two names on the ballot paper and depositing it in the ballot box.
- 4.3 The two names receiving the highest number of votes shall be placed upon a Final List.
- 4.4 In the event of three or more names having received an equal number of votes for first place the names of those receiving equal votes shall be re-submitted and the two names receiving the highest number of votes shall then be placed upon a Final List.
- 4.5 In the event of two or more names having received an equal number of votes for second place, the names of those receiving equal votes shall be re-submitted and the name receiving the highest number of votes shall be placed upon the Final List.

5. The ballot on the Final List

- 5.1 Each member shall vote by making a cross opposite one name and one name only on the ballot paper and depositing it in the ballot box.
- 5.2 In this ballot voting shall be by orders and separate ballot boxes shall be provided for the clerical and lay members.
- 5.3 The voting papers for the use of the clergy shall be white and those for the lay members shall be coloured.
- 5.4 The name having a majority of the votes in each order shall be the name of the Bishop-elect.

6. Procedure where no majority in ballot on Final List

- 6.1 In the event of no one name having such majority the Committee Chair shall report progress and ask leave to sit again.
- 6.2 The Synod shall adjourn to a time fixed by the Synod being a time which is not less than three hours, and not more than twenty-four hours after the Committee Chair reported progress and asked leave to sit again.
- 6.3 A further ballot shall then be taken in the manner provided for the ballot on the Final List.
- 6.4 If in the further ballot no one name has a majority as specified in paragraph 5.4 Synod in Committee shall proceed to vote as a whole and the name having a majority of the votes shall be the name of the Bishop-elect; provided nevertheless, that the name shall also have not less than one third of the votes in each order present and voting.

7. Procedure where no majority after adjournment

- 7.1 In the event of no one name having a majority on the ballot taken in accordance with paragraph 6, the Electoral Synod shall adjourn for not less than two and not more than four calendar months and on re-assembling shall proceed from the beginning again to the election of a Bishop.¹²⁶
- 7.2¹²⁷ Unless a nominee withdraws consent to the nomination in writing, all nominees shall be considered as having been nominated.
- 7.3¹²⁸ Further nominations may be made to be received no later than 2 weeks after the adjournment of the Electoral Synod and such nominations and nominees must comply with section 5 of Schedule 1.
- 7.4¹²⁹ The Committee appointed under section 2 of Schedule 1 for the purposes of the Electoral Synod shall continue to act and shall

¹²⁶ Amended by Governance of the Diocese Amendment Ordinance 2007

¹²⁷ Section replaced by Governance of the Diocese Amendment Ordinance 2007

¹²⁸ Inserted by Governance of the Diocese Amendment Ordinance 2007

¹²⁹ Inserted by Governance of the Diocese Amendment Ordinance 2007

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process any further nominations in accordance with section 5 of Schedule 1.”

8. President has no vote in Electoral Synod

8.1 The President of the Electoral Synod may not vote in any ballot.

9. Disposition of ballot papers

9.1 When any ballot has been completed the ballot papers shall be enclosed in an envelope sealed and endorsed with the details of the voting and handed to the President who shall retain it until the election has been completed and Synod has given directions for its disposal.

SCHEDULE 3 – DECLARATION TO BE MADE BY BISHOP-ELECT

I (full name) do solemnly and sincerely declare my assent to be bound by the Constitution of the Anglican Church of Australia and the constitutions of the Province of New South Wales and of this Diocese and by the canons, statutes, ordinances and rules (however described) from time to time of the Synod of this Diocese, and of the General Synod and Provincial Synod which have force in this Diocese.

SCHEDULE 4 – CONDITIONS OF SERVICE OF THE BISHOP

1. Bishop’s residence

1.1 The Property Trust must provide and maintain an adequate house for the Bishop out of the capital fund of the Bishopric Endowment and, where that is insufficient, out of the general funds of the Diocese.

2. Annual leave

2.1 The Bishop is entitled to annual leave for a total of 28 days in each calendar year, including 4 Sundays.

2.2 Annual leave that is not taken before the end of the year in which it is due lapses at the end of that year unless approval to accrue the leave for a special purpose for a period not exceeding 2 years is given by the Bishop-in-Council.

3. Other conditions of service

3.1 Other conditions of service of the Bishop, including stipend and allowances, are as determined by the Bishop-in-Council meeting without the Bishop.

SCHEDULE 5 – RECORDS TO BE KEPT BY THE BISHOP

1. Records to be kept by the Bishop

1.1 The Bishop must keep the following records-

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- (a) a register of the clergy of the Diocese; and
 - (b) a record of all the Bishop's official acts.
- 1.2 The register of the clergy of the Diocese must contain, in respect of each member of the clergy–
- (a) the dates of ordination as deacon and priest and the name of the ordaining bishop;
 - (b) the name of the university or college attended by the member of the clergy and the title and date of each degree or diploma (if any) awarded to the member of the clergy;
 - (c) the appointments held by the member of the clergy;
 - (d) the record of the transfer of the member of the clergy from any other diocese; and
 - (e) the date on which the member of the clergy entered the Diocese.
- 1.3 The records kept by the Bishop in accordance with this section are the property of the Diocese.

2. Report to Synod

- 2.1 The Bishop must cause to be laid before each ordinary annual session of Synod a statement containing the following information in respect of the period since the previous ordinary annual session of the Synod–
- (a) the names of the churches which the Bishop has licensed, dedicated or consecrated;
 - (b) a list of the other parochial or diocesan buildings which the Bishop has licensed or dedicated for any purpose;
 - (c) the numbers of persons confirmed;
 - (d) the names of readers and other lay ministers who have been licensed or who have ceased to be licensed;
 - (e) the names of candidates for Holy Orders accepted for training;
 - (f) the names of the deacons and priests ordained; and
 - (g) the changes that have taken place among the clergy by death, change of appointment, departure from the Diocese or otherwise.
- 2.2 The statement referred to in paragraph 2.1 must be recorded in the minutes of the Synod by the secretaries of the Synod.

SCHEDULE 6 – PARISH GENERAL MEETINGS

1. Dictionary

- 1.1 In this Schedule, unless the contrary intention appears –
- general meeting** includes an electoral meeting, an annual general meeting and a special general meeting;
- member of the parish** means a member of this Church who customarily worships in a parish; or where a combined

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ministry district has been constituted under section 41.1 a ministry unit within that district;

rector includes a person in charge of a parish.

2. Electoral meeting

- 2.1 An electoral meeting for the purpose of electing the members of the parish council shall be held in accordance with this paragraph.
- 2.2 The electoral meeting may, if the parish council so decides, be held in conjunction with the annual general meeting of the parish.
- 2.3 The electoral meeting elects—
 - (a) the elected members of the parish council;
 - (b) if the parish has so decided, the presiding member of the parish council;
 - (c) where required, the lay parish members of Synod; and
 - (d) where required, the parish members of the Clergy Appointments Board.
- 2.4 Nominations for election must be called for when notice is given of the holding of an electoral meeting.
- 2.5 Nominations must be in writing and signed by—
 - (a) the person nominated or on his or her behalf with his or her approval;
 - (b) the proposer; and
 - (c) the seconder,all of whom shall be members of the parish.
- 2.6 Unless the notice of meeting sets a closing date for receipt of nominations, nominations may be received at the electoral meeting.

3. Annual general meeting

- 3.1 Each parish shall hold an annual general meeting not later than 31 March in each year.
- 3.2 The business of the annual general meeting shall include—
 - (a) a report to members of the parish by the rector on the general state of the parish and on the rector's strategies and plans for the work of the parish in the coming year;
 - (b) a report to members of the parish by the presiding member of the parish council on the work of the council for the preceding year and on strategies and plans adopted by the council for the future work of this Church in the parish;
 - (c) presentation of reports of parish organisations;
 - (d) a report by the treasurer on the financial affairs of the parish, including:

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- (i) an audited statement of the financial affairs of the parish for the year ending on the preceding 31 December; and
- (ii) forward estimates of income and expenditure in accordance with strategies and plans adopted by the council;
- (e) the appointment of a qualified parish auditors; and
- (f) general business.

3.3 The statement of the financial affairs of the parish must, where Bishop-in-Council has determined a form for such statements, be in accordance with that form.

4. Special general meetings

- 4.1 A special general meeting may be convened at any time.
- 4.2 A special general meeting must be convened—
 - (a) if the parish council so decides;
 - (b) if a quorum of the parish council requests the holding of a special general meeting;
 - (c) at the request of at least 2 of the churchwardens of the parish; or
 - (d) on the written request of 20 or more members of the parish entitled to vote at a general meeting.
- 4.3 A request for the convening of a special general meeting shall state the matters that are desired to be put to the meeting.
- 4.4 The business of a special general meeting shall include only the matters referred to in subparagraph 4.3.

5. Convening of general meetings

- 5.1 A general meeting may be convened by the rector or by the presiding member of the parish council.
- 5.2 Notice of the holding of a general meeting must be given at an ordinary service in each regular place of worship in the parish not less than 2 weeks before the date of the meeting.
- 5.3 Subparagraph 5.2 does not apply to the holding of a special general meeting if there is an urgent need for the meeting.

6. Entitlement to vote at general meetings

- 6.1 A member of the parish who has attained the age of 18 years is entitled to vote at a general meeting of members of the parish.
- 6.2 The person having charge of the ministry unit and a member of the parish council shall certify to the Registrar that this provision has been complied with at any election.

7. Procedure at general meetings

- 7.1 The presiding member of the parish council shall, if present, preside at a general meeting.

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- 7.2 In the absence of the presiding member of the parish council the persons present who are eligible to vote shall elect one of their number to preside.
- 7.3 The person presiding has a deliberative but not a casting vote.
- 7.4 A question arising at a general meeting shall be determined by a majority of the votes of the persons eligible to vote at the meeting who are present and vote on the question.
- 7.5 A quorum at a general meeting of a parish is 10 persons eligible to vote at the meeting.
- 7.6 If a quorum is not present within half an hour after the time fixed for the holding of a general meeting of parishioners or of a congregation, the meeting lapses and a further general meeting may be convened.
- 7.7 If a general meeting lapses before voting has been completed for an election to be held at the meeting, the rector shall convene a further general meeting to hold the election.

8. Amendment of Schedule

- 8.1 This schedule may be amended by Bishop-in-Council as the Standing Committee of Synod by ordinance, either generally or in relation to a particular parish or chaplaincy unit at the request of a general meeting of members of that parish.

SCHEDULE 7 – PARISH ADMINISTRATION

Part A¹³⁰

1. Membership of parish council

- 1.1 A parish council consists of–
- (a) the rector or the person in charge of the parish;
 - (b) the stipendiary assistant clergy of the parish;
 - (c) if there is only one regular worship centre in the parish - the churchwardens of that worship centre¹³¹;
 - (d) if there are two or more regular worship centres in the parish:
 - (i) the churchwardens of the principal worship centre; and
 - (ii) such number of the churchwardens of each other worship centre as is determined at the electoral meeting of the parish; and
 - (e) 3, 6, 9 or 12 other persons (as resolved at the electoral meeting of the parish) of whom one-third shall be persons nominated by the rector or person in charge and two-thirds shall be elected by the members of the parish.

¹³⁰ Inserted by Governance of the Diocese Amendment Ordinance 2006

¹³¹ Amended by the Governance of the Diocese Amendment Ordinance 2016

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- 1.2 A non-stipendiary member of the clergy licensed for service in the parish or a stipendiary lay person appointed to the parish who is not otherwise a member of the council-
 - (a) is entitled to attend meetings of the council and to speak on any matter but not to vote on any matter: or
 - (b) may be appointed to be a member of the council by a general meeting of the parish; or
 - (c) may be co-opted by the council to be a member of the council.
- 1.3 An assistant priest or deacon who is not otherwise a member of the council may be elected as a member of the council.
- 1.4 A council may co-opt a member of the parish to assist the council for such period (but not extending beyond the term of office of the council) as the council determines and such person shall have a right to attend and speak at but not vote at meetings of the Council.¹³²
- 1.5 The validity of anything done by a parish council is not affected by a vacancy in the membership of the council.

2. Presiding member

- 2.1 The presiding member of a council is elected–
 - (a) by the members of the council; or
 - (b) if a general meeting of parishioners so decides, by the electoral meeting of parishioners.

3. Churchwardens

- 3.1 There shall be 3 churchwardens for the principal worship centre in a parish or, where there is only one regular worship centre in a parish, for the parish.
- 3.2 There may be 3 churchwardens for each other regular centre of worship in a parish.
- 3.3 In each case, one churchwarden shall be appointed by the rector and the other 2 elected by the members of the parish who customarily worship at the worship centre, or by the members of the parish as the case may be.
- 3.4 The churchwardens for a worship centre are responsible to the Bishop and the parish council for-
 - (a) ensuring the provision of all things necessary for the conduct of public worship at that worship centre;
 - (b) the maintenance in good order and repair of the property of or used by the worship centre.
- 3.5 Where there are no churchwardens for a worship centre, the duties set out in subparagraph 3.4 vest in the churchwardens for the principal worship centre or for the parish as the case may be.

¹³² amended by Governance of the Diocese Amendment and Extension Ordinance 2004

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- 3.6 The churchwardens of the parish are responsible to the Bishop and the parish council for-
- (a) the safekeeping of parish registers and other parish records; and
 - (b) the maintenance in good order and repair of the rectory, other houses provided for the staff of the parish and other parish property.
- 3.7 The churchwardens of the parish have a duty to provide a written report to the Bishop, signed by a majority of them, on any serious irregularities in the performance of public worship or any wilful neglect of duty or any serious misconduct on the part of the rector.
- 3.8 The churchwardens have the functions and duties conferred or imposed by the laws of the Church, including canons of General Synod and the ordinances of this Diocese.

4. Parish treasurer

- 4.1 The parish treasurer is appointed by the council.
- 4.2 The treasurer must be a member of the parish.
- 4.3 If the person appointed as treasurer is not a member of the council, he or she becomes, upon being so appointed, a member of the council for all purposes for the remainder of the current term of the council.
- 4.4 The treasurer is responsible to the council for–
- (a) ensuring the proper banking of all moneys of the council and the proper payment of all amounts payable by the council;
 - (b) maintaining proper financial records of the parish;
 - (c) reporting to each meeting of the council on the financial affairs of the parish, including projected outcomes in accordance with the annual budget of the council;
 - (d) preparing forward estimates of income and expenditure in accordance with strategies and plans adopted by the council;
 - (e) ensuring that the accounts of the parish are audited by a qualified auditor; and
 - (f) preparing the annual financial report to the annual general meeting of parishioners.

5. Parish Secretary

- 5.1 The council may appoint a person as secretary of the council with such duties as the council may decide.¹³³
- 5.2 The secretary must be a member of the parish.¹³⁴

¹³³ Amended by the Governance of the Diocese Amendment Ordinance 2016

¹³⁴ Inserted by Governance of the Diocese Amendment and Extension Ordinance 2004

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- 5.3 If the person appointed as secretary is not a member of the Council, he or she becomes, upon being so appointed, a member of the Council for all purposes for the remainder of the current term of the Council.^{135 136}
- 6. Qualifications for appointment or election to a parish office**
- 6.1 A person must be a member of a parish who has attained the age of 18 years to be qualified to be appointed or elected as churchwarden, member of the parish council, secretary or treasurer.¹³⁷
- 6.2 A person holding an office specified in subparagraph 6.1 vacates that office if he or she ceases to be a member of the parish.
- 7. Nomination by rector**
- 7.1 The rector must announce, not later than 30 days after the electoral meeting, the churchwardens and council members appointed by the rector.
- 8. Term of office of churchwardens and members of parish councils**
- 8.1 A person elected as a churchwarden or as a council member at an electoral meeting holds office, subject to this Ordinance, for the period from the conclusion of the annual general meeting to which that electoral meeting is related until the conclusion of the next following annual general meeting of that parish.
- 8.2 A person appointed by the rector as churchwarden or council member holds office, subject to this Ordinance, for the period from the conclusion of the annual general meeting to which that electoral meeting is related or from the date of announcement of the appointment, whichever is the later, until the conclusion of the next following annual general meeting of that parish.
- 8.3 The parish is encouraged to adopt the principle that a person elected or appointed as churchwarden or council member should not serve more than 6 consecutive terms in that office in the absence of special circumstances.
- 9. Termination of appointment**
- 9.1 The office of a churchwarden or council member becomes vacant–
- (a) if he or she is absent for 3 consecutive meetings of the council except on leave of absence granted by the council;
 - or
 - (b) if he or she resigns in writing to the rector; or
 - (c) if he or she ceases to be a member of the parish.
- 9.2 The office of churchwarden of a congregation becomes vacant if he or she ceases to be a customary member of that congregation.

¹³⁵ Inserted by Governance of the Diocese Amendment and Extension Ordinance 2004

¹³⁶ Amended by the Governance of the Diocese Amendment Ordinance 2016

¹³⁷ Amended by the Governance of the Diocese Amendment Ordinance 2016

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- 9.3 Acceptance by a council of an apology for absence from a council meeting is to be taken to be a grant of leave of absence from that meeting.
- 9.4 The Bishop may, after consulting with the rector and the Chancellor, suspend for a specified period or terminate the appointment of a person from the office of a churchwarden or council member if the person
- (a) is a Person of Concern; or
 - (b) has refused to comply with reasonable request by the rector and the churchwardens to refrain from behaviour within the parish that is reasonably likely to cause psychological or physical harm to a member of the parish or a person reasonably accessing a ministry provided by the parish.¹³⁸

10. Casual vacancies

- 10.1 Where there is a vacancy in an office of churchwarden or council member nominated by the rector, the rector shall nominate a person qualified to fill the vacancy.
- 10.2 Where there is a vacancy in an elected office of churchwarden or council member, the office shall be filled as soon as practicable by a qualified person elected by a special general meeting of the members of the parish or of the relevant congregation, as the case may be.
- 10.3 A person nominated or elected pursuant to this section holds office for the remainder of the term of office of the person whose place is being filled.

11. Meetings of the council

- 11.1 A council shall hold such meetings as are necessary for the performance of its functions.
- 11.2 A meeting of a council may be convened, subject to any directions of the council, at any time—
- (a) by the presiding member of the council; or
 - (b) if the office of the presiding member is vacant or the presiding member of a council is not available - by the rector.
- 11.3 A meeting of a council shall be convened upon request by the rector or by 4 members of the council.
- 11.4 A quorum of a council is the integer greater than one-half of the number of members of the council or such greater number as the council decides.
- 11.5 If the presiding member of a council is absent from a meeting of the council the members present shall elect one of their number to preside.
- 11.6 Questions arising at a meeting of a council shall be determined by a majority of the votes of the members present and voting

¹³⁸ Inserted by the Governance of the Diocese Ordinance Amendment Ordinance 2015

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and, if the votes are equal, the question shall be decided in the negative.

11.7 The person presiding at a meeting of a council, has a deliberative vote but does not, in the event of an equality of votes, have a casting vote.

11.8 True and accurate records of the Council meeting shall be kept and signed by the presiding member.

12. Executive committee

12.1 The executive committee of the council consists of–

- (a) the presiding member;
- (b) the rector;
- (c) the churchwardens of the principal worship centre of the parish;
- (d) such churchwardens (if any) of each other worship centre in the parish as council determines; and
- (e) the treasurer;
- (f) the secretary, if one has been appointed.

12.2 Subject to any directions of the council, the executive committee has all the powers, and may perform all the functions, of the council between meetings of the council. Such matters to be reported to the council at its next meeting.

12.3 Meetings of the executive committee shall be called, and the business conducted, in a manner determined by the committee.

12.4 A majority of the members constitute a quorum.

13. Committees and task groups

13.1 A council may establish such other committees as it thinks fit.

13.2 A committee of a council is constituted in such manner and has such functions as are specified by the council.

13.3 A committee shall report to the council as required by the council.

13.4 A council may delegate any of its powers and functions to a committee of the council other than this power of delegation.

13.5 A committee may not commit or expend council funds except as authorised by the council.

13.6 A council may appoint task groups to carry out particular tasks on behalf of the council.

14. Vestries

14.1 Where there is more than one worship centre in a parish, the members of the parish who customarily worship at a worship centre may, with the agreement of the parish council, elect a vestry for that worship centre.

14.2 A vestry of a worship centre is, under the rector, responsible to the parish council for managing the affairs of the worship centre.

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- 14.3 The churchwardens of the worship centre are, by virtue of their office, members of the vestry.
- 14.4 The number of members of a vestry, and the method of electing them, is as agreed by the members of the congregation or, in default of agreement, is as determined by the parish council.
- 14.5 The members of the vestry must, at the first meeting of the vestry after its election, choose one of their number to be the presiding member.
- 14.6 The term of office of a vestry is the same as the term of office of the parish council.
- 14.7 The provisions of paragraphs 9 (termination of appointment of members of parish council), 10.1 (filling of casual vacancies on parish council) and 11 (procedure at meetings of parish councils) apply, with such adaptations as are necessary to meet the circumstances of the case, to vestries.

PART B¹³⁹

(Note: If Part B is adopted, the following provisions replace Clause 8 in Part A).

Elected Members of Council

- 8.1 At the first electoral meeting after the adoption of this Part, the persons elected to parish council under paragraph 1.1(e) ("the councillors") shall be ranked according to the number of votes received.¹⁴⁰
- 8.2 The councillors whose votes received place them in the top half of the ranking of councillors hold office for the period from the conclusion of the annual general meeting to which that electoral meeting relates, until the conclusion of the second annual general meeting held after that one.¹⁴¹
- 8.3 The councillors whose votes received place them in the bottom half of the ranking of councillors hold office for the period from the conclusion of the annual general meeting to which that electoral meeting relates, until the conclusion of the next annual general meeting.¹⁴²
- 8.4 At succeeding electoral meetings, the parish shall elect replacements only for those councillors whose term expires at the end of the annual general meeting to which that electoral meeting relates.¹⁴³

¹³⁹ Inserted by Governance of the Diocese Amendment Ordinance 2006

¹⁴⁰ Inserted by Governance of the Diocese Amendment Ordinance 2006

¹⁴¹ Inserted by Governance of the Diocese Amendment Ordinance 2006

¹⁴² Inserted by Governance of the Diocese Amendment Ordinance 2006

¹⁴³ Inserted by Governance of the Diocese Amendment Ordinance 2006

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- 8.5 The term of councillor (other than a member elected in accordance with sub-clause 8.3) is for the period from the conclusion of the annual general meeting to which that electoral meeting relates until the conclusion of the second annual general meeting held after that one.¹⁴⁴

Elected Wardens

- 8.6 At the first electoral meeting after the adoption of this Part, the elected churchwardens are ranked according to the number of votes received.¹⁴⁵
- 8.7 The warden with the highest number of votes holds office for the period from the conclusion of the annual general meeting to which that electoral meeting relates, until the conclusion of the second annual general meeting held after that one.¹⁴⁶
- 8.8 The warden with the lower number of votes holds office for the period from the conclusion of the annual general meeting to which that electoral meeting relates, until the conclusion of the next annual general meeting.¹⁴⁷
- 8.9 At succeeding electoral meetings, the parish shall elect a replacement only for the warden whose term expires at the end of the annual general meeting to which that electoral meeting relates.¹⁴⁸
- 8.10 The term of a warden (other than the warden elected in accordance with sub-clause 8.8) is for the period from the conclusion of the annual general meeting to which that electoral meeting relates, until the conclusion of the second annual general meeting held after that one.¹⁴⁹

Rectors Appointments

- 8.11 A person appointed by the rector as churchwarden or council member holds office, subject to this Ordinance, for the period from the conclusion of the annual general meeting to which that electoral meeting is related or from the date of announcement of the appointment, whichever is the later, until the conclusion of the next following annual general meeting of that parish.¹⁵⁰

General

- 8.12 For the purposes of sub-clauses 8. 1 and 8.6, should there be a tied vote at the point in the ranking where the division is to

¹⁴⁴ Inserted by Governance of the Diocese Amendment Ordinance 2006

¹⁴⁵ Inserted by Governance of the Diocese Amendment Ordinance 2006

¹⁴⁶ Inserted by Governance of the Diocese Amendment Ordinance 2006

¹⁴⁷ Inserted by Governance of the Diocese Amendment Ordinance 2006

¹⁴⁸ Inserted by Governance of the Diocese Amendment Ordinance 2006

¹⁴⁹ Inserted by Governance of the Diocese Amendment Ordinance 2006

¹⁵⁰ Inserted by Governance of the Diocese Amendment Ordinance 2006

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occur, the persons whose votes are tied are separated by drawing their names by lot.¹⁵¹

- 8.13 The parish is encouraged to adopt the principle that a person elected or appointed as churchwarden or council member should not serve more than 6 consecutive terms in that office in the absence of special circumstances.¹⁵²

SCHEDULE 8 – CLERGY APPOINTMENT BOARDS

1. Composition of Clergy Appointment Board

- 1.1 The Clergy Appointment Board for a parish comprises–
- (a) the Bishop or his or her nominee;
 - (b) the relevant Archdeacon or the area dean when requested to attend by the Bishop or assistant Bishop;
 - (c) 2 priests nominated by the Bishop from the panel of priests elected by the Synod;
 - (d) one lay person nominated by the Bishop from the panel of members of the laity elected by the Synod; and
 - (e) 3 members of the parish elected or appointed in accordance with this Schedule.

2. Term of office of parish members of Clergy Appointment Board

- 2.1 Subject to this paragraph, the parish members of the Clergy Appointment Board elected at the parish electoral meeting hold office until the next meeting of parishioners for the general election of lay representatives to Synod following their election.
- 2.2 Subject to this paragraph, a parish member of the Clergy Appointment Board who is appointed by the parish council holds office until the end of the third year after his or her election.
- 2.3 A parish member of the Clergy Appointment Board may resign by giving written notice to the rector of the parish.
- 2.4 A vacancy in an office of parish member of the Clergy Appointment Board elected by the electoral meeting may be filled by an election held at a general meeting of the members of the parish.
- 2.5 Where the process for the appointment of a rector of a parish has begun, the parish members of the Board at that time continue in office until a rector has been appointed notwithstanding that the term of office of those members would otherwise have come to an end in accordance with the provisions of this section.

¹⁵¹ Inserted by Governance of the Diocese Amendment Ordinance 2006

¹⁵² Inserted by Governance of the Diocese Amendment Ordinance 2006

3. Appointment of parish members of Clergy Appointment Board

- 3.1 Unless a general meeting of a parish otherwise decides, the parish members of the Clergy Appointment Board are elected at the electoral meeting.
- 3.2 A general meeting of a parish may decide that the parish members of the Clergy Appointment Board shall be appointed by the Parish Council.

4. Election of diocesan members of Clergy Appointment Board

- 4.1 At the first meeting of each Synod, the Synod shall elect a panel of 8 members of the clergy and a panel of 6 lay persons who are members of Synod.¹⁵³
- 4.2 An Assistant Bishop and an Archdeacon are ineligible to be elected to the panel of members of the clergy referred to in subparagraph 4.1.
- 4.3 Where the process for the appointment of a rector of a parish has begun, the diocesan members of the Board at that time continue in office until a rector has been appointed notwithstanding that the term of office of those members would otherwise have come to an end in accordance with the provisions of this section.¹⁵⁴
- 4.4¹⁵⁵ A person ceases to be a member of the panel established by sub-section 4.1 if the person
- (a) dies;
 - (b) ceases to be a member of this Church;
 - (c) in the case of a member of the clergy – ceases to be licensed by the Bishop;
 - (d) in the case of a lay member – ceases to be a member of Synod;
 - (e) resigns his or her position; or
 - (f) becomes incapable by reason of physical or mental incapacity of discharging the duties of a member of a Clergy Appointments Board.
- 4.5¹⁵⁶ Where there are insufficient nominations at Synod to fill the number of positions on the panel established by sub-section 4.1 or where a member of the panel ceases to be a member, there is a casual vacancy.
- 4.6¹⁵⁷ Bishop-in-Council may fill a casual vacancy in the panel established by sub-section 4.1 by a member of the clergy or a lay member of Synod as the case may be.”

¹⁵³ Amended by Governance of the Diocese Amendment Ordinance 2007

¹⁵⁴ Inserted by Governance of the Diocese Amendment Ordinance 2002

¹⁵⁵ Inserted by Governance of the Diocese Amendment Ordinance 2007

¹⁵⁶ Inserted by Governance of the Diocese Amendment Ordinance 2007

¹⁵⁷ Inserted by Governance of the Diocese Amendment Ordinance 2007

5. Meetings of Clergy Appointment Board

- 5.1 A quorum at a meeting of the Clergy Appointment Board in relation to a parish is 5 members, including at least 2 parish members.
- 5.2 Meetings of a Clergy Appointment Board shall be held in private.
- 5.3 ¹⁵⁸The Clergy Appointment Board will report progress to the Bishop at least every 3 months and if the Board has not made a recommendation within 9 months the Bishop may constitute another Board.’

SCHEDULE 9 – ELECTION OF LAY SYNOD REPRESENTATIVES

¹⁵⁹1 Definitions

- 1.1 In this Schedule, unless the contrary intention appears –
rector includes a person in charge of a parish; and
chaplain includes a person in charge of a chaplaincy unit.

2 Election of lay members of Synod

- 2.1 Following the issue of the Bishop’s mandate for the election of lay members of Synod, each ministry unit entitled to elect lay members of Synod must conduct an election in accordance with this Schedule within the time limited in the mandate or any extension of that time limit.
- 2.2 This paragraph does not apply where Bishop-in-Council has approved other arrangements for a chaplaincy unit in accordance with clause 7.
- 2.3 Subject to clause 3 of this Schedule, the rector or chaplain, as the case may be, must, in accordance with the mandate, convene a general meeting of the members of the ministry unit at which the lay members shall be elected.
- 2.4 Notice of the holding of the general meeting must be given in accordance with the procedure for giving notice for the holding of general meetings of the ministry unit.
- 2.5 Nominations for election must be called for when notice is given of the holding of the general meeting.
- 2.6 Nominations must be in writing and signed by the proposer and the seconder and the person nominated or on his or her behalf with his or her approval.
- 2.7 Unless the notice of meeting sets a closing date for receipt of nominations, nominations may be received at the general meeting.

3. Election may take place at electoral or other meeting

- 3.1 Where the ministry unit holds a general meeting for the election of members of the ministry unit council within the period

¹⁵⁸ Inserted by the Governance of the Diocese Amendment Ordinance 2009

¹⁵⁹ Schedule 9 Inserted by Governance of the Diocese Amendment Ordinance 2001

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specified in the mandate, the election for lay Synod members may be held at that meeting and subclause 2.3 of this Schedule will not then apply.

- 3.2 Notwithstanding subsection 58.4, an election for a casual vacancy under section 58 may take place at a general meeting of a ministry unit provided proper notice if the election is given in accordance with this Schedule and subclause 2.3 of this Schedule will not then apply.
- 3.3 Subject to the other provisions of this clause, the provisions of clause 2 will apply to an election to fill a casual vacancy.

4. Entitlement to vote at general meetings

- 4.1 A member of the ministry unit who is a member of this Church and who has attained the age of 18 years is entitled to vote at the general meeting.

5. Method of election of lay Synod representatives

- 5.1 Where the number of nominations received is equal to or less than the number of vacancies for a lay Synod member, the chair of the meeting shall declare the persons nominated as elected.
- 5.2 Where there are more candidates for each position of a lay Synod member than positions vacant, voting shall be by secret ballot.
- 5.3 The candidates receiving the highest number of votes on the ballot shall be declared elected.
- 5.4 Subject to subclause 5.5 a further ballot vote shall then be held for alternate lay members. Each nominee for election as a lay Synod member who has not been elected as a lay Synod member shall be taken as nominated for election as an alternate lay member unless he or she specifically requests not to be so considered. The chair of the meeting may receive further nominations unless subclause 2.7 applies. The candidates receiving the highest number of votes in that ballot shall be declared elected as alternate lay members for the elected lay members.
- 5.5 If the meeting resolves by resolution passed by a majority of not less than three quarters of those present and voting, the alternate lay members may be elected in the same ballot as for lay members and shall then be those persons receiving the next highest number of votes after those received by the lay members.
- 5.6 If there is an equality of votes in either ballot the successful candidate shall be determined by drawing lots.

6. Certificate of election to be sent to Registrar

- 6.1 Not later than 7 days after the end of the period specified in the Bishop's mandate for the holding of the election, or, in the case of election for a casual vacancy, after the holding of the general

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meeting for that purpose, the rector or chaplain, as the case may be, must send to the Registrar a certificate of election of the lay Synod members and alternate lay members.

- 6.2 The certificate of election must be signed by the rector or chaplain and, where there are churchwardens of the parish, 2 of those churchwardens.
- 6.3 The certificate of election must set out-
 - (a) the names and addresses of those who have been elected; and
 - (b) a statement that they are eligible to be elected as lay Synod members or alternate lay members for the ministry unit concerned.
- 6.4 Where a lay member is unable, unwilling or fails to attend a session of Synod, the rector or chaplain, as the case may be, shall as soon as practicable send to the Registrar a certificate of the name of the alternate lay member to attend the session of Synod in substitution.

7. Other arrangements for choice of lay Synod representative of chaplaincy unit

- 7.1 Bishop-in-Council may, at the request of the chaplain of a chaplaincy unit, approve other arrangements for selection of the lay Synod members of the chaplaincy unit.”

SCHEDULE 10 – CRITERIA TO BE CONSIDERED IN ESTABLISHING A CHAPLAINCY MINISTRY UNIT IN ACCORDANCE WITH SECTION 23

1 Nature of submission to Bishop in Council

- 1.1 The submission to Bishop in Council shall include a statement addressing the aims, objectives and strategies which shall guide and enable the chaplaincy, as well as the criteria and mechanism ensuring evaluation and accountability. It shall further comprise:
 - (a) a general statement describing the ministry to be undertaken, and the group wishing to form such an active community of faith. This statement should describe the community of interest or relationship to a diocesan agency;
 - (b) a detailed report responding to the criteria set out in clauses 2 and 3 of this Schedule, and to the provisions of Schedules 6 and 7 where these are relevant to the operation of the Chaplaincy Ministry Unit;
 - (c) the names of the founding members of Chaplaincy Ministry Unit; and
 - (d) a report from the relevant Archdeacon.

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- 1.2 Bishop in Council may require the group to attend on it or on its duly constituted sub-committee for the purpose of discussing, clarifying, expanding upon or explaining the submission or any aspect of it.

2 Relevance of the Chaplaincy Ministry Unit to the ministry of the Church

- 2.1 The submission to Bishop in Council must address how the Chaplaincy Ministry Unit will address any or all of the Diocesan Mission Objectives, namely:
 - (a) proclaims the Gospel;
 - (b) provides for the worship of God;
 - (c) provides for the administration of the sacraments, baptises new believers and teaches and nurtures all believers;
 - (d) responds to human need through loving service;
 - (e) seeks to transform the unjust structures of society; and
 - (f) strives to safeguard the integrity of creation.

3 Competence of the Chaplaincy Ministry Unit in providing ministry

- 3.1 The submission to Bishop in Council must address the competence of the Chaplaincy Ministry Unit to provide the ministry described. In doing so the submission should address the following criteria:
 - (a) the exercise of leadership within the Chaplaincy Ministry Unit.
 - (b) the nature of partnerships with other ministry units, both Chaplaincy and Parish.
 - (c) the way in which an Anglican Ethos is manifested in the Chaplaincy Ministry Unit.
 - (d) the sources of funding for the Chaplaincy Ministry Unit.
 - (e) the ability of the Chaplaincy Ministry Unit to contribute to the ministry of the wider Church.

4 Approval by Bishop in Council

- 4.1 Bishop in Council must agree to or decline the application to become a Chaplaincy Ministry Unit within six months of the application being received by the Registrar.
- 4.2 In agreeing to the establishment of a Chaplaincy Ministry Unit Bishop in Council shall have regard to: -
 - (a) the nature of the community of interest of the persons concerned;
 - (b) the competence of the Chaplaincy Ministry Unit to provide the ministry proposed;
 - (c) the contribution of the Chaplaincy Ministry Unit to the mission of the Diocese;

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- (d) whether the ministry of this church is likely to be made more effective by the establishing of a chaplaincy unit;
- (e) the financial capacity to the members of the group to contribute to the cost of a chaplaincy unit ministry;
- (f) the financial contribution to be made to the Diocese, such amount to be set by Bishop in Council, having regard to financial contributions made by Parish Ministry Units.

5 Life of a Chaplaincy Ministry Unit

- 5.1 A Chaplaincy Ministry Unit will be established for an initial period of five years, with a major review to be carried out after three years.
- 5.2 After five years of operation, Bishop in Council will review the operation of the Chaplaincy Ministry Unit at least once in each three year period thereafter.

6 Review of a Chaplaincy Ministry Unit.

- 6.1 The reviews specified in clause 5 will be carried out by Bishop in Council having regard to
 - (a) the initial criteria by which the group was granted Chaplaincy Ministry Unit status;
 - (b) any changes to such initial criteria which have been approved by Bishop in Council; and
 - (c) any change in any material circumstance which may have occurred after the constitution of the Chaplaincy Ministry Unit.
- 6.2 Where, following a review, the Bishop in Council makes a finding adverse to the Chaplaincy Ministry Unit, it may give such directions as it sees fit, and may further, either immediately or upon the failure of the Ministry Chaplaincy Unit to comply with such directions, move for the abolition of the Chaplaincy Ministry Unit under subsection 25.7 of this Ordinance.

SCHEDULE 11 – CONSEQUENTIAL AMENDMENTS TO THE CATHEDRAL ORDINANCE 1996

1 The Cathedral Ordinance 1996 is amended as follows

Delete subsection 3.1

Insert 3.1 In this Ordinance ‘the Governance Ordinance’ means the Governance of the Diocese Ordinance 2000 as amended

Delete subsection 11.2

Insert 11.2 The Council is the Ministry Unit Council for the Cathedral Parish for the purposes of the Governance Ordinance

Delete subsection 11.3 (b)

Insert 11.3 (b) any stipendiary assistant priest of the Cathedral Parish

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Delete subsection 11.4

Insert 11.4 Of the persons referred to in paragraph 11.3(f), the Dean appoints one-third and the annual electoral meeting of the Cathedral Parish elects two-thirds in accordance with the requirements of Schedule 7, clause 1 of the Governance Ordinance

Delete subsection 12.2

Insert 12.2 Subject to the responsibility and functions of the Chapter referred to in section 9, the Council has, in relation to the Cathedral Parish and to the Cathedral, buildings ancillary to the Cathedral and the Cathedral grounds, all of the functions and duties of a ministry council under sections 36 and 37 and Schedule 7 of the Governance Ordinance, where these provisions are not inconsistent with this Ordinance.

Delete subsection 16.5(b)

Insert 16.5(b) is a parishioner of a parish or Ministry Unit for the purposes of the Governance Ordinance

Delete subsection 23.2

Insert 23.2 The provisions of Part 5 of the Governance Ordinance apply to the Cathedral Parish only to the extent that they are not inconsistent with this Ordinance.

Delete subsection 23.3

Insert 23.3 The following provisions of the Governance Ordinance apply to the Cathedral Parish with modifications:

- (a) section 35 (which provides for the establishment of a Ministry Unit Council), as modified by section 11 of this Ordinance
- (b) section 36 (which provides for the functions of a Ministry Unit Council), as modified by section 12 of this Ordinance

2 Requirement for a consolidated redraft

2.1 The Chancellor will cause to be produced within 6 months of the Cathedral Ordinance 1996 being amended as set out in this Schedule a consolidated copy of the Cathedral Ordinance as so amended¹⁶⁰

2.2 Notice will be taken of the amended Ordinance as certified by the Chancellor

The Standing Orders of Synod that continue to apply under Section 60.2 of the Governance of the Diocese Ordinance 2000.¹⁶¹

¹⁶⁰ A consolidated copy of the Cathedral Ordinance 1996 is on the Diocesan web site

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Notes

Governance of the Diocese Ordinance 2000 came into effect on 10 September 2000

Amended by

Governance of the Diocese Amendment Ordinance 2001 came into effect on 16 September 2001

Governance of the Diocese Amendment Ordinance 2002 came into effect on 14 September 2002

Governance of the Diocese Amendment and Extension Ordinance 2004 came into effect on 17 September 2004

Governance of the Diocese Amendment Ordinance 2005 came into effect on 9 September 2005

Governance of the Diocese Amendment Ordinance 2006 came into effect on 9 September 2006

Governance of the Diocese Amendment Ordinance 2007 came into effect on 18 September 2007

Governance of the Diocese Amendment Ordinance 2009 came into effect on 19 September 2009

Governance of the Diocese Amendment Ordinance 2010 came into effect on 10 September 2010

Governance of the Diocese Amendment Ordinance 2012 came into effect on 1 September 2012

Governance of the Diocese Amendment Ordinance 2013 (No 2) came into effect on 7 September 2013

Governance of the Diocese Ordinance Amendment Ordinance 2015

Governance of the Diocese Amendment Ordinance 2016 came into effect on 10 September 2016

This Ordinance was based upon many sources including:

Goulburn Bishopric Ordinance 1891

Bishopric Ordinance 1891

Goulburn Bishopric Ordinance 1896

Goulburn Bishopric Amendment Ordinance 1900

Canberra and Goulburn Bishopric Synod and Bishop-in-Council Ordinance of 1924

Goulburn Bishopric Synod and Diocesan Council Ordinance 1926

Goulburn Bishopric Synod and Diocesan Council Ordinance 1934

Goulburn Bishopric Synod and Diocesan Council Ordinance 1937

Bishopric, Synod and Diocesan Council Ordinance of 1924, Ordinance 1944

Bishopric Synod And Diocesan Council (Amendment) Ordinance 1946

Bishopric Synod And Diocesan Council (Amendment) Ordinance 1949

¹⁶¹ the consolidated text of the Standing Orders of Synod are maintained on this website separately

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Bishopric Synod and Diocesan Council (Constitution of Council)
Ordinance 1952

Bishopric Synod And Diocesan Council (Amendment) Ordinance
1952

Bishopric Synod And Diocesan Council (Amendment) Ordinance
1955

Canberra and Goulburn Bishopric, Synod and Bishop-in-Council
Amendment Ordinance 1959

Bishopric Synod And Diocesan Council (Amendment) Ordinance
1961

Bishopric Synod And Diocesan Council (Amendment) Ordinance
1965

Canberra and Goulburn Bishopric, Synod and Bishop-in-Council
Amendment Ordinance 1968

Canberra and Goulburn Bishopric, Synod and Bishop-in-Council
Amendment Ordinance 1975

Canberra and Goulburn Bishopric, Synod and Bishop-in-Council
Amendment Ordinance 1976

Canberra and Goulburn Bishopric, Synod and Bishop-in-Council
Amendment Ordinance 1981

Canberra and Goulburn Bishopric, Synod and Bishop-in-Council
Amendment Ordinance 1985

Canberra and Goulburn Bishopric, Synod and Bishop-in-Council
Amendment Ordinance 1991

Canberra and Goulburn Bishopric, Synod and Bishop-in-Council
Amendment Ordinance (No2) 1992

Canberra and Goulburn Bishopric, Synod and Bishop-in-Council
Amendment Ordinance 1992

Canberra and Goulburn Bishopric Synod and Bishop-In-Council
Ordinance of 1959 Language and Form Update Ordinance 1996