

Anglican Church of Australia - Diocese of Grafton

DIOCESAN GOVERNANCE ORDINANCE 2008

An Ordinance revising, consolidating and repealing certain Administrative Ordinances of the Diocese of Grafton into a single Diocesan Governance Ordinance

Preamble

Be it declared and established by the Bishop, Clergy and Laity of the Diocese of Grafton in Synod assembled as follows:-

Short Title

1. This Ordinance may be cited as the "Diocesan Governance Ordinance 2008".

Commencement

2. This Ordinance shall commence and take effect on the day on which it shall be assented to by the Bishop.

Repealed Enactments

3. All the Ordinances mentioned in Schedule 1 of this Canon are hereby repealed.

Effect of Repeals

4. The repeal of any Ordinance by this Ordinance shall not:-
 - (a) affect any appointment, regulation, order, power, licence or authority made exercised or given by such repealed Ordinance, or
 - (b) revive anything not in force or existing at the time at which such repeal takes effect, or
 - (c) affect the previous operation of any Ordinance so repealed or anything duly done or suffered under any Ordinance so repealed, or
 - (d) affect any right privilege obligation or liability acquired, accrued or incurred under any Ordinance so repealed, or
 - (e) affect any penalty, forfeiture or punishment incurred in respect of any ecclesiastical offence committed against any Ordinance so repealed before such repeal, or

- (f) affect any investigation proceeding or remedy in respect of any such right privilege obligation liability penalty forfeiture or punishment aforesaid.

The Diocesan Governance Ordinance

5. The Diocesan Governance Ordinance 2008 attached hereto as Schedule 2, shall from its commencement unless and until other provision be made by and in accordance with the Constitution or with any Chapter of the Ordinances apply to the persons, things and circumstances appointed or created by or existing under the Ordinances hereby repealed, and all such persons and things and circumstances shall continue unless and until other provision be made as aforesaid to have the same status operation and effect as they respectively had under the Ordinances hereby repealed and the provisions of the said Diocesan Governance Ordinance shall respectively apply and be construed to apply to such persons, things and circumstances respectively as if the corresponding provisions of the said Ordinances hereby repealed had not been so repealed.

SCHEDULE 1

ORDINANCES

REPEALED

Grafton Bishopric and Administration Ordinance 1936 -1996

The Synod Ordinance 1972 - 1999

The Bishop-in-Council Ordinance 1934 - 1991

Parochial Ordinance 1969 – 2001

Licensed Lay Minister's Ordinance 2005

The Church Trust Property Ordinance 1934 - 1999

Diocesan Property Board Ordinance 1991

Cathedral Ordinance 1972 - 2001

The Diocese of Grafton Investment Fund Ordinance 1996

Records and Archives Ordinance 2000

SCHEDULE 2

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AMENDMENTS (date, clause and subject) Error! Bookmark not defined.

CHAPTER 1 - SHORT TITLE

1 *Short Title*

This Ordinance may be cited as the Grafton Diocesan Governance Ordinance 2008.

CHAPTER 2 - PREAMBLE

2 *Fundamental Declarations and Ruling 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 people and organisations. In enacting this Ordinance, 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 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, Synod seeks to establish a system of governance of the affairs of the Church in the Diocese that is—
 - (a) flexible, to permit the Church to work in new ways to meet the differing needs of different parts of the Diocese, the differing needs of the different groups of people within the Diocese and differing needs at different times;
 - (b) responsive, to enable the 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; and
- (d) traditional, reflecting the Episcopal nature of our Church, our commonality with the Anglican community, Anglican practice and the Marks of Anglican Mission.

CHAPTER 3 – DICTIONARY

4. Definitions

In this Ordinance unless inconsistent with the context or subject matter-

"Administrator" means the Ordained Person who administers the affairs of the Diocese and exercises the authorities, powers, rights and duties conferred or imposed upon the Bishop in the absence of the Bishop in accordance with clause 20 of this Ordinance.

"Annual General Meeting" means the annual meeting of the members of a Parish or other Ministry Unit.

"Archives" means the body of records of continuing value to the Church stored in the Diocesan Records Centre and which provides a corporate memory.

"Bishop" means the Bishop of the Diocese or the Bishop's Commissary if the Bishop be absent from the State or the Administrator of the Diocese if the See be vacant.

"Bishop-in-Council" means the Bishop acting with the advice and consent of the Council.

"Canonically Fit" means a person who has canonical fitness within the meaning of section 74(1) of the *Anglican Church of Australia Constitution Act 1961* (Schedule E).

"Centre" is any building where a congregation gathers regularly, within the context of a Parish and under the leadership of an Incumbent, for the purpose of worship and the administration of the Sacraments.

"Centre Wardens" are Wardens appointed or elected pursuant to clause 99 of this Ordinance as Wardens for a Centre.

"Chair of Committees" means the person elected pursuant to clause 6 of the First Schedule to chair Synod when it is formed as a Committee of the Whole.

"Chancellor" is the principal confidential adviser to the Bishop of the Diocese in legal and related matters and is appointed pursuant to clause 21 of this Ordinance.

"Chaplain" means a Minister working within, or in charge of, a Chaplaincy.

"Chaplaincy" means a Ministry Unit designated by a sphere of ministry.

"Church" means the Anglican Church of Australia.

"Church Trust Property" includes all or any part of any real and personal property which may for the time being be subject to any trust whether by dedication, consecration, trust instrument, or otherwise, for or for the use of, or purposes of the Church within this Diocese.

"Churchwarden" means a Churchwarden elected by the Parish Annual General Meeting or a Rector's Warden appointed by the Incumbent.

"Commissary" means the Ordained person licensed by the Bishop in terms of clause 19 of this Ordinance.

"Corporate Trustees" means The Corporate Trustees of the Diocese of Grafton.

"Council" means the advisors of the Bishop in the temporal affairs of the Church whether elected or appointed and who meet as Bishop-in-Council.

"Diocesan Advocate" means the legal practitioner appointed to advise on and undertake the legal work of the Diocese pursuant to clause 22.

"Diocesan Archivist" means the person appointed by Bishop-in-Council to administer the Records Centre and related activities.

"Diocese" means the Diocese of Grafton.

"Disposal" (in relation to Records) means the retention, transfer, destruction, or otherwise treating of records in accordance with a disposal authority.

"Faculty" means a permission from the Bishop to alter, add or remove any furnishings, fittings or ornaments within a place of worship.

"Incumbent" means a Minister (whether Rector or Priest-in-Charge) instituted and inducted as the ordained person in charge of a Parish

"Lay Worker" means a lay person paid by a Ministry Unit for non Pastoral or non Ministry services within the Ministry Unit.

"Licensed Lay Minister" means a lay person who holds a licence from the Bishop issued under the provisions of Chapter 14 of this Ordinance.

"Member of the Church" means a baptised person who attends the public worship of the Church and who declares membership of the Church and is not a member of any other Church.

"Minister" means any ordained person or lay person, who holds a Licence from the Bishop to perform Pastoral or Ministry duties as specified in that licence.

"Ministry Unit" means any division of the Diocese constituting a separate geographical area (Parish) or sphere of ministry (Chaplaincy).

"Nominator" means a person elected at an Annual General Meeting to represent a Parish at a Presentation Board.

"Ordained Person" means the Bishop (or a Bishop) or a person ordained as Deacon or Priest or licensed by the Bishop to exercise Ministry in the Diocese.

"Parish" means a Ministry Unit designated by geography.

"Parish Buildings" means Parish churches, centres, Rectories, Halls and other buildings used for the purposes of the Parish.

"Parish Church" means the church which is the principal place of worship in a Parish.

"Parish Council" means the Parish Councillors and Wardens of a Parish elected and appointed as provided by this Ordinance together with the active and licensed Ordained Persons of the Parish.

"Parishioners" means Members of the Church who are active participants in the life and worship of a Ministry Unit.

"Pledge" means the contribution which a Ministry Unit has promised to contribute to the funds of the Diocese.

"Priest-in-Charge" means a Priest commissioned by the Bishop to be the Incumbent responsible for a Parish. The licence of a Priest-in-Charge is revocable by the Bishop.

"Record" means information recorded in any form, including data in computer systems, created or received and maintained by the Church or any part of it or any members thereof in the conduct of affairs or the transaction of business and kept as evidence of such activity. The record may be created at the direction or by authority of the Church or consequent upon a function duty or power to keep records.

"Records Centre" means the place provided by the Diocese where non-current records and archives are housed.

"Rector" means a Minister in charge of a Parish, who is inducted and instituted to the Cure of Souls with the traditional rights of a Rector unless otherwise controlled by this Ordinance.

"Rector's Centre Warden" means a Centre Warden appointed by a Parish Incumbent, (whether Rector or Priest-in-Charge), pursuant to clause 99 of this Ordinance.

"Rector's Warden" means a Churchwarden appointed by a Parish Incumbent, (whether Rector or Priest-in-Charge), pursuant to clause 81 of this Ordinance.

"Regional Ministry Co-ordinator" is the ordained person who co-ordinates and facilitates the coming together of Ministry Units within a Region for collaborative Ministry beyond the normal responsibility of individual Ministry Units.

"Regional Ministry Council" means a group of Ministry Unit representatives, elected by the Ministry Units, which meets for the purpose of co-ordination and facilitation of collaborative ministry within a geographical region determined by the Bishop

"Registrar" means the Registrar of the Diocese appointed by Bishop-in-Council under this Ordinance clause 60 and in the Registrar's absence the Acting Registrar so appointed and acting as the Registrar.

"Secretary" means as the context dictates

- (a) the Secretary of The Corporate Trustees appointed in accordance with this Ordinance or the Acting Secretary appointed by The Corporate Trustees; or
- (b) a Secretary of the Synod;

(c) a secretary of a Parish Council.

"Separate Trustee" means any trustee or trustees or body of trustees whether incorporated or not, other than The Corporate Trustees or the Bishop.

"session" means a meeting of the Synod convened by the Bishop.

"sitting" means a meeting of the Synod on the day on which Synod is convened or on a subsequent day of that session.

"Stipendiary Lay Minister" means a minister appointed pursuant to chapter thirteen of this ordinance

"Synod" means the Synod of the Diocese.

"Synod Representative" means a person elected by a Ministry Unit at an Annual General Meeting to represent that Ministry Unit at Synod.

"the Clerk" means the Clerk of Committees of the Synod.

"the President" means the President of the Synod.

"Warden" means a person appointed or elected as a Churchwarden (for a Parish) or a Centre Warden (for a Centre) under clauses 79.7f and 99 respectively.

CHAPTER 4 – DIOCESE

5 Mission and Ministry

- 5.1 In accordance with the Constitution and traditions of the Anglican Church the Diocese is, under the care and authority of the Bishop, the unit of organisation of the Church for seeing that the Mission and Ministry of the faithful within the Church to proclaim the Kingdom of God within the geographical area of the Diocese is achieved.
- 5.2 The members of the Church in the Diocese acknowledge, through Synod, their joint responsibility for that Mission and Ministry.

6 Objectives

- 6.1 The 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 the Church in the Diocese—
- (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
- in ways which are consistent and compatible with Anglican theology, practice and tradition.

CHAPTER 5 – BISHOP

7 *Mission and Ministry*

- 7.1 The Bishop's Mission and Ministry as Ordinary and Chief Pastor of the Diocese includes—**
- (a) spiritual and episcopal leadership, oversight and vision;
 - (b) leading in a way that is personal, collegial and communal;
 - (c) supporting the initiatives of Synod and Bishop-in-Council;
and
 - (d) consulting and acting cooperatively with Synod and
Bishop-in-Council on matters temporal.
- 7.2 The Bishop's exercise of authority and responsibility is guided by the traditional rights, roles and responsibilities of an Anglican Diocesan Bishop and is subject to the laws of the Church.**
- 7.3 The Bishop shall exercise episcopal authority and responsibility in matters spiritual concerning Ordinations, Confirmation, Dispensations, Licensing and similar and related matters and may take counsel of any type on such matters. In matters temporal the Bishop shall exercise episcopal authority and responsibility only after due and appropriate consultation, in particular with senior clergy and lay leaders or, where this Ordinance so requires, with the relevant Diocesan body and in accordance with the relevant procedures.**
- 7.4 The Bishop, in the role of Ordinary and Chief Pastor of the Diocese—**
- (a) is pastor to the clergy;
 - (b) is responsible for the spiritual and ministry directions of the Diocese;
 - (c) approves or licenses all ministers, ministries and places of worship within the Diocese;
 - (d) is responsible for the Church work within a Parish or other Ministry Unit during any vacancy in the office of Rector, Priest-in-Charge or Chaplain;
 - (e) has full and free access to all places used for public Anglican worship in the Diocese;

- (f) is entitled to attend all general meetings of members of Ministry Units; and
- (g) may convene general meetings of members of Ministry Units.

7.5 The Bishop, in the role of President and Chair of Synod, Chair of Bishop-in-Council and The Corporate Trustees of the Diocese of Grafton is responsible for providing leadership in the temporal work of the Diocese.

8 Prerogative Powers of the Bishop

8.1 Without limiting the generality of the foregoing the Bishop shall have the powers as are hereinafter mentioned:-

- (a) the Ordination of clergy as provided for by the rites, traditions, practices and the Safe Ministry Policy of the Anglican Church of Australia;
- (b) the granting and revoking of licences to Clergy to officiate in the Diocese subject to any Ordinances regulating the same;
- (c) the exercise of all such powers of an Ordinary as are created or instituted either expressly or by implication by the provisions of the Book of Common Prayer and by forms of service agreed to by General Synod and authorised by Synod for use in this Diocese and the power to put forth or sanction additional services and to adapt the services in the said book and forms of service and to direct or sanction the use of additional prayers; provided that such additional services or prayers shall be subject to such limitations as may be imposed by General Synod or other lawful authority and shall not affect the doctrinal teaching or value of the services contained in the said book and forms of service, and provided always that in case any manner of question or dispute shall arise touching the nature of such doctrinal teaching contained in such adaptation or additional service an appeal shall lie to the

tribunals established under the Constitution of the Diocese and under the Constitution of the Anglican Church of Australia;

- (d) the approval of plans for the erection of Churches and other buildings used for the purpose of public worship to be erected on any site vested in The Corporate Trustees of the Diocese of Grafton or in any other person or persons upon trust for the benefit of the Anglican Church of Australia; and
- (e) the granting of permission or the issue of Faculties for alterations in or additions to or the rebuilding or enlargement of any Church or other building used for the purpose of public worship erected on any site so vested as aforesaid; and for the installation of furniture, display screens, data projection units and furnishings, musical instruments, public address systems or other means of amplification and emission of sound for the purpose of or in connection with public worship therein.

9 *Resignation and Election*

The procedures for the resignation and election of a Bishop are set out in Chapter 6.

10 *Consecration and Installation*

- 10.1 Where following election 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* of General Synod.
- 10.2 The Administrator of the Diocese is responsible for taking the steps required to effect the Consecration of the Bishop-elect.
- 10.3 When the Bishop-elect has been Consecrated (if Consecration is necessary), the Bishop-elect is Installed in the Cathedral.
- 10.4 The Installation is carried out by the Administrator of the Diocese.
- 10.5 The Bishop-elect must make the Declaration set out in clause 38.1 of this Ordinance.

- 10.6 The Bishop-elect, having been duly Installed in accordance with this clause, becomes for all purposes the Bishop of the Diocese of Grafton and successor to the last preceding Bishop of the Diocese of Grafton.
- 10.7 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 next most senior member of the clergy licensed and active within the Diocese.

11 Conditions of Service

- 11.1 The Grafton property consisting of the residence and grounds known as Bishopsholme shall be the official residence of the Bishop of the Diocese of Grafton. Bishopsholme shall be managed and maintained by The Corporate Trustees of the Diocese of Grafton and the Diocese shall provide, from the Grafton Bishopric Endowment Fund, to The Corporate Trustees such sum or sums of money as may from time to time be required to pay rates and taxes thereon and the costs of all maintenance and repairs to the property.
- 11.2 The Bishop is entitled to annual leave for a total of 28 days in each calendar year, including four Sundays, and sick leave for a total of 14 days in each calendar year, including two Sundays. This sick leave may accumulate to 28 days.
- 11.3 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 two years is given by Bishop-in-Council.
- 11.4 Other conditions of service of the Bishop, including stipend and allowances, are as determined by Bishop-in-Council meeting without the Bishop.

12 Tenure and Review

- 12.1 The appointment of the Bishop of the Diocese of Grafton shall be for a period of ten years or until the Bishop's sixty fifth birthday, whichever shall come first, or for such extended period or periods, not exceeding three years, as may be determined from time to time by the Bishop's Tenure Review Committee as constituted under clause 12.2 of this

Ordinance PROVIDED THAT in no event shall the tenure of the Bishop extend beyond the Bishop attaining the age of 70 years.

- 12.2 A Bishop's Tenure Review Committee shall be constituted as follows:
- (a) The Metropolitan of the Province of New South Wales or the Metropolitan's nominee. This nominee must be in Episcopal Orders;
 - (b) A person nominated by the Bishop of Grafton; and
 - (c) One cleric and one lay person elected by the First Session of the Synod of the Diocese held immediately prior to the Bishop reaching sixty-five years of age and then at each subsequent first session of the Synod.
- 12.3 The Metropolitan or his or her nominee shall be the Chair of the Bishop's Tenure Review Committee and shall have both a deliberative and a casting vote.
- 12.4 Subject to clause 12.1 during the first six months of the last year of any period of the tenure of the Bishop, including any extension, the Bishop's Tenure Review Committee shall meet to determine whether the tenure shall be extended by a further period not exceeding three years.
- 12.5 The Bishop (or the Bishop's representative) may appear before and make submissions to the Bishop's Tenure Review Committee before any determination is made but neither the Bishop, nor the Bishop's representative, shall be present at the time the determination is made.
- 12.6 The Bishop's Tenure Review Committee shall have the authority, on behalf of Synod, to extend the tenure of the Bishop by a further period not exceeding three years and not exceeding the Bishop's 70th birthday.

13 *Removal from Office*

- 13.1 The Bishop may be removed from office only in accordance with the Anglican Church of Australia Constitution and the Canons of General Synod.
- 13.2 Procedures relating to the removal of the Bishop from office for incapacity are provided by the *Bishop (Incapacity) Canon 1995* of General Synod.

14 *Absence*

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

15 *Bishopric Endowment Fund*

The income of the See of Grafton shall be the income from investment of the trust fund held by The Corporate Trustees and known as the Grafton Bishopric Endowment Fund (the Fund). The Bishop's reasonable costs of office, Diocesan administration relating to the Bishop, salary, superannuation, allowances, travel, entertainment and similar costs as agreed by Bishop-in-Council from time to time will be paid from the Fund. The Fund will be held and administered by The Corporate Trustees and declared to be Church Trust Property. The Fund may be merged and managed with other trust funds. Should in any year the gross receipts from the Fund be insufficient to fund the recurrent costs of the See of Grafton, the shortfall shall be met from the budget of the Diocese of Grafton.

16 *Chair of Bishop-in-Council*

- 16.1 The Bishop shall be the Chair of Bishop-in-Council.
- 16.2 In the absence of the Bishop from Bishop-in-Council otherwise than in the circumstances set out below, the Commissary shall preside and if the Commissary shall not be present, the next most senior member of the clergy shall be Chair for that meeting only.
- 16.3 During
 - (a) a vacancy in the office of Bishop;
 - (b) the absence from the Diocese of the Bishop for a period exceeding thirty days; or

- (c) the incapacity of the Bishop arising from illness or any cause other than absence as aforesaid,
- the Administrator shall preside at Bishop-in-Council and if the Administrator shall not be present the next most senior member of the clergy shall be Chair for that meeting only.
- 16.4 If the Chair be other than the Bishop or the Administrator, the decisions of the Council shall not take effect without the consent of the Bishop or the Administrator.
- 16.5 The Bishop's dealings with property and major financial matters of the Diocese are to be in accordance with clause 53 of this Ordinance.

17 Records to be Kept

- 17.1 The Bishop must keep, or cause to be kept, the following records-
 - (a) a register of the clergy of the Diocese; and
 - (b) a record of all the Bishop's official acts.
- 17.2 The register of the clergy of the Diocese must contain, in respect of each clergyperson –
 - (a) the dates of ordination as deacon and (if relevant) priest or (if relevant) consecration as Bishop and the name of the ordaining Bishop or consecrating Bishops;
 - (b) the name of the university or college or institution attended by the clergyperson and the title and date of each degree, diploma or certificate (if any) awarded to the clergyperson;
 - (c) the appointments held by the clergyperson;
 - (d) the record of the transfer of the clergyperson from any other diocese;
 - (e) the date on which the clergyperson entered the Diocese; and
 - (f) the date on which the clergy person transferred to another Diocese.
- 17.3 The records kept by the Bishop in accordance with this section are the property of the Diocese.

18 Report to Synod

18.1 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 Parish or Diocesan buildings which the Bishop has licensed or dedicated for any purpose;
- (c) the numbers of persons confirmed;
- (d) the names of Licensed 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 or Bishop's consecrated; and
- (g) the changes that have taken place among the clergy by death, change of appointment, departure from the Diocese or otherwise.

18.2 The statement referred to in sub-clause 18.1 must be recorded in the minutes of the Synod by the Synod Secretaries.

19 Commissary

19.1 The Bishop may by writing, registered in the Registry Office, appoint a person named therein being a Priest, licensed and active in the Diocese, to be the Bishop's Commissary. The Bishop may in like manner revoke the appointment. The office of Commissary shall become vacant upon the Commissary ceasing to be a Priest licensed in the Diocese.

19.2 During the absence from New South Wales of the Bishop, the Commissary may exercise all the powers and functions and do and make all things referred to in the *Anglican Church of Australia Trust Property Act 1917*, or such of them as shall be referred to in such appointment, as the case may be, in place of the Bishop.

20 Administrator**20.1 During:**

- (a) a vacancy in the office of Bishop;
- (b) the absence from the Diocese of the Bishop for a period exceeding thirty days; or
- (c) the incapacity of the Bishop arising from illness or any cause other than absence as aforesaid,

the Commissary shall be the Administrator of the Diocese and shall administer the affairs of the Diocese and shall exercise the authorities, powers, rights and duties conferred or imposed upon the Bishop.

20.2 Where there is no Commissary, or the Commissary is not willing or able to act as Administrator, then the next most senior member of the clergy licensed, active and resident within the Diocese, other than the Commissary, (if any), able and willing to act, shall be Administrator and shall administer the affairs of the Diocese and shall exercise the authorities, powers, rights and duties conferred or imposed upon the Bishop.

20.3 During a period of vacancy in the office of Bishop, the Administrator for the time being shall be entitled in addition to his or her ordinary salary or stipend to an amount from the Bishopric Endowment Fund to take the Administrator's salary to the amount which would have been payable to the Bishop should a Bishop have been in place.

20.4 During any incapacity of the Bishop arising from illness or any cause other than absence as aforesaid or during a vacancy in the office of Bishop, the Administrator may exercise all the powers and functions and do and make all the things referred to in the *Anglican Church of Australia Trust Property Act 1917* in place of the Bishop.

20.5 For the purpose of this Ordinance the next most senior member of the clergy shall be:

- (a) the Commissary;
- (b) the Archdeacons by order of their collation in this Diocese;
- (c) the Dean of the Cathedral;
- (d) the Clerical Canons of the Cathedral by order of appointment or election as Canons;

- (e) all other active Priests licensed in the Diocese by seniority in orders.

21 Chancellor

- 21.1 A Chancellor of the Diocese, may be appointed by the Bishop pursuant to the *Chancellors Canon 2001 Adopting Ordinance 2002*.
- 21.2 The Chancellor shall be the principal confidential adviser to the Bishop of the Diocese in legal and related matters.
- 21.3 Subject to the Chancellor's overriding duty to the Bishop, the Chancellor may provide advice to the Synod and other agencies of the Diocese.

22 Diocesan Advocate

- 22.1 A Diocesan Advocate, who must be a qualified and practising lawyer, may be appointed by the Bishop in consultation with Bishop-in-Council.
- 22.2 The Diocesan Advocate shall be the principal legal adviser to the Diocese and Registrar and undertake or advise on the legal work of the Diocese and its agencies.
- 22.3 All conveyances and other legal work needed by Parishes and other agencies shall normally be undertaken by the Diocesan Advocate or an appropriate solicitor.

CHAPTER 6 – BISHOP - RESIGNATION AND ELECTION

23 *Resignation*

23.1 Whenever the Bishop desires to resign the See of Grafton, or, unless an extension of tenure has been granted, on a date not later than ninety days before the completion of ten years in office or the Bishop's sixty fifth birthday, or ninety days prior to the final date of any extension:

- (a) the Bishop shall send a resignation in writing and under seal to the Metropolitan of the Province or if there be no Metropolitan resident therein to the Primate or the Senior Archbishop or Bishop exercising the functions of the Primate;
- (b) the 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;
- (c) in the letter of resignation the Bishop shall request the Metropolitan to issue a Mandate for the Election of a Bishop at a time following the resigning Bishop's departure from office.

24 *Vacancy Other Than By Resignation*

Whenever the See of Grafton shall become vacant otherwise than by resignation the Administrator forthwith shall by writing to the Metropolitan of the Province advise the Metropolitan of such vacancy and its cause and request the issue of a Mandate for the Election of a Bishop.

25 *Summoning the Election Synod*

The Administrator within eight days after receiving the Metropolitan's Mandate for Election, or, if no such Mandate shall have been received, within thirty days of the vacancy occurring call by Notice a special meeting of Synod, called the Election Synod, for the election of a

Bishop. The place and time of the Election Synod shall be notified to all members of Synod in the Notice issued by the Administrator. and the Administrator's Notice shall give not less than sixty days and not more than ninety days notice of the meeting of the Election Synod.

26 *The Election Synod*

- 26.1 The members of the Election Synod shall be the same as that for Synod.
- 26.2 The Election Synod shall deal only with the business of the election of a Bishop.
- 26.3 The rules of the Election Synod shall, as near as possible, be as for an ordinary session of Synod.
- 26.4 Bishop-in-Council shall in accordance with this Ordinance determine the timetable and dates for all stages of the election process.
- 26.5 Bishop-in-Council shall determine whether election candidates may address the Election Synod, when they may be permitted to address the Election Synod and how and in what order the candidates may address the Synod, the time allowed and the way in which candidates might be questioned
- 26.6 All questions to election candidates appearing before the Election Synod shall be respectful and not suggest matters substantially adverse to the candidate unless clear and specific details are placed before the candidate and the Election Synod. If a matter proposed to be raised publicly at the Election Synod is of a nature that it could cause humiliation or harm to the general reputation and standing of the candidate it shall be provided to the candidate (with full particulars) prior to the Election Synod.

27 *President of the Election Synod*

At the Election Synod the Administrator, so long as the Administrator's name is not on the nomination list, shall preside at all times and if for any reason the Administrator shall be unable to preside the next most senior member of the clergy licensed and active within the Diocese shall preside, except as otherwise provided below.

28 Nominations

28.1 Nominations shall be received and dealt with in the following way:

- (a) Any member of the Election Synod may after receiving notification of the Election Synod and not later than thirty days before the Election Synod takes place nominate any person of appropriate learning, experience and canonical fitness to be elected Bishop of the Diocese of Grafton.
- (b) Such nomination, to be valid, shall be:
 - (i) in writing and contain the nominator's full name, address and contact details;
 - (ii) signed by the nominator and five other members of the Election Synod;
 - (iii) delivered to the Registrar before 5.00pm on the last day for nominations; and
 - (iv) contain the nominee's full name, address, contact details, present position and brief curriculum vitae, and shall be accompanied by a statement in writing of any relevant information relating to the nominee which the nominee wishes to place before the members of the Election Synod and a response to any questions or request for information required by Bishop-in-Council.

29 Consent

- 29.1** The Registrar shall upon receipt of a valid nomination inform the nominee of such nomination and seek written consent (transmitted in any actual, facsimile, electrical or other reliable form) for such nomination to proceed. If consent is not received within 14 days the nominee shall be deemed to have declined.
- 29.2** Upon receipt of a written consent (and not otherwise) the Registrar shall place the name of each nominee in alphabetical order upon a list of candidates.

30 Bishop Nomination Board

There shall be a Bishop Nomination Board consisting of three members of the House of Clergy and three members of the House of Laity elected by members of Synod in accordance with the election

procedure of Synod at the first session of every Synod. The Administrator of the Diocese (or person acting as Chair of the Election Synod) shall be Chair of the Board ex-officio.

31 *Function of the Bishop Nomination Board*

31.1 The Bishop Nomination Board (the Board) shall

- (a) at the earliest opportunity receive from the Registrar the list of candidates and material provided and meet and prepare a balanced and fair presentation of information relating to the persons nominated. In preparation of the information the Board shall consider and if thought fit include such other material as the Board shall deem appropriate.
- (b) direct the Registrar to forward to each member of the Synod, not later than 14 days before the Election Synod, the list of candidates accompanied by all relevant information as determined by the Board relating to the candidacy of the persons nominated.
- (c) during the recess of Synod and subject to any direction of Synod have power to determine any matter of procedure or matter of detail not prescribed by this Ordinance.

31.2 The Administrator may at any time and shall at the written request of five members of the Bishop Nomination Board convene a meeting of the Board.

32 *Election Procedure*

32.1 A Synod Eucharist shall precede the Election Synod and before reception of Holy Communion members of Synod shall stand and pray together:

“Recognising that the community of the Church in this Diocese has entrusted to us the great responsibility of electing a Bishop we earnestly seek God’s will, we pray for grace to speak and act with wisdom and charity and with regard to the integrity of those whose names come before us.”

- 32.2 Upon the Election Synod being duly constituted the Administrator, if acting as President of the Election Synod, or a person appointed by the person acting as President, shall deliver an address during which Synod members shall be reminded of the significance of their duties.
- 32.3 The President shall then read the alphabetical list of nominations and any person so nominated may thereupon withdraw from the list. No person whose name remains on the list of nominations after the opportunity for withdrawal shall take part in any further proceedings as a member of the Election Synod and shall vacate the Synod Chamber unless and until either the the person's name has been deleted from the list of nominations by way of ballot or the person is invited by the Election Synod to address it as a candidate. If the President is nominated and the nomination is not withdrawn, the Synod shall elect another clerical member of Synod as its President (such member not being a person remaining on the list of nominations) and thereupon the President shall vacate the Chair and shall leave the Synod Chamber.
- (a) Synod shall immediately resolve itself into a Committee of the Whole and receive such information as may be available concerning each candidate on the list of nominations and in particular shall receive the information prepared by the Board referred to in clause 31 hereof.
 - (b) Each nomination shall be moved and seconded and members may speak to the motion nominating the candidate. Following the carriage of a motion that a list of nominees be accepted, the Chair of the Committee of the Whole reports the list to the Election Synod President.
- 32.4 If the nominees on the list do not exceed six in number they shall form the Select List. If such nominees exceed six in number the following provisions apply:
- (a) Voting shall be by Houses.
 - (b) The person who presides at Synod shall have a deliberative vote, but shall not have a casting vote.

- (c) The Secretaries of Synod shall furnish each member of Synod with a ballot paper containing the list of nominations in alphabetical order.
- (d) Each member shall place an 'X' against not more nor less than three candidates for whom the member wishes to vote.
- (e) The three names receiving the highest number of votes on the ballot papers of clerical members and the three names receiving the highest number of votes on the ballot papers of lay members shall form the Select List. In the event of two or more names having received an equal number of votes for third place, both or all of these shall be placed on the Select List.
- (f) When the number of candidates has been reduced to the Select List, the Synod may again resolve itself into a Committee of the Whole to discuss further the candidates on the Select List. When discussion of the candidates is complete the Committee may resolve to report progress to the Synod, and if this is agreed to Synod may then consider the motion that it proceed to election. On such a question the House of Clergy and the House of Laity shall separately vote on the motion. If the motion is lost in either House the discussion on the candidates, in Committee if necessary, shall continue.

32.5 If the motion that Synod proceed to the election is carried in both Houses, the following procedure shall apply:

- (a) The Secretaries of Synod shall furnish each member of Synod with:
 - (i) the Select List of nominations in alphabetical order, and
 - (ii) a ballot paper.
- (b) Each member shall vote by writing the name of his or her preferred candidate on the ballot paper.

- (c) If on the ballot, a candidate receives the votes of not less than two-thirds of the House of Clergy and not less than two-thirds of the House of Laity, the candidate is elected.
- (d) If on the ballot a candidate receives a majority of votes in each house, but a two-thirds majority in no House or only one House, all other names are deleted from the Select List and the Synod voting procedure set out in clause 32.5(g) shall apply.
- (e) If no candidate is elected, pursuant to sub-clause (c) or given priority pursuant to sub-clause (d), the candidate with the least number of votes on the ballot shall be eliminated and on successive ballots the candidate with the least number of votes shall be eliminated until one candidate remains.
- (f) When the number of candidates has been reduced to two, Synod may again resolve itself into a Committee of the Whole to discuss further the remaining candidates. On a motion of both Houses duly carried that the Chair shall report progress and recommend that only a specific name be maintained on the Select List the Synod may apply the voting procedure set out in clause 32.5(g).
- (g) The question is put "that (person whose name remains on the Select List) be elected Bishop of this Diocese? Each member shall vote by writing either "Yes" or "No" on the ballot paper. If a two-thirds majority of the formal votes cast in each House are "Yes", the person shall be declared to be duly elected.
- (h) If the two-thirds majority of each House is not received, the President shall submit the question "Shall Synod take further action in the election of a Bishop?" If the question is decided in the negative Synod shall be deemed to have been unable to elect; but if the question is decided in the affirmative Synod may adjourn for a period not longer than

three months. The provisions of this Ordinance for nomination and election shall apply to any adjournment.

- (i) **When two thirds of the members of each House vote for a candidate the President shall forthwith notify the person elected Bishop of the Diocese of the election result and seek from the candidate acceptance of the office. The Bishop elect shall have thirty days in which to notify acceptance of the office, after which time the Bishop elect shall be deemed to have declined to accept office unless the time for acceptance is extended by the Administrator.**

33 Referral to Bishop-in-Council

- 33.1 Should Synod decline to proceed to election or has been unable to elect, the question of the election of a Bishop shall be referred to Bishop-in-Council which shall proceed to nominate a person canonically fit to be Bishop of the Diocese.
- 33.2 Any such nomination by Bishop-in-Council shall be the subject of a ballot by the Election Synod on the question that the said nominee be elected Bishop of the Diocese. If a two-thirds majority of the members present of each House votes in the affirmative, that nominee shall be declared to be duly elected.

34 Name of Bishop-elect to be sent to Metropolitan

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.

35 Election Result Announcement

- 35.1 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.
- 35.2 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 *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.

36 Public Announcement

After confirmations from the Metropolitan and Bishops of the Province have been received the President of the Election Synod shall cause advice of such election to be publicly made in the Cathedral Church and the Parish Churches of the Diocese during Divine Service on the next Sunday.

37 Objection

- 37.1 Any question touching the fitness of the person elected or the validity of the election proceedings shall be submitted to the Metropolitan before that person's consecration, or if already consecrated, before the election is confirmed. After consecration or confirmation, as the case may be, no objection shall be admitted.
- 37.2 In the case of an election declared void or the person elected declines in writing or fails to accept office as Bishop of the Diocese or the Bishops of the Province fail to confirm, Synod shall proceed to further election in accordance with this Ordinance.

38 Consecration and Installation

- 38.1 If there be no objection pursuant to clause 37 the Bishop-elect shall (if such be necessary) or during the Consecration Service sign the following Declaration:

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 the Diocese of Grafton 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.

- 38.2** **Following the signing of the Declaration and Consecration the Bishop shall be installed as Bishop of the Diocese of Grafton in the Cathedral Church of Christ the King, Grafton.**

CHAPTER 7 – SYNOD

39 Mission and Objectives

39.1 Synod is the meeting together of the Bishop and the representatives of the clergy and the laity of the Diocese—

- (a) to affirm and celebrate their common life in the Lord Jesus Christ;
- (b) to conduct the business of the Synod which is-
 - (i) the expression, through the resolutions of Synod, of the minds of the people of the Diocese on matters of common concern relating to the Church and to the world in which the Church is called to exercise its mission and ministry;
 - (ii) the ordering of their common life by the making of Ordinances; and
 - (iii) the oversight of the conduct of the affairs of the Diocese by the agencies and officers of the Diocese.

40 Functions and Powers

40.1 Synod has the function of making Ordinances for the management and good government and regulation of the Church within the Diocese in accordance with Article 2 of the Schedule to the *Anglican Church of Australia Constitutions Act 1902* and Chapter VIII of The Constitution of the Anglican Church of Australia.

40.2 Synod also constitutes a forum in which the members of Synod may consult together on all matters concerning the life of the Church and its Ministry Units within the Diocese.

40.3 Synod exercises oversight over the administration of the institutional affairs of the Diocese by requiring those responsible for the conduct of those affairs to account to Synod when required to do so—

- (a) by Ordinance; or
- (b) in accordance with a resolution of Synod.

40.4 Synod may by Article 3(2) of the Schedule to the *Anglican Church of Australia Constitutions Act 1902* call, by resolution, on any person

holding church trust property to account for that property and its administration.

41 *Term*

41.1 The term of a Synod is three years.

41.2 Prior to the commencement of each term of Synod the Bishop shall issue a Mandate requiring the election of Synod Representatives for a period of three years.

42 *Convening*

42.1 Synod shall, in accordance with Article 1(2) of the Constitution of the Province, be convened at least once in every year by the issue of the Bishop's Summons.

42.2 The Bishop's Summons, stating the time and place of Synod, shall issue to those who by virtue of clause 41 are members of Synod.

42.3 The Bishop must convene a session of Synod when requested to do so in writing by such number of members of Synod as are, in accordance with rules made by Synod, sufficient to constitute a quorum of Synod.

42.4 A session of Synod is the period between the time when Synod convenes in accordance with a Bishop's Summons and the time when, in accordance with Synod's rules, it adjourns until the date on which it is next summoned by the Bishop.

43 *Membership*

43.1 Synod intends that-

- (a) Synod shall consist of three Houses, namely the House of the Bishop, the House of Clergy and the House of Laity, (the three Houses shall sit together in full Synod and shall deliberate and transact business therein and shall vote together unless a vote by Houses is required), and should be representative of the Church and its geography and diverse ministry in the Diocese so that the outcome of a meeting of Synod might truly enliven the ministry of the Church;

- (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;
- (c) members of Synod accept responsibility for effective communication between Synod and the people of God within the Diocese; and
- (d) members of Synod may be called upon to vote according to their Houses (other than the Bishop) and for a vote according to Houses to pass a majority is required in both the House of Clergy and the House of Laity.

43.2 The Synod is composed of:

- (a) the Bishop (who shall not vote in Synod)
- (b) the ex officio members (with full participation and voting rights):
 - (i) the Archdeacons;
 - (ii) the Dean;
 - (iii) the Chancellor;
 - (iv) the Registrar;
 - (v) the Diocesan Advocate;
 - (vi) the Diocesan Treasurer;
 - (vii) the Chair of the Diocesan Property Board; and
- (c) other stipended clergy and Stipendiary Lay Ministers of the Diocese;
- (d) two Synod Representatives from each Parish;
- (e) an additional Parish Synod Representative for each stipended clergyperson (additional to the Incumbent) called to Synod from that Parish;
- (f) an additional lay person, appointed by Bishop-in-Council, for each stipended clergyperson (such as chaplains) not in a Parish setting;
- (g) representatives of the Household of Deacons chosen in accordance with sub clause 43.3;
- (h) such other persons (such as Diocesan school principals, visitors or speakers to Synod) determined by Synod or Bishop-in-Council to be members of Synod or have a seat

at Synod from time to time, and who shall be subject to any restrictions placed upon them by Synod or Bishop-in-Council.

- 43.3 There shall be called to Synod not more than twenty five percent of the active and licensed non-stipendiary Vocational Deacons of the Diocese, who shall be selected from and by any Household of Deacons or similar Synodically approved representative body including as the majority of their membership Non-stipendiary Vocational Deacons, or should no such Household or body exist (or should such body be unable or unwilling to select members to attend the Synod), then selected by the Bishop in whatever manner the Bishop chooses;
- 43.4 Unless otherwise provided, persons elected or appointed to be members of Synod hold office for the term of the Synod to which they are elected or appointed unless they should resign or be removed from the position which entitled them to be a member of Synod.

44 Election of Parish Synod Representatives

- 44.1 Following receipt of the Bishop's mandate for Election of Synod Representatives each Parish shall elect at the Annual General Meeting the requisite number of Synod representatives as prescribed by clauses 43.2 (d) and (e), and alternative Synod Representatives (who shall attend Synod if one or more of the original Synod Representatives is unable to attend), chosen from the Parishioners for the life of the Synod, at an Annual General Meeting or duly convened Special Meeting of Parishioners.
- 44.2 Nominations shall be received in accordance with clause 80.
- 44.3 The Synod Representatives upon election shall sign and date a declaration that:

"I the undersigned (full name and address) do declare that I am a communicant member of the Anglican Church of Australia and will endeavour to faithfully perform the duties of Synod Representative to the best of my ability and will conform to the Ordinances of the Synod of the Diocese of Grafton relating to this office."

- 44.4 The Incumbent shall forward the names and contact details of the elected Synod Representatives to the Bishop together with the Mandate, the Declarations made, a certified copy of the minutes of the election and the ballot papers (if any).
- 44.5 The ballot papers and minutes shall be held by the Registrar for one month after the first session of Synod following before being destroyed.
- 44.6 If the Parish is unable to elect sufficient Synod Representatives the Bishop, upon request in writing from the Parish Council, may allow for the election of a Representative from outside of the Ministry Unit's borders who is a Member of the Church resident within the Diocese provided the person does not represent any other Ministry Unit at Synod.
- 44.7 If for any reason no election is able to be held, such failure will not invalidate the proceedings of Synod. In such circumstances the Bishop in consultation with the Parish Council and Incumbent may take whatever steps are required to enable the Parish to be represented at Synod.
- 44.8 The Synod Representatives for a Parish shall hold office for the life of the Synod (three years).
- 44.9 Any Synod Representative may resign in writing to the Bishop.
- 44.10 An elected Synod Representative may be removed following a resolution of Bishop-in-Council if the representative:
- (a) becomes mentally or physically incapable of undertaking duties as a Synod Representative;
 - (b) is convicted of an indictable offence in any court;
 - (c) ceases to be qualified under any provision of this Ordinance; or
 - (d) fails to attend any session of Synod without reasonable excuse or Leave of Absence granted by the Bishop.
- 44.11 Any vacancy occurring in the number of Synod Representatives for a Parish shall be filled by election at the next Annual General Meeting of the Parish.

- 44.12 If a vacancy occurs between the Annual General Meeting and the next Synod session that vacancy shall be filled by the Parish Council; if this (by reason of time) is not possible, the vacancy will be filled by the Bishop in consultation with the Incumbent and members of the Parish Council.

45 *Standing Orders*

The Standing Orders of Synod shall be as determined by Synod and are attached to this Ordinance as the First Schedule.

CHAPTER 8 – BISHOP-IN-COUNCIL

46 *Mission and Ministry*

The Mission and Ministry of Bishop-in-Council is to assist and support the Bishop in all matters pertaining to the temporal affairs of the Church and Diocese and in all such matters the Bishop shall act by and with the consent of the Council.

47 *Objectives*

This Chapter seeks to provide a framework within which Bishop-in-Council may plan for those matters of Diocesan governance, structure, strategy, vision, direction and policies which will allow the Bishop, Ministers, administrators and the people of the Diocese to more effectively and efficiently proclaim the Kingdom.

48 *Functions*

48.1 Bishop-in-Council acts for Synod between Synods and is responsible to Synod and the wider Church:

- (a) for establishing strategies and goals for the Mission and Ministry of the 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 proper management of the property and financial resources of the Diocese for the purposes of carrying out and sustaining the Mission and Ministry of the Church in the Diocese; and
- (d) for the supervision of the affairs of Diocesan agencies and incorporated bodies.

48.2 Bishop-in-Council is the Standing Committee of Synod between Synods and, in that capacity, exercises such of the powers and functions of the Synod as the Synod may and has delegated to Bishop-in-Council by Ordinance and are allowed by the Constitutions of the Church and relevant Acts of Parliament.

49 Composition

- 49.1 The composition of Bishop-in-Council is intended to bring together with the Bishop key members of Diocesan ministry – 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.
- 49.2 The Synod intends that the appointment or election of members of Bishop-in-Council will reflect the diverse ministries of the Diocese and its geographic spread.
- 49.3 The members of Bishop-in-Council are–
- (a) the Bishop;
 - (b) the ex officio members:
 - (i) the Archdeacons;
 - (ii) the Dean;
 - (iii) the Chancellor;
 - (iv) the Registrar;
 - (v) the Diocesan Treasurer;
 - (vi) the Chair of Committees; and
 - (vii) the Chair of the Diocesan Property Board.
 - (c) the Regional Ministry Co-ordinators;
 - (d) Regional Ministry Council (RMC) Lay Representatives: one elected for each RMC at the first session of each Synod, from and by the Lay Synod Representatives of each RMC;
 - (e) two Clerical and two Lay members of Synod elected at the first session of each Synod by their respective Houses; and
 - (f) three members qualified to be Synod Representatives (either clergy or laity) appointed by the Bishop.
- 49.4 The appointed members and the elected members of Synod hold office from the date of their appointment or election until the last day of the first session of the next Synod.

50 Election of Members

- 50.1 An election for the clerical and lay members of Bishop-in-Council from Synod shall be held during the first session of each Synod.

51 Vacancies

Where a vacancy occurs in the office of an elected member, Bishop-in-Council may appoint a member of the clergy or of the laity, as the case may be, who is eligible or qualified in the same way as the original person elected to fill the vacancy until the next session of Synod at which an election shall be held to fill the vacancy.

52 Termination of Membership

- 52.1 As Bishop-in-Council acts for Synod, exercising the powers delegated by Synod, a person elected by Synod may not remain a member of Bishop-in-Council if that person ceases to be a member of Synod.

- 52.2 An elected or appointed member of Bishop-in-Council:

- (a) may resign in writing to the Bishop and the resignation takes effect on a stipulated day or if no date is stipulated when it is received by the Bishop;
- (b) ceases to be a member of Bishop-in-Council if that person is absent from three consecutive meetings without the leave of Bishop-in-Council.

- 52.3 A person who is a member of Bishop-in-Council by virtue of holding an office ceases to be a member of Bishop-in-Council when the person ceases to hold that office.

- 52.4 A clerical member of Bishop-in-Council ceases to be a member if he or she ceases to be a member of Synod or becomes ineligible to be summoned to Synod.

- 52.5 A lay member of Bishop-in-Council ceases to be a member if he or she ceases to be a member of Synod or becomes ineligible to be summoned to Synod.

- 52.6 A member of Bishop-in-Council ceases to be a member of Synod, and thus of Bishop-in-Council, if he or she ceases to be a member of the Church.

- 52.7 Any member of Bishop-in-Council, other than the Bishop, may be removed by a resolution of Synod or Bishop-in-Council after the

member has been given an opportunity to be heard on the reasons for the proposed removal.

53 Bishop and Bishop-in-Council – Relationship

53.1 The Bishop is President and Chair of and presides at meetings of Bishop-in-Council.

53.2 A decision of Bishop-in-Council does not take effect unless the Bishop assents to the decision.

53.3 The Bishop may not act alone, unless so authorised by Bishop-in-Council, 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 ; or
- (c) substantial change to the Diocesan budget.

This sub-clause does not apply where as a matter of necessity urgent action is required and it is impracticable to obtain a formal decision of Bishop-in-Council or any Executive Committee as appropriate.

53.4 Where, in accordance with the previous sub-clause, the Bishop has taken, as a matter of necessity, urgent action without first obtaining the agreement of the Bishop-in-Council or any Executive Committee in place, the Bishop must, as soon as practicable thereafter, report the actions to the members of the Bishop-in-Council.

53.5 Nothing in this section will be taken to limit the position of the Bishop in Bishop-in-Council.

54 Accountability

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

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

54.3 Bishop-in-Council must table the Financial Statements 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.

55 Meeting Procedures

- 55.1 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.
- 55.2 Bishop-in-Council must meet at least four times in each year.
- 55.3 A quorum of Bishop-in-Council consists of five ordained members, other than the Bishop, and five lay members.
- 55.4 The Bishop presides at meetings of Bishop-in-Council at which the Bishop is present.
- 55.5 In the absence of the Bishop from Bishop-in-Council the Commissary shall preside and if the Commissary shall not be present, the next most senior member of the clergy shall be Chair for that meeting only. Decisions of Bishop-in-Council without the Bishop do not take effect until the Bishop (or the Administrator if there is no Bishop) assents to the decisions.
- 55.6 Subject to this Ordinance, the procedures to be followed at meetings of Bishop-in-Council are a matter for Bishop-in-Council.
- 55.7 A meeting of Bishop-in-Council, or any Executive Committee, may be held by any electronic, 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 Bishop-in-Council not so present.
- 55.8 A vote of members of Bishop-in-Council otherwise than at a meeting may be taken by mail, facsimile transmission, electronic means, telephone or other means of communication.
- 55.9 A resolution on which a vote is taken in accordance with the previous sub-clause is to be taken to have been agreed to by Bishop-in-Council if a majority of members able to vote do so in favour of the resolution.
- 55.10 Where a vote is taken in accordance with subclause 55.9 the Registrar must record the motion upon which the vote is taken and the vote of each voting member. The record of the motion, the voting for and

against, and the date of the resolution must be kept with the minutes of Bishop-in-Council.

56 Groups, Committees and Commissions

- 56.1 Bishop-in-Council may appoint such task or working groups or committees or Commissions as it considers necessary to assist it in the discharge of its functions, and may make appropriate provision through terms of reference or a constitution for membership and procedures to be followed by any such task or working group or committee or Commission established under this sub-clause and provide such powers or functions to them as it considers appropriate. Such task or working groups or committees or Commissions may have members who are not members of Bishop-in-Council and in appointing the members Bishop-in-Council shall have regard to gender balance.
- 56.2 Bishop-in-Council shall establish a Diocesan Audit Committee (the Charter of the Diocesan Audit Committee is as contained in Chapter 19), and a Salary and Allowance Committee to be chaired by suitably qualified and experienced persons. Bishop-in-Council shall appoint as members of these committees such persons as it considers appropriate and shall in consultation with those Committees prescribe the Rules, Standing Orders or Constitutions of those Committees.
- 56.3 The terms of reference and membership and basis of appointment of any task or working group or committee or Commission shall be regularly reported in the Diocesan Year Book.

57 Duties

- 57.1 It shall be the duty of Bishop-in-Council to:
- (a) discharge such of the powers and functions as have been or shall hereafter be delegated to it under the provisions of any Ordinance and the provisions of the *Anglican Church of Australia Trust Property Act 1917*;
 - (b) provide a governance and planning framework, structure, strategy, vision, and policy direction for the Diocese;
 - (c) manage and administer all the Diocesan Funds, except those for which other provision has been made, to assign

- the salaries and make the payments connected with the conduct of Diocesan business, to submit to Synod a report upon such financial matters together with the auditor's report thereupon;
- (d) receive and consider the six monthly report of the Salary & Allowances Committee and determine a minimum amount of stipend and allowances payable to the Bishop, Clergy, Stipendiary Lay Ministers and the Registrar;
 - (e) elect or appoint from time to time such number of persons to be members of or fill vacancies in, any committee, commission, board or other as by the respective Ordinance or Resolution of Synod is directed;
 - (f) fill vacancies during the recess of Synod in the representatives of General and Provincial Synod, the Panel of Triers and in any other committee, Commission, board or other body elected or appointed by Synod or Bishop-in-Council;
 - (g) prepare an annual Diocesan budget showing
 - (i) the sum of money required to administer the Bishopric, Registry Office, Diocesan Entities and Ministries;
 - (ii) the amount available from rents, charges, fees and investments including the Bishopric Endowment; and
 - (iii) the amount (the Pledge) to be contributed by the Ministry Units of the Diocese for general Diocesan purposes; and report such draft budget to Synod for amendment or adoption. The authority of Bishop-in-Council to seek a contribution or Pledge from Ministry Units is hereby affirmed;
 - (h) make arrangements for the sessions of Synod of the Diocese, to prepare the business to be brought before Synod and to report to each Session of Synod transactions of Bishop-in-Council during the intervening period;
 - (i) publish a Year Book of the Diocese containing inter alia a report of the proceedings of Synod;

- (j) discharge all duties specifically assigned to it from time to time by Synod by Ordinance or resolution and generally, during the recess of Synod, guide and control the temporal affairs of the Diocese consistently with the Constitutions of the Church and the Ordinances of Synod.

58 *Diocesan Treasurer*

- 58.1 There shall be a Diocesan Treasurer who shall be elected by Bishop-in-Council at its first meeting after the first Session of each Synod;
- 58.2 The person so appointed Diocesan Treasurer shall be ex-officio a voting member of the Synod of the Diocese and of Bishop-in-Council;
- 58.3 The Diocesan Treasurer may be removed from office by Synod or Bishop-in-Council at either's discretion, the opportunity having first been given to the Diocesan Treasurer to be heard on the reason for removal.

59 *Duties of the Diocesan Treasurer*

- 59.1 It shall be the duty of the Diocesan Treasurer to:
 - (a) have oversight of the financial affairs and accounts of the Diocese;
 - (b) report to each Session of the Synod upon financial matters of the Diocese generally and upon the management and investment of the moneys and property of the Church held upon trust; and
 - (c) report regularly to Bishop-in-Council on the financial management of the Diocese.

60 *Registrar*

- 60.1 There shall be a Registrar of the Diocese who may be a layperson or an Ordained Person and who shall be a communicant member of the Anglican Church of Australia.
- 60.2 The Registrar shall be a person qualified or experienced in a field appropriate to the role such as business, management, finance or similar and shall be a 'fit and proper' person under the Australian Prudential Regulatory Authority guidelines.

61 *Appointment of the Registrar*

61.1 The Registrar shall be appointed by Bishop-in-Council.

61.2 An Acting Registrar may be appointed in writing by the Bishop or Registrar to act in periods of the absence of the Registrar and such writing may prescribe the period of such appointment, the extent and degree of delegation to the Acting Registrar.

62 *Duties of the Registrar*

62.1 The duties of the Registrar include

- (a) discharging and carrying out all such work as shall properly attach to the office of Registrar including the registering of the official acts of the Bishop;
- (b) acting as Secretary to Bishop-in-Council, The Corporate Trustees and the Grafton Diocese Investment Fund;
- (c) being responsible for the proper keeping of all accounts and funds under the direct control of Bishop-in-Council and The Corporate Trustees;
- (d) discharging and carrying out all such work as shall be required in connection with the collection of all moneys due and payable into the respective Funds of the Diocese under the direct control of Synod, including receiving such money, issuing a receipt for each sum of money received and keeping appropriate records of the same;
- (e) maintaining a Diocesan Property Register of all lands and property belonging to The Corporate Trustees and acting as custodian of all deeds held by The Corporate Trustees, the Bishop or other Trustees in connection with such lands;
- (f) ensuring proper and sufficient insurance cover is held by the Church and its entities within the Diocese;
- (g) ensuring the Church entities within the Diocese are compliant with occupational health and safety and employment laws;
- (h) ensuring a proper program of education for Professional Standards is maintained;

- (i) ensuring a correct record of all trusts held by The Corporate Trustees is maintained and that copies of all Declarations of Trust executed by The Corporate Trustees are available to the beneficial owners of property;
- (j) maintaining a record of all applications of the Corporate Seal of The Corporate Trustees; and
- (k) acting, if necessary, as the proper officer for The Corporate Trustees.

63 *Diocesan Auditor*

Bishop-in-Council shall engage an Auditor or firm of auditors whose duty it shall be to audit the accounts of the Diocese, The Corporate Trustees and the Grafton Diocese Investment Fund and shall report the results of such Audit annually to Synod and take such action thereon as it may think fit.

64 *Delegation of Powers and Duties*

Bishop-in-Council is hereby authorised from time to time to appoint an Executive Committee and to delegate to such Executive Committee any portion of its powers and duties (except those relating to acts and things relating to trust funds or Declarations of Trust or the alteration of Trusts). Such delegation of powers may be made with or without obligation to report to Bishop-in-Council, but the powers so delegated shall be strictly defined and shall be revocable by Bishop-in-Council at pleasure.

65 *Interested Member*

No member of Bishop-in-Council shall be present during the discussion or decision of any question, other than the level of Pledges which they or their Ministry Unit are liable for, in which they are interested unless the person be specially authorised to remain or is requested to be present by Bishop-in-Council.

CHAPTER 9 – MINISTRY UNITS (PARISHES AND CHAPLAINCIES)

66 *Ministry and Mission*

- 66.1. To provide structures for governance and the licensing of buildings of worship to enable the Members of the Church in the Diocese to undertake ministry and promote the mission of the Church and participate in the corporate life of the Diocese and local Church communities.

67 *Ministry Units – Parishes or Chaplaincies*

- 67.1 Each Ministry Unit will be determined either by its geographical area, to be known as a Parish or by its ministry responsibilities, to be known as a Chaplaincy. If appropriate or necessary a Chaplaincy may be designated primarily by the Chaplaincy's ministry responsibilities coupled with a precise or general geographical area.
- 67.2 The number and place of Ministry Units and their boundaries or ministry responsibilities shall be determined by Bishop-in-Council and recorded in documents maintained by the Diocesan Registry and available to the Ministry Unit.
- 67.3 Those Parishes or Chaplaincies with their respective boundaries or responsibilities existing when this Ordinance comes into operation shall constitute the Parishes and other Ministry Units of the Diocese for the time being and subject to the operation of this Ordinance shall continue to exist with their present status and boundaries.
- 67.4 The official designation of each Parish and other Ministry Unit shall be recommended by the Parish or other Ministry Unit and determined by Synod or Bishop-in-Council and may from time to time be altered but no alteration may be made without the Parish or other Ministry Unit being given the opportunity to be heard on the alteration.

68 *Creation of Parishes*

- 68.1 Members of the Church who wish to have the geographical area in which they live designated a Parish may forward a request to Bishop-in-Council asking for the geographical area to be constituted a Parish. The request submitted to Bishop-in-Council should contain at least:

- (a) the clear request;
- (b) supporting arguments;
- (c) known opposing views; and
- (d) such other material as might assist Bishop-in-Council to make a decision.

68.2 Subject to clause 72 Bishop-in-Council may grant the application for a new geographical Parish after due consideration of:

- (a) the most appropriate manner in which to provide for the work of the Church in the area;
- (b) the general community of interest of the people in the area; and
- (c) the financial capacity of the members of the Church in the geographical area to support a Parish and to provide parish buildings, furnishings or other facilities for a community of faith that contributes to the wider life of the Diocese and Church.

68.3 Upon granting the status of a Parish to an area, Bishop-in-Council shall determine when the new status shall come into effect and any required pro rata contributions to Diocesan funds for the remaining portion of the year.

69 Creation of Ministry Units (Chaplaincies)

69.1 Members of the Church forming a non-geographical active community of faith and wishing to have their community of faith designated a Ministry Unit (Chaplaincy) may forward a request to Bishop-in-Council asking for their community of faith to be constituted a Ministry Unit centred upon the communal interest. The request submitted to Bishop-in-Council should contain at least:

- (a) the clear request;
- (b) supporting arguments;
- (c) known opposing views; and
- (d) such other material as might assist Bishop-in-Council to make a decision.

- 69.2 Bishop-in-Council may grant the application for a new Ministry Unit (Chaplaincy) designated by ministry responsibility after due consideration of:
- (a) the most appropriate manner in which to provide for the work of the Church in this sphere of ministry;
 - (b) the general community of interest of the people involved; and
 - (c) the financial capacity of the Diocese or Members of the Church in the sphere of ministry to support such a Ministry Unit and to provide facilities for a community of faith that contributes to the wider life of the Diocese and Church.
- 69.3 Upon granting the status of a Chaplaincy to a group within a sphere of ministry, Bishop-in-Council shall determine when the new status shall come into effect and any required pro rata contributions to Diocesan funds for the remaining portion of the year.

70 Regional Ministry Councils

- 70.1 Regional Ministry Councils may be established at the discretion of the Bishop and the region may contain such Parishes and other Ministry Units as the Bishop deems appropriate.
- 70.2 Regional Ministry Councils shall have as their purpose the co-ordination and facilitation of collaborative ministry across Ministry Units within the Region covered by the Regional Ministry Council.
- 70.3 A Regional Ministry Council shall be Chaired by a Regional Ministry Co-ordinator who shall foster the work of the Council and act as the Bishop's representative to foster the nurture of the clergy and lay leaders in a region and to facilitate communication between Bishop-in-Council and the region.
- 70.4 A Regional Ministry Co-ordinator is appointed by the Bishop who may determine the appointment at will.
- 70.5 A Regional Ministry Co-ordinator is an ex-officio member of Bishop-in-Council with full voting and participation rights.

71 School Chaplains

- 71.1 All Diocesan school or college Councils shall commit to provision of a Chaplain within the school or college community and will be actively involved in the appointment of the Chaplain.
- 71.2 School or college Chaplains shall foster the Christian faith, values and lifestyle among students, staff and parents and others associated with the school or college.

72 Alterations to Ministry Unit Boundaries

- 72.1 The functions conferred on Bishop-in-Council by this clause are to be exercised in accordance with the objective of making effective provision for the work of the Church and the most efficient use of the resources of the Diocese.
- 72.2 Bishop-in-Council may alter a Ministry Unit's boundaries or responsibilities in accordance with this clause.
- 72.3 Bishop-in-Council may not alter the boundaries or responsibilities of a Ministry Unit unless the changes have been agreed to by the Ministry Unit Council or have been approved by Synod.
- 72.4 A Ministry Unit Council or responsible committee may, by submission, request Bishop-in-Council to alter the boundaries or responsibilities of the Ministry Unit.
- 72.5 Where a proposed boundary or responsibility alteration would affect the boundaries or responsibilities of another Ministry Unit, Bishop-in-Council may not make the change proposed unless it has received a joint request from both Ministry Units.
- 72.6 Bishop-in-Council may not make any alteration to the boundaries of a Parish that would leave any part of the Diocese outside a Parish.
- 72.7 Bishop-in-Council may alter a Chaplaincy's sphere of ministry or responsibility either of its own motion or in accordance with a request by the Chaplaincy.
- 72.8 Where a proposed alteration to a Chaplaincy's sphere of ministry or responsibility would affect the ministry of another Chaplaincy or Ministry Unit, Bishop-in-Council may not make the alteration proposed unless it has received, or requested, a joint request from both Chaplaincies and Ministry Units. If no joint submission is received after

a request has been made Bishop-in-Council may proceed to consider and determine the matter.

72.9 Every determination by Bishop-in-Council of the boundaries of any Parish made in accordance with this Ordinance shall be conclusive. Any copy of or extract of such determination or the maps or plans that accompany the same if certified by the Registrar as being correct shall be prima facie evidence of the matter they contain.

72.10 The alteration of the boundaries or responsibilities of a Ministry Unit shall not be held to absolve the Ministry Unit from any existing obligation to contribute financially or otherwise to the Diocese. Bishop-in-Council shall determine the proportion of any financial or other obligation to be borne by any Ministry Unit affected by any alteration of boundaries.

72.11 Nothing in this clause shall affect the right of the Bishop to make changes to the style and area of Ministry Units to assist in the work of the Church.

73 *Dissolution of Ministry Units*

73.1 Bishop-in-Council may not abolish or merge Ministry Units without prior consultation with the Members of the Church involved with the worshipping community that is the Ministry Unit.

73.2 Bishop-in-Council may abolish a Ministry Unit following consultation only if:

- (a) such dissolution of the Ministry Unit will lead to a more effective provision for the Mission of the Church; and
- (b) it will lead to a more effective use of the resources of the Diocese.

73.3 Bishop-in-Council shall manage the appropriate dispersion of all Ministry Unit property, financial or otherwise, and pastoral needs as may be required during the period of dissolution.

CHAPTER 10 - PARISH ADMINISTRATION

74 Objectives

This Chapter seeks to provide Parishes with a transparent, accountable and open system of governance, led by the Incumbent, Churchwardens and Parish Council, and which encourages the members of the Parish to be involved in the worship, ministry and outreach of the Parish.

75 The Community of Believers

75.1 People who are part of the Church resident within the boundaries of, or attending, the Parish for worship are entitled and may be entered into the Parish Roll of the Parish.

75.2 Parish members who:

- (a) are communicant members of the Anglican Church of Australia;
- (b) are entered on the Parish Roll; and
- (c) are eighteen years of age or over;

may vote in any meeting of the Parish or be nominated for any position in the governance structures of the Parish.

75.3 Parishes are required to report numerical information, obtained from the Parish Roll, to Synod, through the Registrar, on an annual basis.

76 Governance Structure

76.1 The burden of the governance and management of the Parish's activities to enhance the life of the Church and Diocese will be a shared conciliar ministry which is open, transparent, collaborative and accountable in accordance with the Diocesan Vision and Mission.

76.2 The Bishop will ensure that an Incumbent is appointed to each Parish to lead the spiritual life and assist in the temporal dimensions of the Parish's corporate life in partnership and collaboration with the members of the Parish and Diocese as a whole.

76.3 The Parish Council (appointed under clause 79.8) shall in conjunction with the Incumbent and Churchwardens prepare and assist in

implementing programs designed to further the Mission and Ministry of the Church in the Parish and beyond.

- 76.4 The Wardens, whether Parish or Centre, shall be responsible for the seating and good order of the congregation during divine service, will be part of the Parish Council executive and shall with the Incumbent be responsible for communication of all information and the appointment, control and dismissal of lay workers (other than licensed Lay Ministers).

77 Parish Council

- 77.1 There shall be a Parish Council consisting of:

- (a) the Incumbent and any active licensed clergy;
- (b) two Churchwardens (elected at the Parish Church's Annual General Meeting);
- (c) a Rector's Warden;
- (d) a Centre Warden for each Centre church the Annual General Meeting nominates;
- (e) elected Representatives of the Members of the Parish (a number divisible by three but to a maximum of 9); and
- (f) members of the Parish appointed by the Incumbent (one for each three elected Representatives of the Members of the Parish).

- 77.2 All members of the Parish Council must complete a Prohibited Employment Declaration from the NSW Commission for Children and Young People.

78 Duties and Responsibility of the Parish Council

- 78.1 The duties and responsibilities of the Parish Council are to co-operate with the Incumbent in the initiation, conduct and development of the worship and work of the Church both within the Parish and outside and in particular:

- (a) in conjunction with the clergy and Churchwardens to prepare and assist in implementing programmes designed to further the mission and ministry of the Church in the Parish and beyond;

- (b) to provide and preserve all things needed for the proper celebration of Divine Service, the administration of the Sacraments and Rites of the Church and safe keeping of Parish records;
- (c) subject to the Diocesan Ordinances, to have authority over the administration of Parish funds (including the funds of all Parish organisations), their receipt and disbursement, and to have authority in all matters connected with the material assets or liabilities of the Parish;
- (d) to be responsible for the drawing up of a budget, being an estimate of income and expenditure of the Parish for the ensuing year, for the presentation of the budget to the Annual General Meeting for adoption by the Parishioners, for the amendment from time to time as necessary of the budget as adopted at the Annual General Meeting, and for such actions as may be necessary to adhere to budget;
- (e) to make provision for the punctual payment of all stipends, wages and other debts.
- (f) to deduct, make and transmit to the Diocesan Treasurer, or to such other persons or bodies as may be required, all lawful superannuation, taxation and other statutory charges as required;
- (g) so far as the Parish funds lawfully available for these purposes may allow, to keep in repair the fabric of the Church, the Incumbent's residence and other buildings and to provide such furnishings and amenities in the residences owned by the Parish as may be prescribed by the Diocesan Clergy Housing Standards;
- (h) to ensure that any property for which they are responsible is appropriately insured and that Public Liability Insurance is also taken out;
- (i) to ensure the stipended Parish Clergy and Stipendiary Lay Ministers required to be covered by Salary Continuance Insurance are so covered and all lay workers employed by

- the Parish are covered by a Workers Compensation policy issued by the WorkCover Authority of NSW;
- (j) to ensure that all insurances required by Bishop-in-Council to be taken out are taken out, including insurance for volunteer workers;
- (k) to act as a Council of advice to the Incumbent and the Churchwardens;
- (l) to ensure that the Parish maintains a healthy financial state; and
- (m) to ensure any position with direct and unsupervised contact with children must be risk assessed and all who work or volunteer in such positions must complete a NSW Commission for Children and Young People "Working with Children Check" and obtain a Commission clearance.

79 Parish Annual General & Special Meetings

79.1 An Annual General Meeting of members of a Parish must be held before the end of February each year.

79.2 A Special Meeting of the members of a Parish or Centre shall be held at any time at the request of:

- (a) the Bishop or
- (b) the Incumbent or
- (c) the Churchwardens or
- (d) any 20 Parish members who are eligible to vote.

Such a meeting shall be held within 28 days of the request being made.

79.3 A notice in writing of any meeting of the Parish or a Centre must be given fourteen days before the date of meeting. Such notice must be placed in a clearly visible place at the entrance of all places of worship for all members of the Parish to see and must include:

- (a) the venue;
- (b) the time; and
- (c) the agenda or purpose of the meeting.

- 79.4 Any meeting of the Members of a Parish will be considered to have a quorum if:
- (a) Six Members of the Parish eligible to vote and
 - (b) the Incumbent or a person appointed by the Incumbent to act as Chair
- are present.
- 79.5 A meeting of the Parish may be chaired by:
- (a) the Incumbent, or a person appointed by the Incumbent; or
 - (b) the Bishop, if present; or
 - (c) a person appointed by the Bishop; or
 - (d) the meeting may elect a Chair from the members present.
- 79.6 The Chair may ask any or all persons present to subscribe to a declaration that
- "I (full name) the undersigned do declare that I am a member of the Anglican Church of Australia."
- 79.7 The agenda of an Annual General Meeting should include but is not limited to:
- (a) Opening prayer;
 - (b) The reading or presentation of the circulated minutes of the previous Annual General Meeting and any Special Meeting(s) held since that time;
 - (c) Reception of the reports of the Incumbent and Parish organisations detailing activity for the past year;
 - (d) Reception of an audited statement of the financial position of the Parish and any relevant entities;
 - (e) Reception and approval of a budget presented by the Treasurer for the next year;
 - (f) Election of two Churchwardens (Parish) for the coming year;
 - (g) Determination of the number (divisible by four to a maximum of 12) of Parish Councillors and election of three quarters of the required number for the coming year;

- (h) If the Bishop's Mandate has been received, election of two (or more if entitled) Synod Representatives and an alternative Synod Representative;
- (i) Election of two Parish Nominators as required by clause 111;
- (j) Appointment of an Auditor who must be, or eligible to be, a member of a professional accounting body or a registered Auditor;
- (k) The election if so determined of any of the following officers who shall be under the direction of the Incumbent:
 - (i) An Education Secretary, other than clergy, to liaise between the Parish and the Diocesan Education Organisation;
 - (ii) A Media Correspondent, preferably experienced or skilled in journalism, who will direct news of parish activities to the media;
 - (iii) A Mission Secretary to liaise between the Parish and Diocesan Mission Organisation; and
 - (iv) A Youth Officer, other than clergy, to promote ministry to and by youth within the Parish and to liaise between the Parish and the Diocesan Youth Organisation.

79.8 If a suitably qualified auditor is not available, and the Bishop and Registrar approve, two suitably experienced and appropriate persons must act as joint auditors.

80 Election of Parish Councillors and Synod Representatives

- 80.1 Nominations for all Parish Council and Synod positions bearing the consent of the nominee must be received by the Secretary of the Parish Council at least ten (10) days before the meeting.
- 80.2 Those nominations received by the Secretary of the Parish Council shall be notified to the Members of the Parish at Sunday services prior to the meeting.
- 80.3 If the nominations for a position are sufficient or less than the number required the persons validly nominated will be declared elected on the agreement of the majority present.

- 80.4 Nominations may be accepted from the floor of the meeting for remaining vacant positions if:
- (a) there have been insufficient nominations received for the number of vacancies to be filled; and
 - (b) the nominee is present and signifies his or her consent or written confirmation of the consent is tabled.
- 80.5 Should there be more nominations for a position than positions vacant the meeting must proceed as follows:
- (a) Two scrutineers shall be appointed by those present.
 - (b) Each member of the Parish present shall be supplied with a ballot paper.
 - (c) A member of the Parish votes by legibly writing on the ballot paper the names of those the member wishes to vote for.
 - (d) A vote is formal if it has no more (but may have less) names than the number required to be elected.
 - (e) The scrutineers shall collect and count the votes cast discarding those that are illegible or contain more than the required number.
 - (f) The results shall be reported to the Chair who shall have a casting, but not a deliberative, vote in the event of a tied vote.

The result shall be announced to the meeting.

- 81 *Rector's Appointment of Warden and Parish Councillors***
The Incumbent may appoint one Rector's Warden. The Incumbent may also appoint one Parish Councillor for each three Parish Councillors elected by the Annual General Meeting under clause 79.7(g).

- 82 *Commissioning of Members of Parish Council***
Those elected and appointed to the Parish Council by the Annual General Meeting shall be admitted to their office by the Presiding Minister during a worship service held at the Parish Church in the presence of the congregation.

83 *Term of Office*

All elected positions shall be held until the election or appointment of a successor unless the person elected dies, resigns in writing to the Incumbent or otherwise is held to have left office.

84 *Filling of Vacancies*

Any vacancy that occurs in the office of an elected member before the Annual General Meeting may be filled by the Parish Council, and any vacancy occurring in the office of a member appointed by the Incumbent shall be filled by a nominee of the Incumbent.

85 *Quorum*

A quorum for the Parish Council will be one third of the members of the Parish Council.

86 *Meetings*

86.1 The first meeting of the Parish Council shall be called by the Incumbent, no later than one month after the Annual General Meeting, and notices of all subsequent meetings will be issued by the Secretary.

86.2 The Chair of the Parish Council will be the Incumbent, or a person appointed by the Incumbent, unless the Bishop is present and chooses to Chair the meeting.

86.3 At the first meeting of a Parish Council following the Annual General meeting the Council Members will:

- (a) elect a Secretary for the year with due consideration as to the duties of the Secretary in terms of the Position Description contained in the Diocesan Procedure Manual;
- (c) elect a Treasurer with due consideration as to the duties of the Treasurer in terms of the Position Description contained in the Diocesan Procedure Manual;
- (d) determine the time, place and frequency of meeting, which shall be no less than three monthly;
- (e) sign the following declaration:

"I (full name) having been appointed or elected a Churchwarden or a Parish Councillor for the Parish of do declare that I am duly qualified for the office under the provisions of the Diocesan Governance

Ordinance 2008 and that I will faithfully perform all the duties of my office and conform to the Ordinances of the Synod of the Diocese of Grafton relating to that office."

The declaration is to be fixed to the Minute Book of the Council Meetings. Any member failing to do so within sixty (60) days will no longer be considered a Council Member and as such the office becomes vacant;

- (f) read and confirm the minutes of the Annual General Meeting of the Parish; and
- (g) issue a certificate that the minutes are a true and correct record, signed to that effect by the Secretary.

86.10 The duties and responsibilities of the Chair of the Parish Council are outlined in the Position Description contained in the Diocesan Procedure Manual.

86.11 A meeting of the Parish Council shall be open to all Members of the Parish as observers who may be asked to:

- (a) speak at the Chair's discretion, or
- (b) leave if the Council resolves to go into Committee.

86.12 A Parish may have an Executive Committee consisting of:

- (a) The Incumbent;
- (b) The Parish Council Chair (if not the Incumbent);
- (c) The Churchwardens;
- (d) The Secretary and
- (e) The Treasurer.

86.13 The Parish Council may appoint Committees to assist in Parish management.

87 Leave of Absence

87.1 A Parish Council Member may be granted leave of absence by the Parish Council from its meetings.

87.2 A Parish Council Member who is absent without being granted leave of absence for three (3) consecutive meetings may have his or her office declared vacant.

88 *Suspension or Removal of Members*

- 88.1 The Bishop may suspend a Parish Council Member pending the results of an enquiry if it is alleged that a person has:
- (a) refused or neglected to conform to the provisions of this Ordinance relating to the office; or
 - (b) ceased to be qualified for the office in accordance with the provisions of this Ordinance.

- 88.2 Bishop-in-Council may remove a Parish Council Member from office following an enquiry, at which the Parish Council member has been heard, if the person has:

- (a) refused or neglected to conform to the provisions of this Ordinance relating to the office; or
- (b) ceased to be qualified for the office in accordance with the provisions of this Ordinance.

89 *Special Meetings of the Parish Council*

A Special Meeting of the Parish Council may be convened at the discretion of the Executive Committee of the Parish, or at the request of the Bishop, or at the request of at least 20 members of the Parish.

90 *The Wardens*

- 90.1 The Wardens, whether Churchwardens, Centre Wardens, Rector's Warden or Rector's Centre Warden, shall:

- (a) co-operate with the Incumbent in the initiation conduct and development of the work of the Church, especially as it concerns the Parish or Church for which they have responsibility;
- (b) ensure that all things necessary for the proper conduct of Divine Service are provided within the Church or Churches for which they have responsibility;
- (c) keep order in Church and provide for the due seating of the people and the collection of alms and other offerings;
- (d) ensure adequate provision is made for the proper preservation and safe custody of the Church Registers and

- all Church plate and other valuables within the Church or Churches for which they have responsibility;
- (e) keep an inventory of all Church goods and movable property belonging to the Church for which they have responsibility;
- (f) report to the Parish Council on:-
 - (i) any expenditure necessary to preserve the fabric of the Church and other buildings and the furniture therein; and
 - (ii) any expenditure necessary to keep the fences and grounds in order;
- (g) report to the Bishop any irregularities in the performance of Divine Service or wilful neglect of duty or serious misconduct or ineffectiveness on the part of the Incumbent;
- (h) attend the Bishop or Archdeacon whenever cited to a visitation;
- (i) see that the accounts of any funds belonging to the Church of which they are Wardens are made up and closed on the thirty first day of December each year and that an audited statement of such accounts is laid before the Annual General Meeting;
- (j) hand over to their successors the custody of all funds goods and movable property belonging to the Church of which they are Wardens with an inventory thereof;
- (k) report to Parish Council on any expenditure necessary to keep the residence of the clergy of the Parish in good order and repair;
- (l) maintain an appropriate record of Pastoral Care Visitors.

91 *The Secretary of Parish Council*

91.1 The duties of the Secretary of Parish Council shall be:-

- (a) to send notices of meeting to members of the Parish Council;
- (b) to keep minutes of the proceedings of the Parish Council;

- (c) to conduct correspondence on behalf of the Parish Council;
- (d) to prepare in consultation with the Incumbent agenda for meetings;
- (e) to perform such other executive functions as may be assigned by Parish Council; and
- (f) to issue a certificate verifying that the Minutes of any Meeting (Annual General or Special) of Parishioners have been read and confirmed by the Parish Council.

92 *The Treasurer of the Parish Council*

92.1 The duties of the Treasurer of the Parish Council shall be:-

- (a) to record the financial transactions of the Parish Council in such form as shall be determined from time to time by the Bishop-in-Council;
- (b) to present a financial statement to each meeting of the Parish Council;
- (c) to receive and deposit monies on behalf of Parish Council;
- (d) to pay accounts as authorised by the Parish Council;
- (e) to prepare before each Annual General Meeting of Parishioners an audited statement of the Parish Council's financial affairs and to send a copy of such Statement countersigned by the Incumbent and three Wardens forthwith to the Registrar;
- (f) to provide without delay any further Information on the financial affairs of the Parish Council and all Parish Centres and Organisations as may be required by the Registrar;
- (g) to send to the Registrar, at the same time as the statement referred to in sub-clause (e), copies of financial statements of all Centres and Organisations which must have been audited;
- (h) to carry out any other financial functions as may be assigned by the Parish Council; and

- (i) to ensure that the accounts of the Parish and its Organisations are audited at the end of each year.

93 *Voting*

A resolution will be considered passed if a majority of those present vote in favour of the motion with the Chair having a casting vote only.

94 *Contracting*

The Parish is a geographical area and the Parish Council is at law an unincorporated association and its executive committee is consequently not generally able to enter into legally binding contracts. The Incumbent and Churchwardens may enter into contracts on behalf of the Parish and Parish Council. This shall be the standard arrangement for employment contracts. All employment, commercial or financial undertakings must be carefully considered and if necessary the advice of the Diocesan Advocate obtained. Major contracts such as building contracts must, for the protection of the Wardens, Incumbent and Parish Council, be in the name of The Corporate Trustees of the Diocese of Grafton (a legally incorporated body). Contracts entered into by or on behalf of the Churchwardens or Parish Council may be binding upon their successors in office until such contracts are fully completed or otherwise properly terminated and care should be taken in their execution.

95 *Parish Finances*

95.1 The Parish shall be responsible for the raising of funds for its work.

95.2 The Parish shall keep its funds at a bank, building society, credit union or the Grafton Diocese Investment Fund.

95.3 Cheques shall not be drawn unless they bear the signature of at least two persons authorised by the Parish Council.

95.4 No Parish organisation may raise or expend funds for any purpose without permission that may be specific or general, from the Incumbent or Churchwardens, or Parish Council, who shall have consulted on the issue.

- 95.5 The Incumbent and Churchwardens shall ensure that a record is maintained of the names of persons or Ministry Unit organisations that have received permission to raise or collect funds on behalf of the Church.
- 95.6 Appropriate authority that complies with relevant State or Federal legislation shall be sought and if required issued to those raising or collecting funds if so required.
- 95.7 The Parish Council shall, upon such conditions as it deems appropriate, authorise the Treasurer or Incumbent to facilitate the opening and closing of any financial accounts bearing the name of the Parish or its organisations.
- 95.8 The Treasurer of the Parish shall keep a list of all accounts authorised under the previous clause.
- 95.9 The Parish Council shall administer its general funds subject to the following obligations and order of priority:
- (a) payment of the stipend, allowances and expenses of the Incumbent and any stipended clergy and any Stipendiary Lay Ministers and the salary, allowances and expenses of any person employed by the Parish;
 - (b) payment of all monies due and payable in accordance with or pursuant to a statute of the State or the Commonwealth or a regulation or a by-law lawfully made thereunder;
 - (c) payment of insurances, rates and taxes on all Church Property for which the Parish is responsible;
 - (d) payment of the Parish's Pledge to the Diocese;
 - (e) payment of any contributions required by Ordinance; and
 - (f) payment of any other expenses.
- 95.10 The Parish shall pay for the Incumbent to attend the Annual Diocesan Clergy Conference and Ministry School and an annual Retreat in accordance with clauses 128.14 and 128.15 of this Ordinance.
- 95.11 The Parish shall pay for a Minister receiving a stipend, to attend all Clergy Conferences, Ministry Schools and Retreats organised for Ministers by the Bishop or Diocese for Ministers in accordance with clauses 128.14 and 128.15 of this Ordinance.

- 95.12 The Parish may pay for any other Ministers who hold a licence within the Parish to attend any Clergy Conferences, Ministry Schools and Retreats organised by the Diocese.
- 95.13 The Parish shall pay to the Diocese any reasonable expenses incurred and requested by the Bishop or Members of the Presentation Board during the course of the meetings of the Presentation Board.
- 95.14 The Parish will ensure that the accounts of the Parish and its Organisations are audited at the end of each year.

96 Parish Borrowings

- 96.1 A Parish may not borrow any money except with the consent of Bishop-in-Council.
- 96.2 Should a Parish propose to borrow money the details of the proposal shall be prepared as a notice and displayed in a prominent place in all places of worship used by the Ministry Unit for a period of twenty one (21) days and the attention of the congregation shall be drawn to it. The notice must state:
- (a) the purpose of the loan;.
 - (b) the amount of the loan;
 - (c) the amount of interest and times and manner of payment, and other such matters as the Incumbent and Parish Council believe to be reasonably relevant
- 96.3 The notice must state that Parish members may lodge an objection in writing that is signed by the objector(s).
- 96.4 Within one month of the expiration of the twenty one day period the Parish may make an application to Bishop-in-Council for consent to the loan in the same terms as the notice stated and enclose with the application copies of all objections received. Such application shall be accompanied by a Budget for the Parish for the duration of the loan or for five years, whichever is less.
- 96.5 The Bishop will certify the decision of Bishop-in-Council to grant the loan in writing specifying:
- (a) the purpose of the loan;.
 - (b) the amount of the loan;

(c) the amount of interest and times and manner of payment, and other such matters as the Bishop, or Bishop-in-Council believe to be reasonably relevant.

96.6 Bishop-in-Council shall not consent to any loan unless it appears prudent, worthwhile and of benefit to the Parish.

97 Building Trust Funds

- 97.1 Money collected through subscription or raised for the acquisition, erection improvement or addition to lands, buildings or furnishings shall be paid to the Parish Council.
- 97.2 The Parish Council shall forward the money collected in the above sub-clause to The Corporate Trustees together with an explicit statement of purpose for which the money was collected.
- 97.3 Should the Parish intend to spend within three months the money raised for the intended purpose then the money may be retained by the Parish.
- 97.4 If the money raised is not to be used within three months The Corporate Trustees shall invest any money received in a manner allowed by this Ordinance.
- 97.5 The Corporate Trustees shall make a careful record of the type of investment, its appropriateness for short term purposes and the return on investment that may be achieved from such investment.
- 97.6 Any interest accrued shall be added to the capital invested to augment the original funds to the benefit of the Parish.
- 97.7 Once the Parish is ready to commence work with the approval of the Bishop and Diocesan Property Board they may request the release of the funds from The Corporate Trustees.
- 97.8 The Corporate Trustees will after proper request release the funds to the Parish Council for disbursement.
- 97.9 Should the Parish wish to utilise the funds for a purpose other than that designated the procedures laid down by the *Anglican Church of Australia Trust Property Act 1917* must be followed.

98 Centre Meetings

98.1 Centre Meetings may be held subject to the following:

- (a) The members of the congregation of a Centre may hold an Annual Centre Meeting not later than the last day in February in each year but always prior to the Annual General Meeting of the Parish of which the Centre forms part.
- (b) Notice of the time and place of such an Annual Centre Meeting shall be prominently affixed at the entrance to the Parish Church and shall be prominently displayed at the place within the Parish where the congregation so gathers and announced at any times of divine service held at such place, for a period of not less than ten days including two Sundays immediately preceding the day of the Meeting.
- (c) Five Members of the Church of the Centre shall form a quorum.

99 Appointment of Centre Wardens

99.1 At any Annual Centre Meeting there may be chosen, in the manner set out in subclause (b), Centre Wardens.

- (a) They may not be more than two persons, being Parishioners of the Centre and qualified Members of the Church (other than Clergy or Stipendiary Lay Ministers) who shall hold office until the Annual Centre Meeting held the following year, or if no such Annual Centre Meeting is held, until the Annual General Meeting of the Parish held in the year following their appointment.
- (b) The Incumbent may appoint a Rector's Centre Warden and one Centre Warden may be elected by the members of the Church present at the meeting.

100 Business at Annual Centre Meetings

The provisions in this Ordinance referring to the order and conduct of business at the Annual General Meeting of the Parish shall apply to an

Annual Centre Meeting to the extent that they may be reasonably applied.

101 Duties of Centre Wardens

101.1 Subject to any express direction of the Churchwardens and Parish Council of the Parish, it shall be the duty of Centre Wardens-

- (a) to assist in the provision and preservation of all things needful for the proper celebration of Divine Service, the administration of the sacraments and the rites of the Church and safekeeping of such Parish records as are kept in the Centre;
- (b) to receive payments in the Centre belonging to the Parish and to convey the same as soon as convenient to the Parish Treasurer provided however that such Centre Wardens may with the prior consent in writing of the Parish Council retain all or any of such payments to be used in accordance with such directions and for such purpose as the Parish Council may from time to time in writing direct;
- (c) to assist in seeing that all persons are placed or seated as conveniently as possible in the Church or place of worship of the Centre during the celebration of Divine Service; and
- (d) to assist in taking care that order and quiet be preserved in and about the Church or place of worship of the Centre during the celebration of Divine Service.

102 Building and Licensing of Anglican Places of Worship

102.1 A Church, Worship Centre or Chapel may only be built following the consent of the Bishop, permission of the Diocesan Property Board in accordance with this Ordinance and approval of the final design plans by the Bishop.

102.2 The Churchwardens or other responsible person(s) connected with the Ministry Unit shall petition the Bishop to license a building as a church or worship centre or Chapel or place of worship when a new building has been erected and furnished to their satisfaction.

- 102.3 The Incumbent and Churchwardens or Centre Wardens may petition the Bishop to consecrate a Church, Worship Centre or Chapel when there is no outstanding debt that had been incurred from its erection.

103 Licensing of Non-Anglican Places of Worship

- 103.1 Subject to the provisions of Part 7A of the *Anglican Church of Australia Trust Property Act 1917* a Ministry Unit may petition the Bishop to license a building, that is not the property of the Church, as a Worship Centre.
- 103.2 The grant of such a licence for use may be contingent upon any conditions that the Bishop considers appropriate and subject to any arrangements that have been made with the owner of that property.
- 103.3 On the grant of such a licence the Ministry Unit seeking the licence shall accept the rights, privileges and responsibilities that such a licensed place may attract under this Ordinance.

104 Furnishings for Churches and Places of Worship

- 104.1 A Parish Church, Worship Centre or Chapel will be considered furnished if it contains the following items:
- (a) a Holy Table with appropriate books, linen and vessels for celebrating Holy Communion;
 - (b) a credence table or shelf;
 - (c) a font;
 - (d) a lectern;
 - (e) an inclusive version of the Bible approved by the Bishop;
 - (f) a prayer desk and a current authorised prayer book; and
 - (g) suitable seating for the worshippers.

The Bishop may in the grant of a Faculty under this sub-clause dispense with the need to provide any of these items as the needs of the place of worship requires.

- 104.2 A Parish Church or Centre must also contain a vesting area that contains:
- (a) a table;
 - (b) a wash basin;
 - (c) sufficient cupboards or hanging space;

- (d) appropriate registers and
- (e) a suitable chest or safe to contain the vessels.

The Bishop may in the grant of a Faculty under this sub-clause dispense with the need to provide any of these items or facilities as the needs of the place of worship requires.

105 Maintenance, Alterations and Furnishings of Parish Buildings

- 105.1 The Wardens of a Parish shall submit a full maintenance report and schedule of maintenance on all Parish Buildings to the Regional Ministry Co-ordinator and the Registrar for on-forwarding to the Diocesan Property Board on an annual basis.
- 105.2 The Parish Council may form a Building Committee to be responsible for any erection of or material alteration to, a Church or other Parish Building.
- 105.3 The Parish Council or Building Committee must adhere to the processes of the Diocesan Property Board contained within this Ordinance and which require approval from the Bishop for initial enquiry and approval of the Diocesan Property Board for substantial alteration or building work. The processes for their approval are contained in the Second Schedule of this Ordinance.
- 105.4 An application for approval must be accompanied by correctly drawn plans and specifications for any proposed new building as well as an estimated budget based on available quotes.

106 Faculties for Fabric and Furnishings of a Place of Worship

- 106.1 A Faculty must be obtained from the Bishop for any alteration, addition or removal of any part of the fabric of any Church building or the furnishings, fittings or ornaments of a licensed Church, Worship Centre or Chapel.
- 106.2 The Incumbent and Parish Council must cause to be displayed notices, setting out the full details of any alterations, additions or removals proposed, in a place that is clearly visible to all Parishioners for a period of four (4) weeks.

- 106.3 Attention must be drawn to the notice during worship services stating that any objections must be lodged in writing and signed by the objector, and forwarded to the Parish Council.
- 106.4 The Incumbent and Wardens (whether Parish or Centre Wardens) must apply for a Faculty on the prescribed forms as contained in the Diocesan Procedure Manual with a copy of the notice, any objections and a certificate to say that the provisions of this clause have been adhered to.
- 106.5 The Bishop shall determine whether to issue or not to issue a Faculty.
- 106.6 The Title Deeds of all church property, including all Parish property, shall be held by The Corporate Trustees of the Diocese of Grafton who may if required use the Deeds as security to raise a mortgage for the purposes of the Parish or other body on whose behalf the deeds are held.

107 *Land and Buildings Owned by The Corporate Trustees*

The Corporate Trustees shall hold the legal estate of any Parish real property as shall be vested in them and preserve the same for the purpose set forth in the respective instruments and Declarations of Trust, but the care of any Church, Rectory, hall or other Parish property and the management of the affairs thereof shall be exercised by the Parish Council subject nevertheless to the observance of any special trusts affecting such management which shall be in force for the time being and the trusteeship of such sites shall not confer or impose upon The Corporate Trustee any right duty or obligation other than that of permitting the same to be used for the purposes of the Parish. All other rights duties and obligations of ownership shall belong to and rest upon the Parish Council of the Parish which is the beneficial owner of the land or buildings for the time being.

108 *Custody Care and Control of Furniture and Records with Wardens*

Notwithstanding anything to the contrary herein contained, the furniture of every Church and Church books, records, charters, seals, deeds and like legal papers and sacred vessels of every Parish and all other Parish furniture shall be and be deemed to be vested in and be the

property of The Corporate Trustees. The custody, care and control of such furniture, books, records , charters, seals, deeds and like legal papers and sacred vessels shall remain with the Wardens of the respective Churches.

CHAPTER 11 - PARISH INCUMBENT'S PRESENTATION BOARD

109 Objectives

The aim of this Chapter is to outline the procedures that are to be followed for the appointment of members of a Parish Presentation Board which has the task, under this Ordinance, to either

- (a) present pursuant to clause 116 to the Bishop a Priest for institution and induction into the cure-of-souls in the event of the cure being vacant; or
- (b) determine, pursuant to clause 119, whether the tenure of a Priest shall be extended, or further extended, by a period not exceeding three years.

110 Composition of a Presentation Board

110.1 The Presentation Board for a Parish comprises—

- (a) the Bishop or nominee;
- (b) two Priests selected by the Bishop from the panel of Priests (Diocesan Nominators) elected by the Synod;
- (c) the Parish Nominators of the Parish elected or appointed in accordance with this Chapter.

110.2 The Presentation Board may request such other person or persons to attend a meeting if such attendance will assist the work of the Board.

111 Election and Term of Office of Parish Members of Presentation Boards

111.1 Subject to the next subclause the Parish members of the Presentation Board, known as Parish Nominators, are elected annually at the Annual General Meeting of the Parish.

111.2 An Annual General Meeting of a Parish may decide that the Nominators shall be appointed by the Parish Council, from the lay membership, both elected and appointed, of the Parish Council.

111.3 The Parish Nominators shall be members of the Parish Council.

- 111.4 To the extent reasonably possible the Parish Nominators should not have any conflicts of interest, including employment, interest or relationship which might affect their judgement.
- 111.5 A Parish Nominator may resign by giving written notice to the Bishop and the Incumbent of the Parish.
- 111.6 A vacancy in an office of Nominator elected at a Parish Annual General Meeting may be filled by an election held at a Special Meeting of the members of the parish, or by the Parish Council. The person filling the vacancy will remain in office for the remainder of the term of the person previously in office.
- 111.7 Where the process for the appointment of an Incumbent to a Parish has begun, the Parish Nominators at that time shall continue as the Parish Nominators until an Incumbent has been appointed notwithstanding that the term of office of those Parish Nominators would otherwise have come to an end at an intervening Annual General Meeting. Nothing in this sub-clause prevents the election of new Parish Nominators at an Annual General Meeting, but such Nominators will not participate in a nomination process which the Bishop deems to have commenced.
- 111.8 Neither the Parish Nominators, nor anyone on their behalf, may communicate with any Priest as to their suitability as a candidate for the Incumbent of the Parish, unless authorised by the Presentation Board.
- 111.9 The Parish Nominators after consultation with the Parish Council may in writing surrender their rights of nomination absolutely to the Bishop at any time after they are summoned to a meeting of the Presentation Board, and in place thereof the nomination may be made by the Bishop.

112 Election of Diocesan Members of Presentation Boards

- 112.1 At the first meeting of each Synod, the Synod shall elect a panel of six clergy to be Diocesan Nominators who shall hold office for three years.
- 112.2 When selecting two Diocesan Nominators for a Presentation Board, the Bishop will take into account factors such as geography,

availability, experience and avoidance of conflicts of interest between the Diocesan Nominators and potential candidates.

- 112.3 Where the process for the appointment of an Incumbent of a Parish has begun, the Diocesan Nominators involved in that process continue to be the Diocesan Nominators until an Incumbent 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 clause. Should a Diocesan Nominator through illness, resignation from the Diocese or other cause be unable to continue to act the Bishop may replace that Nominator with another Diocesan Nominator for the on-going Presentation Board process.

113 *Meetings of the Presentation Board for the selection of an Incumbent*

- 113.1 The Bishop shall convene and Chair Presentation Board meetings, giving not less than seven days written notice, after the date of vacancy in a Parish has been determined.
- 113.2 The meeting will take place in Grafton in private unless alternative arrangements have been made with the members of the Presentation Board. A meeting may be by tele-conference or video-conferencing of any type.
- 113.3 The Bishop may arrange for a conference with the Parish members prior to the meeting of the Presentation Board at which time the members of the Parish may present information concerning the aims, ministry, mission and activities of the Parish and the experiences and talents likely to be sought and seen as appropriate in a new incumbent.
- 113.4 A quorum at a meeting of the Presentation Board shall be three (3) members, including at least one Parish member.
- 113.5 Should a quorum not be present within one hour of the appointed time the Bishop shall call another meeting of the Board within a reasonable time.
- 113.6 Any member of the Presentation Board may nominate a Priest for consideration.
- 113.7 No member of the Presentation Board, or anyone on their behalf, may communicate with any Priest as to that Priest's suitability as a

candidate for the Incumbent of the Parish, unless authorised by the Presentation Board.

- 113.8 The selection of a potential Incumbent for interview from those Priests nominated must be the decision of a majority of the Presentation Board.
- 113.9 Should the majority of the Presentation Board believe a candidate to be suitable for the Parish they shall make a recommendation to the Bishop.
- 113.10 On reception of the Presentation Board's recommendation and if the Bishop is satisfied as to the suitability of the candidate for the Parish and is prepared to institute the candidate, the Bishop shall proceed to invite the candidate to accept the office or position.
- 113.11 If the Bishop is not satisfied as to the candidate's suitability the Bishop may ask the Board to make another recommendation.

114 Meetings of a Presentation Board to Review an Incumbent.

- 114.1 The Bishop shall convene a Presentation Board meeting to review an Incumbent in the sixth year of tenure (or sooner at the discretion of the Bishop) and, should the Incumbent wish to remain in office beyond the Incumbent's sixty fifth birthday, in the year prior to an Incumbent's sixty fifth birthday.
- 114.2 The Incumbent may make a submission to the Board in person before any determination is made.
- 114.3 Should a majority of the Presentation Board believe the Incumbent's ministry in the Parish should be extended the Board shall make a recommendation to the Bishop that the Incumbent be invited to continue in office.
- 114.4 Should the Presentation Board make a recommendation of extension the Bishop shall decide the length of any extension offered to the Incumbent up to a maximum of three years.
- 114.5 Should the Presentation Board not make a recommendation to extend the term of the Incumbent, the Bishop shall confer with the Incumbent and make any arrangements that are required.

115 *Loss of Rights to a Presentation Board*

Should a Parish have wilfully not fully paid the stipend to the former Incumbent or its Pledge is not up to date by the date set for the first meeting of the Presentation Board the Parish shall be deemed to have surrendered to the Bishop the rights contained within this Chapter.

CHAPTER 12: CLERGY – LICENCES, APPOINTMENTS AND ENTITLEMENTS**116 *Ministry and Mission***

This Chapter seeks to provide for a proper and regular system of licensing and appointment of ordained persons and other Ministers, other than Licensed Lay Ministers, within ministry units in the Diocese so that their Mission and Ministry may be supported and to provide for the conditions of service, rights and obligations of Ministers when licensed in the Diocese.

117 *No Person to Officiate without Bishop's Licence*

No person shall be allowed to officiate in any Church, Worship Centre or Chapel or other building consecrated, dedicated or otherwise set apart or used for the worship of God according to the rites and ceremonies of the Anglican Church of Australia without first being licensed or otherwise approved by the Bishop or authorised by this Ordinance.

118 *Licensing of a Minister*

- 118.1 The Bishop may issue Ministers and others, whether Ordained or Lay, with a Licence which shall specify the title of the office or position, the duties thereof and any entitlements and stipend or allowances (if any) attached thereto.
- 118.2 Licences issued by the Bishop may be specific to a position, or a General Licence, or an Authority to Officiate or of such nature and style as the Bishop determines.
- 118.3 No person may be employed or appointed to any Anglican office or position of Ministry or pastoral activity within the Diocese without the Bishop having issued to that person a Licence.
- 118.4 No Licence may be issued or permanent appointment be made in any Ministry Unit until arrangements satisfactory to the Bishop have been made for the payment of all stipends and allowances to the licence holder by the Ministry Unit concerned.

- 118.5 The Priest appointed to a Cure-of-Souls (Parish) and licensed to the position of Rector of that Parish shall be the Rector and have all the traditional rights and obligations of a Rector of a Parish. The Licence of a Rector may not be revoked by the Bishop other than as provided by this Ordinance or by virtue of the Offences Ordinance and the Professional Standards Ordinance 2004.
- 118.6 The Priest licensed by the Bishop to be Priest-in-Charge of a Parish shall be known as and commissioned as Priest-in-Charge of the Parish. The Bishop may, following discussions with the Priest-in-Charge, revoke the Licence or change the designation of the Priest-in-Charge.
- 118.7 The Ordained Person licensed to the position of Incumbent of a Chaplaincy may be known as the Chaplain of that Chaplaincy.
- 118.8 A lay person licensed as a Lay Minister (other than a Licensed Lay Minister) may be known as a Lay Minister; if stipended the person may be known as a Stipendiary Lay Minister.
- 118.9 A person licensed to a designated role or position will on taking up the appointment be entitled to any stipend, allowances and conditions of service, as determined by the Stipends and Allowances Committee and approved by Bishop-in-Council, that are applicable to the role or position to which that person is licensed.

119 *Tenure of Incumbents*

- 119.1 The tenure of a Rector licensed to a Parish shall be for a period of seven years or until the Rector's sixty fifth birthday, whichever shall come first. The Bishop with the consent of the Presentation Board may renew the License for periods not exceeding three years to a date not later than the Rector's seventieth birthday. A Rector may resign at any time upon the giving of notice appropriate to the circumstances.
- 119.2 In the fifth year of the Rector's tenure, or during the year prior to the Rector's sixty fifth birthday, the Bishop shall review with the Rector their understanding of his or her current and future ministry.
- 119.3 During the last year of a Rector's licensed period, should the Rector wish to remain in office, the Bishop shall summon a meeting of the

Presentation Board of the Parish to determine whether the Rector's licence should be extended.

- 119.4 The Rector may be present at and make a submission to the Presentation Board before a determination is made, but shall not be present at the time the determination is made.
- 119.5 Any extension made shall be for a period of no longer than three years. Further extensions of periods of no longer than three years may be given.

120 *Licensing of Priests-in-Charge and Other Assistants*

The Bishop may license an Ordained Person as Priest-in-Charge of a Ministry Unit and the Ordained Person licensed will be responsible for the leadership of the Ministry Unit and be entitled to any stipend and allowance that is applicable to the position.

121 *Licensing of Clerical and Lay Assistants*

- 121.1 The Bishop after consultation with the Incumbent of a Ministry Unit may license other clergy or lay ministers to assist in ministry within the Ministry Unit.
- 121.2 Such licences will be granted in the following categories:
- (a) Associate Priest;
 - (b) Assistant Priest;
 - (c) Deacon;
 - (d) Stipendiary Lay Minister; and
 - (e) Licensed Lay Minister (in accordance with Chapter 14)
- 121.3 The Bishop and Incumbent in consultation, after taking account of the views of the Parish Council, shall determine:
- (a) the extent and scope of ministry of the person to be licensed; and
 - (b) whether the position will have an entitlement to any stipend and allowances or out of pocket expenses.

122 *General Licence*

The Bishop may grant a General Licence to any ordained person who is not currently in a defined and licensed role within the Diocese or who is on leave of absence from the Diocese or seconded to the armed

forces as chaplain or is in a similar situation. The grant of such a licence does not guarantee any stipendiary benefits. The holder of a General Licence may be called to Synod.

123 *Authority to Officiate*

The Bishop may grant to any Deacon or person no longer on regular active ministry an Authority to Officiate (sometimes called a Permission to Officiate). The grant of such a licence does not guarantee any stipendiary benefits.

124 *Licensing of Locum Tenens*

124.1 The Incumbent of a Ministry Unit is responsible for ensuring that there is provision for the conduct of services and the provision of pastoral care during the period of any annual leave or short term absence.

124.2 The Bishop may license a Priest to act as Incumbent in locum tenens if the Incumbent is absent for more than four weeks or is under suspension from office or there is a vacancy in the position of Incumbent of the Ministry Unit.

124.3 The Bishop may determine the length of time that an Ordained Person will act as locum tenens.

124.4 The Ministry Unit will be responsible for negotiating and paying the expenses, allowances and stipend (if any) of any Ordained Person relieving or acting as locum tenens within the Ministry Unit.

125 *Licence Conditions may be Changed*

The anticipated extent and scope of a person's ministry will be included in the Licence for the person and may be changed from time to time in consultation with the Bishop and Incumbent.

126 *Leave of Absence*

126.1 An Ordained Person holding a licence may be granted Leave of Absence from the Diocese by the Bishop, for a purpose approved by the Bishop, for an initial period not exceeding twelve (12) months. An application for Leave of Absence must be in writing.

- 126.2 The period of leave may be extended by further periods, each not exceeding twelve (12) month at the discretion of the Bishop.
- 126.3 Upon the granting of Leave of Absence to an Ordained Person or Stipendiary Lay Minister, the Bishop may issue the person with a General Licence appropriate to the individual and that person's situation and status.
- 126.4 The granting of Leave of Absence does not confer any right of appointment or reappointment to any stipendiary position within the Diocese.

127 Termination of Licenses

- 127.1 Any Ordained Person or Stipendiary Lay Minister or other Licence holder may resign the licence upon three months (or such period as is reasonable in the circumstances) notice in writing to the Bishop.
- 127.2 The licence of an Incumbent shall not be revocable without the consent of the holder except as provided by this Ordinance, the Offences Ordinance 1963, the Professional Standards Ordinance 2004 or a Canon of General Synod.
- 127.3 The licence of an Incumbent shall terminate on the Minister's sixty-fifth birthday, unless renewed by the Bishop with the consent of a Presentation Board to a date not later than the Minister's seventieth birthday.
- 127.4 The Bishop may terminate the licence of an Incumbent on one month's notice in writing in the event that the Incumbent is or will be unable to perform the duties applicable to the position as a result of ill health or other incapacity
- 127.5 The termination of an Incumbent's licence under clause 127.4 may take place only if:
- (a) the Incumbent's incapacity has resulted in or is likely to result in an absence of six months or more; and
 - (b) the Bishop has consulted with the Parish Council; and
 - (c) has obtained an opinion as to the Incumbent's incapacity from a panel (constituted by Bishop-in-Council) that has consulted with the Churchwardens and interviewed (or

sought to interview) the Incumbent. The panel will consist of a senior Diocesan clergyperson appointed by the Bishop, a medical practitioner and a clinical psychologist.

- 127.6 The licence of any Assistant Minister (whether ordained or lay) or Chaplain shall be revocable at the initiative of the Bishop or upon the request of the Incumbent of the Ministry Unit to which the Assistant has been licensed upon one month's notice in writing after the opportunity has been given to the Assistant Minister to show cause before the Bishop as to why the licence should not be cancelled.
- 127.7 The request for the termination of an Assistant Minister's license by an Incumbent must be in writing following an opportunity for the Minister to show cause as to why a request and recommendation should not be made to the Bishop for a revocation of the licence.
- 127.8 All other licences may be terminated by the Bishop on one month's notice in writing following an opportunity for the Ordained Person or Stipendiary Lay Minister, or other Licence holder, to show cause as to why it should not be terminated.
- 127.9 The Bishop shall determine the date when a Ministry Unit shall be in transition. When such a transition is determined or the Incumbent is under suspension from office, the Bishop may appoint a minister to perform the ecclesiastical duties thereof during the time of such transition or suspension and such minister shall be entitled to such standard emoluments from the Ministry Unit as have been determined or approved by the Bishop or Bishop-in-Council or the Stipends and Allowances Committee.
- 128 Clergy Service Conditions**
- 128.1 A stipended Ordained Person or Stipendiary Lay Minister shall be entitled to any stipend and allowances that are associated with the position to which they are licensed as determined by the Ministry Unit or Parish Council or Bishop-in-Council from time to time.
- 128.2 An Incumbent shall not be absent from the Incumbent's Parish for longer than four weeks without the consent of the Bishop.

- 128.3 Clergy and Lay Ministers receiving a stipend shall be entitled to four weeks paid holiday leave from their licensed positions in any one calendar year.
- 128.4 The date of such leave will be decided in consultation with:
- (a) the Parish Council, if the Minister is the Incumbent; or
 - (b) the Incumbent if the Minister is an assistant or associate.
- 128.5 Parish Clergy who are office holders do not receive a statutory Sick Leave entitlement; however it is expected that Parishes will support, with their normal stipend, any Ordained Person who is sick for a period of two weeks in any one calendar year.
- 128.6 Such period of support should be considered to be cumulative up to an entitlement not exceeding four (4) weeks.
- 128.7 All stipended Ordained Persons and Stipendiary Lay Ministers, below the age of sixty, holding a licence shall be covered by Salary Continuance Insurance as determined from time to time by Bishop-in-Council. All stipended Ordained Persons and Stipendiary Lay Ministers, above the age of sixty, holding a licence may elect to be covered by Salary Continuance Insurance on the same terms and conditions as Ministers below sixty years of age. The premiums for such personal insurance shall be paid by a combination of Parish, Minister and the Diocese as determined from time to time by Bishop-in-Council.
- 128.8 An Incumbent or other stipended Minister may have accommodation provided free of charge by the Ministry Unit. An Incumbent shall reside in the accommodation provided by the Ministry Unit, unless exempted by the Bishop in writing.
- 128.9 Alternatively, with the agreement of the Ministry Unit, there may be paid to the Incumbent or other stipended Minister a housing allowance of such amount as is negotiated between the individual and the Ministry Unit. The amount of such housing allowance will not necessarily amount to the total cost of a local "clergy standard" rental, it may take into account the amount that the Ministry Unit is able to afford if the Ministry Unit provided housing is not utilised and further take into account the rent received by the Ministry Unit minus any

amount needed for repairs and maintenance on the Ministry Unit's residence.

- 128.10 The accommodation provided by the Ministry Unit shall conform to the Clergy Housing Standards recommended by the Diocesan Property Board and adopted by Bishop-in-Council from time to time.
- 128.11 An Incumbent must reside within the boundaries of the Parish unless exempted by the Bishop in writing.
- 128.12 If a stipended Minister is to receive, as part of his or her remuneration, accommodation it will be at a standard determined from time to time by the Diocesan Property Board.
- 128.13 All Ministers who receive a stipend and allowances as prescribed by Bishop-in-Council from time to time from a Ministry Unit shall be paid fortnightly.
- 128.14 A licensed and active Minister (other than a Licensed Lay Minister) is expected to attend the annual Diocesan Clergy Conference and Ministry School unless exempted by the Bishop.
- 128.15 A licensed and active Minister (other than a Licensed Lay Minister) holding a licence is expected to attend a retreat at least yearly, either with the Diocese or by making an alternative arrangement as approved by the Bishop.
- 128.16 All Ministers must be aware of and agree to abide by the provisions of the Offences Ordinance 1962, the Professional Standards Ordinance 2004 and the Code of Conduct entitled Faithfulness in Service.
- 128.17 Clergy will be provided with Parental Leave entitlements through a Diocesan Parental Leave Policy as determined by Bishop-in-Council from time-to-time.
- 128.18 The Diocese will assist facilitation of "salary sacrifice" provisions to the extent of 30% of the cash component of the Minister's stipend.
- 128.19 All stipended Ministers and Stipendiary Lay Ministers will be members of the Long Service Leave Fund if eligible, unless the Minister's Ministry Unit consents to the Minister making application to the Bishop to be allowed to "opt out" of the Fund for good reason. If a Minister is not a member of the Long Service Leave Fund the Minister must advise the appointing or employing Ministry Unit.

- 128.20 The expected minimum robing standard for services is alb and stole or cassock, surplice and stole.

129 *Rights of an Incumbent*

- 129.1 The Incumbent shall have access to the Church, Rectory and other buildings and the sacred vessels, bells and other things belonging to the Church and used for worship that are attached to the Parish to which the Incumbent is licensed.
- 129.2 The Incumbent, subject to the control of the Bishop, the traditions of the Anglican Church and this Ordinance, shall be in complete control of worship and the choir and may freely conduct Divine Service, administer the sacraments and perform all other rites and services of the Anglican Church of Australia as the Incumbent is entitled by Licence, Canon or Ordinance to do without hindrance from any other person whatsoever unless the Incumbent's licence has been revoked or suspended.
- 129.3 The Incumbent shall have free access to all accounts relevant to and held by the Parish and shall with the Churchwardens have the control of the keys of any church buildings or grounds.
- 129.4 The Incumbent may allow any person of good standing within the Christian community to be an occasional preacher and may invite an appropriately qualified person to officiate at any Licensed Church or Worship Centre within the Parish's boundaries for not more than one Sunday in three months without the sanction of the Bishop.
- 129.5 The organist, choir director (by whatever name), members of the choir, servers of the sanctuary, and the superintendent and teachers of the Sunday School shall from time to time be appointed by the Incumbent who may also dismiss them (having given them an opportunity to be heard on any matter relevant to the dismissal); provided that appointments and dismissals of a paid lay worker (whether permanent or casual) shall be in accordance with the law and Diocesan policies as promulgated by Synod or Bishop-in-Council from time to time and shall be made in consultation with the Churchwardens and Parish Council.

- 129.6 The Incumbent shall be a member ex-officio of all committees whether constituted and appointed by the Parish Council or by the Parishioners, and shall be entitled to be a member of all societies, organisations and entities formed within the Parish.

130 *Duties of an Incumbent*

- 130.1 An Incumbent shall cause to be provided all necessary and proper services and pastoral support to ensure that the Mission and Ministry of the Parish is achieved.
- 130.2 An Incumbent shall ensure, if security of property allows, that the Parish Church and Worship Centres are opened daily for the private devotions of any person.
- 130.3 An Incumbent in conjunction with the Wardens (Parish and Centre) shall keep or cause to be kept the registers of the Parish pertaining to Baptisms, Confirmations, Marriages, Funerals and all other services.
- 130.4 Such registers and records shall be the property of the Church and not the property of the persons by whom they were compiled. On leaving office the Incumbent shall surrender all Parish registers, books and records under the Incumbent's control to the Churchwardens or Centre Wardens who shall, if requested, issue a receipt for such. The Churchwardens and Centre Wardens shall have the custody and control of the registers, books and records during the vacancy but shall immediately deliver them to the new Incumbent upon appointment. Registers, books and records not in use or full must be delivered to the Diocesan Records Centre.
- 130.5 If a Minister is required to maintain personal records of marriage certificates issued and similar, the Minister shall maintain these as a separate personal record.
- 130.6 An Incumbent shall cause to be kept a record (Parish Roll) of the Members of the Church living within the Parish's boundaries or regularly attending worship at or within the Parish.

131 *Assistant or Associate Clergy*

Assistant and Associate Clergy, so appointed by the Bishop, shall carry out their pastoral duties under the direction of the Incumbent who shall

provide Christian leadership, support and guidance to all clergy and other Ministers within the Incumbent's charge.

132 *Suspension and Termination of a Minister's Rights*

132.1 A Minister suspended from ministry as a result of any charge before or sentence passed by a Diocesan Tribunal shall not exercise any of the rights granted to the Minister by this Ordinance without the written permission of the Bishop.

132.2 If a Minister's licence has been terminated by any cause provided for under an Ordinance or General Synod Canon, that person shall lose all that person's rights, privileges and emoluments granted by the licence or under this Ordinance.

133 *Offences Ordinance 1963*

133.1 Nothing in this ordinance affects the applicability of the Offences Ordinance 1963 and its processes and penalties upon any Minister charged with:

- (a) Unchastity;
- (b) Drunkenness;
- (c) Habitual and wilful neglect of ministerial duty after written admonition in respect thereof by the Bishop of the Diocese;
- (d) Wilful failure to pay just debts;
- (e) Conduct, whenever occurring,
 - (i) which is disgraceful for a member of the clergy, and
 - (ii) which at the time the charge is preferred is productive, or if known publicly would be productive, of scandal or evil report.
- (f) Any other offence prescribed by an Ordinance of the Synod of the Diocese.

CHAPTER 13 - STIPENDIARY LAY MINISTERS

134 Mission and Ministry

The mission and ministry of Stipendiary Lay Ministers is to proclaim the Gospel and provide pastoral support within a Ministry Unit.

135 Objectives

This Chapter seeks to provide a framework for Stipendiary Lay Ministers to work within and to ensure that entitlements and expectations for and from Ordained Persons (ie access to GDIF loans, attendance at Clergy School and similar), other than roles reserved for an Ordained Person, also apply to Stipendiary Lay Ministers.

136 Stipendiary Lay Minister to be Licensed

136.1 Any Stipendiary Lay Minister must be licensed by the Bishop.

136.2 The Bishop may prescribe the minimum standard of education or qualification required for a Stipendiary Lay Minister to be licensed.

137 Stipendiary Lay Ministers Conditions of Service

The rights of clergy as provided in this Ordinance shall as far as practicable apply to a Stipendiary Lay Minister and shall include provisions for Salary Sacrifice, payment of expenses, Long Service Leave, costs of retreat and the annual Clergy Conference and Ministry School. Accommodation is a matter between the Stipendiary Lay Minister and the Ministry Unit employing the Minister.

138 Salary

The salary of any Stipendiary Lay Minister is as determined by Bishop-in-Council.

139 Supervision

Supervision and oversight of a Stipendiary Lay Minister shall be undertaken by the Incumbent of the Parish within which the Minister works or in other contexts a person designated by the Bishop.

CHAPTER 14 - LICENSED LAY MINISTERS

140 Mission and Ministry

140.1 The mission and ministry of Licensed Lay Ministers reflects Jesus, who 'came not to be served, but to serve ...' [Matthew 20:28] and called his disciples 'to wash one another's feet' [John 13:14].

140.2 Licensed Lay Ministers will exercise, throughout the Diocese, a ministry of service and encouragement by Word, Sacrament and Pastoral support.

141 Objective

This Chapter seeks to provide for the appointment, licensing, function and duties of Licensed Lay Ministers within the Diocese of Grafton.

142 Licensing

142.1 The Bishop may license suitably qualified laypersons to be Licensed Lay Ministers as either a Category 1 or Category 2 Lay Minister.

142.2 The Bishop's licence shall indicate for which of the two Categories the holder is licensed.

142.3 The Bishop will prescribe from time to time the minimum standards required of any person proposed to be licensed as a Licensed Lay Minister within a certain Category.

142.4 Lay Ministry will ordinarily be exercised in a Parish context, but may, with the consent of the Bishop, be exercised in any Diocesan ministry setting and situation.

142.5 Licensed Lay Ministers are part of the Parish leadership teams.

143 Qualifications

143.1 A Licensed Lay Minister must:

- (a) show evidence of Christian maturity, piety and loyalty;
- (b) be a regular communicant member of the Anglican Church;
- (c) have demonstrated leadership qualities within the Church;
- (d) have completed, or embarked upon, a course of theological study approved by the Bishop; and

- (e) have demonstrated the physical and mental capacity to minister.

144 *Nomination*

- 144.1 Any layperson may be nominated as a Licensed Lay Minister to the Bishop by the Incumbent.
- 144.2 Such nomination must have the endorsement of the Churchwardens and Parish Council and shall be in such form as the Bishop may from time to time prescribe.
- 144.3 Notice of any nomination is to be brought to the attention of the relevant Parish community and any objections that may be made to the nomination shall be considered, in the case of a Parish, by the Incumbent and Churchwardens and reported to the Bishop with their comments thereon.

145 *Appointment and Revocation*

- 145.1 The Bishop will consider nominations and any further reports or comments put before him and determine whether to issue a licence to a layperson as a Licensed Lay Minister and what conditions, if any, might be placed upon the licence.
- 145.2 The Bishop may at any time, after having heard the Licensed Lay Minister, revoke the licence of a Licensed Lay Minister.
- 145.3 A Licensed Lay Minister's licence shall be in force until such time as one or more of the following events occur:
 - (a) Revocation of the licence by the Bishop;
 - (b) The last day of the first session of the next Synod;
 - (c) The appointment of a new Incumbent;
 - (d) The movement of the Licensed Lay Minister to another Parish in the Diocese.

On the occurrence of one or more of the events described in (b) and (c) above, an application may be made in writing by the Incumbent to the Bishop for renewal of the Licensed Lay Minister's Licence.

146 Admission to Office

Licensed Lay Ministers shall be admitted to office and presented with their licence during Divine Service by the Bishop, Incumbent or other person acting with permission and authority from the Bishop.

147 Functions and Duties

- 147.1 A Licensed Lay Minister may officiate at the request of the Incumbent of the Parish within which the Minister has been licensed.
- 147.2 The licence for a Licensed Lay Minister shall state whether the Minister is a Category 1 or Category 2 Lay Minister.
- 147.3 A Category 1 Lay Minister may exercise, according to the Ministers Christian gifts, any of the following ministries:
- (a) Lead and conduct services except those parts which may be offered by a Deacon if present, or are designated to a priest.
 - (b) Assist the priest in the ministration and distribution of the Holy Communion.
 - (c) Baptise only in cases of extreme emergency in the absence of a priest or deacon. Such baptisms must be reported to the Incumbent.
- 147.4 A Category 2 Lay Minister as well as exercising any of the ministries of a Category 1 Lay Minister, may exercise one or more of the following ministries:
- (a) Preach sermons, subject to appropriate qualification approved by the Bishop.
 - (b) Conduct funerals under the direction of the Incumbent or in the absence of a priest or deacon.
 - (c) Enable sacramental needs to be provided for, under the direction of the Bishop.
- 147.5 A Licensed Lay Minister may exercise any duty or function of a pastoral nature as shall be considered appropriate by the Incumbent.
- 147.6 It is required that each Licensed Lay Minister will attend training and formation days as provided each year.

148 *Robing*

148.1 Licensed Lay Ministers are required to wear an alb and the diocesan cross; or cassock and surplice unless otherwise requested by the Incumbent on specific occasions.

148.2 Category 2 Licensed Lay Ministers are also permitted to wear a blue preaching scarf at ministrations in church, crematorium or burial ground, unless otherwise requested by the Incumbent.

149 *Co-ordination*

The Bishop shall appoint a Licensed Lay Ministers' Development Officer who, in consultation with a Licensed Lay Ministers' Representative Group, will plan and co-ordinate the formation and studies of all Licensed Lay Ministers within the Diocese under the supervision and direction of the Ministry Development Officer.

150 *Expenses*

Any reasonable expenses for travelling or otherwise incurred by a Licensed Lay Minister, for which prior authorisation has been obtained, shall be the responsibility of the relevant Parish and shall be paid to the Licensed Lay Minister direct.

CHAPTER 15 - THE CORPORATE TRUSTEES OF THE DIOCESE OF GRAFTON**151 Mission and Ministry**

151.1 The incorporated body, The Corporate Trustees of the Diocese of Grafton (The Corporate Trustees), was formed under the provisions of the *Anglican Church of Australia Trust Property Act 1917* with the mission, ministry and purposes of:

- (a) being the trustee of Church Trust Property for Ministry Units;
- (b) being the trustee for the trust funds of Diocesan bodies; and
- (c) receiving bequests on trust, which would otherwise be ineffective, on behalf of Parishes and other church entities and Ministry Units.

152 Saving Provisions

152.1 Any repeal of any Ordinances by this Ordinance shall not affect the body of trustees constituted as The Corporate Trustees of the Diocese of Grafton, the persons who are the members of the said body of trustees, property vested, acts and things validated or certificates given under the repealed Ordinances or any of them, nor will this Ordinance, or any repeals by it, be held to revive any Ordinances formerly repealed.

152.2 Except so far as there is anything in this Ordinance inconsistent therewith, this Ordinance shall apply to all matters and things made, done or commenced under any repealed Ordinances and at the commencement of this Ordinance of any force or effect or capable of acquiring any force or effect by virtue of the repealed Ordinances as if this Ordinance had been in force at the time they were made done or commenced and they were made done or commenced hereunder.

152.3 The members of The Corporate Trustees of the Diocese of Grafton are hereby declared to have been elected or appointed in conformity with the provisions of the *Anglican Church of Australia Trust Property Act 1917* and all acts matters and things done or commenced by the said

Corporate Trustees prior to the passing of this Ordinance are hereby validated and confirmed.

153 *Membership*

153.1 The members of The Corporate Trustees of the Diocese of Grafton shall be the Bishop as Chair and five other members.

153.2 The members of The Corporate Trustees shall be elected by Synod, or between sessions of Synod by Bishop-in-Council for a term of seven years, saving those members of The Corporate Trustees appointed prior to August 1994.

153.3 A member of The Corporate Trustees whose term of office as a member of The Corporate Trustee expires is eligible for re-election.

154 *Corporate Trustees to be "fit and proper" persons*

Synod or Bishop-in-Council in considering a nomination of a person for appointment as a Corporate Trustee shall consider whether such person is a "fit and proper person" (as defined by the Australian Prudential Regulatory Authority or similar Australian financial regulator) to be so appointed. Synod or Bishop-in-Council whilst primarily seeking appropriate skills and experience shall also have regard to gender balance as it seeks suitable nominees.

155 *Bishop to be Chair*

The Bishop shall be the Chair of The Corporate Trustees. In the Bishop's absence The Corporate Trustees shall elect one of their number present to be Chair. The Chair shall have a deliberative vote only.

156 *Registrar to be Convenor of Meetings*

The Registrar shall convene meetings of The Corporate Trustees upon the request of the Bishop or a quorum of The Corporate Trustees.

157 *Registrar to be Secretary*

The Registrar of the Diocese shall be the Secretary of The Corporate Trustees and, in addition to other duties assigned to the Secretary, shall carry out the requirements of Sections 42 and 43 of the *Anglican Church of Australia Trust Property Act 1917*.

- 158 *Quorum***
Any three of The Corporate Trustees shall form a quorum for meetings of The Corporate Trustees.
- 159 *Proceedings Valid even if Vacancy Exists***
The proceedings of The Corporate Trustees shall not be invalid in consequence only of there being a vacancy in the membership of The Corporate Trustees at the time of such proceedings provided that a quorum is present at meetings.
- 160 *Funds and Land Vested in The Corporate Trustees***
All Church Trust Property including Capital Funds of the Diocese, Endowment Funds, Church Lands and funds acquired for the purpose of erecting buildings on Church Lands except as hereinafter provided shall be vested in The Corporate Trustees.
- 161 *Legal Ownership in The Corporate Trustees as Trustees***
161.1 The Corporate Trustees shall hold the legal estate of such property as shall be vested in them and preserve the same for the purpose set forth in the respective instruments and Declarations of Trust, but the care of any Church, Rectory, hall or other Parish property and the management of the affairs thereof shall be exercised by Parish Councils as hereinafter provided subject nevertheless to the observance of any special trusts affecting such management which shall be in force for the time being and the trusteeship of such sites shall not confer or impose upon The Corporate Trustees any right duty or obligation other than that of permitting the same to be used for the purposes of the Parish. All other rights duties and obligations of ownership shall belong to and rest upon the Parish Council of the Parish which is the beneficial owner of the land or buildings for the time being.
- 161.2** The Corporate Trustees shall have and may exercise all the powers authorities and functions which are conferred upon The Corporate Trustees by the *Trustee Act 1925*, and in particular shall take into account the matters in section 14C of the said Act, this Ordinance and any other relevant Act or Ordinance.

162 *Custody Care and Control of Furniture and Records with Churchwardens*

Notwithstanding anything to the contrary herein contained the furniture of every Church and Church books, muniments, records and sacred vessels of every Parish and all other Parish furniture shall be and be deemed to be vested in and be the property of The Corporate Trustees. The custody, care and control of such furniture, books, muniments, records and sacred vessels shall remain with the Churchwardens of the respective Churches.

163 *Corporate Trustees to Accept or Reject Property Transfer*

The Corporate Trustees may accept or reject the transfer of any property which may be offered to them with the intention of it becoming Church Trust Property and shall in all cases report any action to the next ensuing session of Synod.

164 *Trust to be Declared*

Whenever any Church Trust Property is vested in The Corporate Trustees, the purpose of the Trust and the uses to which it is held shall be ascertained and a Declaration of Trust in accordance therewith shall be executed by The Corporate Trustees and lodged at the Registry to be filed with the relative deed(s) or other documents belonging to the Parish or entity concerned.

165 *Power of Investment*

165.1 The Corporate Trustees unless expressly forbidden by the trust instrument relating to the particular trust may as allowed by section 14 of the *Trustee Act 1925*:

- (a) invest trust funds in any form of investment, and
- (b) at any time vary an investment.

165.2 The individual members of The Corporate Trustees shall have regard to the matters specified in section 14C of the *Trustee Act 1925* when exercising powers of investment.

165.3 Nothing herein contained shall limit or restrict the powers of investment given to The Corporate Trustees in respect to any fund or funds by the trust instrument creating or relating to such fund or funds.

- 166 *The Corporate Trustees may hold Property as Received***
The Corporate Trustees, if authorised by the trust instrument relating to the particular trust, may for so long as they think fit hold investments and securities other than those authorised by this Ordinance in the form in which the same shall come into their hands.
- 167 *Pooling of Investments Allowed***
It shall be lawful for The Corporate Trustees for the purposes of investment to pool separate Church Trust Property under their control and management.
- 168 *The Corporate Trustee Authorised to make Payments***
The Corporate Trustees are hereby authorised to pay such salaries, fees, charges, and other costs as they consider necessary to carry out the provisions of this Ordinance.
- 169 *Secretary to have Custody of Common Seal***
169.1 The Secretary shall have the custody of the Common Seal of The Corporate Trustees.
- 169.2 The affixing of the Common Seal of The Corporate Trustees shall be verified by the signature of not fewer than two of The Corporate Trustees and any deed or instrument so sealed shall bear on the face thereof an appropriate sealing clause.
- 169.3 The Corporate Trustees may, subject to the provisions of the *Anglican Church of Australia Trust Property Act 1917* and of this Ordinance, make rules and regulations for the transaction of business.
- 170 *Management Expenses***
170.1 The Corporate Trustees may charge against the income of any Church Trust Property held by it in trust for the purposes of investment or income generation or similar:
- (a) all necessary actual costs and expenses incurred in the execution of the trusts and management of the property held under the provisions of this Ordinance; and

- (b) an annual management charge, of not more than one percent of the value of the asset managed, which is The Corporate Trustee's costs of management.

171 *Investment Returns on Trust Funds and Properties*

The Corporate Trustees, having due regard to commercial rates of interest payable on Trustee investments, shall pay interest at such rate or rates and at such time or times as The Corporate Trustee shall from time to time determine, to the person, persons or bodies entitled to income from any Church Trust Property held by The Corporate Trustees for investment management.

172 *Investment Reserve May be Established*

The Corporate Trustees may establish a reserve of undistributed income into which may be transferred from time to time any undistributed nett annual income. For the purposes of this clause "nett annual income" means that gross income derived during the year after deduction of all proper administration costs and expenses.

173 *Investment Reserve May be Pooled*

The Corporate Trustees may pool the amount in the reserve of undistributed income with other funds pooled for investment and if so the income from the pooled amount shall be distributed to the reserve of undistributed income at the same rate of return as for other trust monies within the merged funds.

174 *When investment Reserve may be used*

The Corporate Trustees may in any year use so much of the amount standing to the credit of the Investment Reserve of undistributed income as they consider necessary for the purpose of maintaining as far as possible a consistent rate of distribution approximately equal to the rate of distribution made in the preceding year or for the purpose of increasing such rate.

175 *Corporate Trustees to account to Bishop-in-Council for Investment Reserve*

The Corporate Trustees may from time to time, and shall if Bishop-in-Council so requires, make recommendation to Synod as to how any balance in the Investment Reserve of undistributed income not foreseeably required for the purposes of clause 176 hereof should be used and Synod may by Ordinance give effect to such recommendation

176 *Books to Be Kept*

The Corporate Trustees shall cause the accounts of all their transactions to be regularly entered in proper books which shall be kept for the purpose by the Registrar of the Diocese or such other person as may be appointed by Bishop-in-Council and such books and accounts shall be audited by the Diocesan Auditor annually.

177 *Annual Financial Statements*

The Corporate Trustees shall provide to Bishop-in-Council after the close of its financial year Annual Financial Statements showing the whole of the transactions of The Corporate Trustees during the previous year in order that such Annual Financial Statements may be presented to Synod at its next session.

178 *Property Vested in the Bishop*

The Bishop may act as trustee of property and funds vested in him upon trust for Parish or Diocesan purposes. In all such cases during the vacancy of the See The Corporate Trustees shall become the trustee of such properties and or funds and shall have power to receive rents and interest and to recover the same to receive payment of principal moneys and to invest the same in securities authorised by law for the investment of trust funds and generally to act as trustees of the said properties with power to make any payments out of the income which may be necessary for the protection and preservation of any of the properties administered.

179 *Property Vested in Separate Trustee*

Any Church Trust Property which by the provisions of the instrument creating such Trust shall belong to or become vested in any trustee (hereinafter called Separate Trustee) other than The Corporate Trustees of the Diocese of Grafton shall be held managed and controlled by the said Separate Trustee subject to the provisions of the *Anglican Church of Australia Trust Property Act 1917* and the due performance of duties by this Ordinance required to be performed by any Separate Trustee.

180 *Duties of Separate Trustees*

180.1 Whenever any Church Trust Property is vested in any Separate Trustee, it shall be the duty of such Separate Trustee to:

- (a) execute a Declaration of Trust in accordance with the purpose of the Trust and to lodge such declaration and a copy of the Deed, Will or other instrument creating the trust at the Bishop's Registry to be filed with the relative deeds or other documents the property of the Parish, Ministry Unit or other entity concerned;
- (b) keep proper accounts;
- (c) supply to Bishop-in-Council not later than 30 days after the close of each financial year a Financial Statement for the previous financial year for presentation to Synod and upon adoption by Synod for publication in the Year Book of the Diocese; and
- (d) permit any certificated auditor or firm of auditors authorised in that behalf by Bishop-in-Council to examine such accounts and relative documents and to audit any accounts relating to the Trust or Trusts.

181 *Names of Separate Trustees to be Registered*

The name of every Separate Trustee shall be entered in a book to be kept by the Registrar of the Diocese and the death removal or resignation of any such Trustee shall be duly entered therein.

- 182 *Trusts May be Conveyed to The Corporate Trustee***
 Any Separate Trustee of Church Trust Property may if the trustee so desires convey such property to The Corporate Trustees upon the original trusts and such conveyance when it has been accepted by the Corporate Trustees shall discharge such conveying Separate Trustee from all subsequent duties in respect of such Trusts.
- 183 *Delegation of Powers in Certain Cases***
 Bishop-in-Council is hereby appointed a Committee or Council under Section 40 of the *Anglican Church of Australia Trust Property Act 1917* and may during the recess of Synod exercise in place of the Synod of the Diocese such of the powers and functions and do and make such of the things referred to in such Act as may be done by the Synod of the Diocese under the provisions of Section 12, 13, 14, 15, 19, 24, 25, 26, 27, 28, 31, 32, 32B, 37 and 39 of the *Anglican Church of Australia Trust Property Act 1917* and shall report to the Synod at the next session all actions taken under this Section.

CHAPTER 16 - THE DIOCESAN PROPERTY BOARD.

184 *Mission and Ministry*

The Diocesan Property Board seeks to be a good steward of the property of the Diocese and to provide support for others responsible for the property of the Diocese which is held in trust for the benefit of the Church, Parishes and other Ministry Units.

185 *Objectives*

To provide the procedure for the conduct of property dealings within the Diocese (other than those covered by Faculty rights of the Bishop or those undertaken by Incorporated Boards) and to authorise the Diocesan Property Board to make decisions in response to proposals concerning Diocesan land and buildings.

186 *Transition*

186.1 Nothing in this Chapter or Ordinance shall affect any process presently commenced under any repealed Ordinance and any such commenced process shall continue to be considered by the Diocesan Property Board as if the repealed Ordinance remained in force.

186.2 There is hereby continued in existence "The Diocesan Property Board" (the Board) which shall have and exercise the powers, duties and functions conferred by this Ordinance.

186.3 The Board is subject in all respects to the control and direction of Synod and Bishop-in-Council during the recess of the Synod.

187 *Membership*

187.1 The Board shall consist of:

- (a) the Bishop, who shall be President, and may chair the Board meetings;
- (b) a person appointed by the Bishop, to be Chair of the Diocesan Property , who shall chair Board meetings at the invitation of the Bishop, or in the absence of the Bishop;

- (c) the Registrar of the Diocese, who shall also be the secretary of the Board;
- (d) three Members elected from Synod by Synod;
- (e) three persons appointed by the other members of the Board provided such persons have expertise in local government, engineering, building and construction, architecture, land management or the like; and
- (f) such other "Temporary Members" as the Board may, in its absolute discretion and by resolution, appoint from time to time for special projects or purposes. Such temporary members shall not be entitled to vote.

188 *Board Meetings*

- 188.1 The Board shall meet regularly at least once a quarter, and a quorum shall be four members.
- 188.2 The proceedings of the Board shall be minuted and a copy of such minutes shall be provided to Bishop-in-Council.
- 188.3 The Board shall provide a report to each meeting of Synod as to its activities for the year.
- 188.4 The Board may require one or more representatives of an applicant parish or entity to confer with the Board or attend a Board meeting.

189 *Board Powers, Functions and Responsibilities*

- 1890.1 No construction, extension, alteration, repairs which constitute restoration or conservation of a major nature, demolition or removal of buildings or other structures or sale, purchase, exchange, lease or subdivision of real estate held in the name of The Corporate Trustees of the Diocese of Grafton (other than where the land is held for or is under the control of an Incorporated Board) shall be carried out without the approval or recommendation of the Property Board. In the case of minor alterations, or in situations of urgency the Bishop or the Chair of the Board may give permission for the work to be carried out. Routine repairs and maintenance of buildings and structures do not require permission or authorisation and are the responsibility of the Wardens and Parish Council.

- 189.2 The Board has power to approve all building works, including the construction, extension, alteration, maintenance and repairs (including restoration or conservation of a major nature), demolition or removal of buildings or other structures of whatever kind;
- 189.3 The Board may recommend to Bishop-in-Council that Ordinances be considered for the sale, purchase, exchange leasing or subdivision of real estate and the creation of strata titles and such other matters concerning property development that the Board considers appropriate. Bishop-in-Council must consider the recommendation or views of the Board at the time it considers any Ordinance for the sale, purchase, exchange leasing or subdivision of real estate and the creation of strata titles and any other matters concerning property development.
- 189.4 The Board has all incidental powers to discharge its responsibilities to approve and to recommend as provided in sub-clauses 189.2 and 189.3 above.
- 189.5 The Board may supervise or support any maintenance, building, construction or land development work within the Diocese to ensure it is appropriately and professionally carried out and may provide professional support for any parish, agency or other entity which seeks such assistance.

190 Faculties

The Board may, when requested by the Bishop, provide advice to the Bishop on the issue of any application for a Faculty made by a Ministry Unit.

191 Applications

- 191.1 Applications for any approval or recommendations by the Board may be made by any Ministry Unit or other entity within the Diocese of Grafton and must be made in the name of the Ministry Unit or entity making the application or its governing body and the application must be approved by the governing body of the Ministry Unit or entity.
- 191.2 The Bishop or Chair of the Board may approve urgent matters or minor alterations or additions.

- 191.3** Before granting approval or making a recommendation, the Board must be satisfied that the proposal:
- (a)** is legally able to be undertaken and is in the interests of the Diocese and the Ministry Unit or other church entity making the application; and
 - (b)** has reasonable prospects of being financed; and
 - (c)** has been costed and the purchase price, cost of work or materials is fair and reasonable.
- 191.4** Any Application for approval or recommendation as provided for in sub-clause 193.1 above must follow the steps set out in Schedule 2 of this Ordinance. Nothing in the steps contained in that Schedule precludes any Ministry Unit or entity from approaching the Board at any time for advice, guidance or assistance related to any property matter.

CHAPTER 17 - THE CATHEDRAL CHURCH OF CHRIST THE KING

192 *Mission and Ministry*

- 192.1 Christ Church Grafton is the Parish Church of the Parish of Grafton and the Cathedral Church of the Diocese of Grafton, to be known as 'the Cathedral Church of Christ the King' or 'Christ Church Cathedral Grafton', with a Mission and Ministry to provide leadership and a point of Diocesan unity for Anglican worship and the proclamation of the Gospel.
- 192.2 The mission and ministry of the Cathedral shall include supporting and reflecting the diversity of worship and theology within the community of Anglican faith in the Diocese of Grafton.

193 *Objectives*

- 193.1 To provide the means by which the Cathedral Church of Christ the King will be properly governed, administered and supported in proclaiming the Kingdom.
- 193.2 To provide certainty as to the different roles of the Parish Council, Cathedral Chapter and Cathedral Council in Ministry and Mission.

194 *The Cathedral*

- 194.1 In accordance with the Constitution and traditions of the Church the Cathedral is under the care and authority of the Dean with advice and assistance from the Parish Council of Grafton, the Cathedral Chapter and the Cathedral Council.
- 194.2 The Cathedral is the place of the cathedra, the seat of the Bishop's See, and in consequence the heart and spiritual base of the Mission of the Bishop.
- 194.3 The members of the Cathedral's congregation and members of the Diocesan family acknowledge the special place of the Cathedral as Parish Church but also the meeting place of the Diocese and the community on the great Diocesan and civic services, celebrations and festivals.

195 *The Bishop*

- 195.1 In addition to his rights as Ordinary the Bishop shall take precedence in the Cathedral and shall take such part in Divine Service in the Cathedral and shall preach and may likewise invite preachers at such times as he shall think fit upon giving due notice to the Dean of his wish to do so.
- 195.2 The Bishop shall be in charge and have complete authority to order all such services as are connected with Episcopal and Diocesan functions and all matters pertaining thereto.
- 195.3 After consultation with the Dean the Bishop shall have the right to use the Cathedral Parish Centre for such Diocesan purposes as he thinks fit.
- 195.4 The Bishop shall have the right to appoint a qualified person to be the Bishop's Churchwarden of Christ Church Grafton and consequently a member of the Parish Council of the Parish of Grafton.

196 *The Dean*

- 196.1 The Incumbent of the Parish of Grafton shall be the Dean of the Cathedral and shall be known as the Dean of Grafton. On ceasing to be the Incumbent of the Parish of Grafton, the Minister shall cease to be the Dean of Grafton.
- 196.2 The Dean shall have the next place after the Bishop in precedence in the Cathedral and subject to the rights of the Bishop as provided in this Chapter the Dean shall have the ordering of Divine Service in the Cathedral and all the rights privileges duties and responsibilities of Incumbents in the Diocese of Grafton.
- 196.3 The Dean shall have the right to appoint a qualified person as the Dean's Churchwarden of Christ Church Grafton and consequently a member of the Parish Council of the Parish of Grafton.

197 *The Archdeacons*

- Each Archdeacon within the Diocese shall upon collation be assigned a stall in the Cathedral and shall be installed therein by the Dean. An Archdeacon will retain such place until the Archdeacon ceases to be an Archdeacon.

198 *The Parish Council*

Unless otherwise provided, the affairs of the Parish of Grafton shall be administered in accordance with the provisions of this Ordinance dealing with Parish Councils

201 *Bishop-in-Council Support*

Bishop-in-Council may from funds voted by Synod in the Budget make a grant to the Grafton Parish Council for the maintenance and upkeep of the Cathedral.

200 *Functions of the Parish Council*

200.1 The Parish Council shall have the following functions:-

- (a) Development and fostering of the Ministry of the Cathedral within the Parish
- (b) Promoting and safeguarding the function of the Cathedral as the Parish Church in Sunday worship and other services
- (c) Assisting in the Cathedral's Parish ministry especially in the areas of evangelism, education, ecumenical endeavour, media communication, public witness, music and the arts
- (d) Providing for clergy and staff stipends and salaries and other recurrent and other Parish costs
- (e) To act in all things as a Parish Council is charged to act.

201 *The Churchwardens*

201.1 There shall be:

- (a) two Churchwarden elected by the Annual General Meeting;
- (b) a Churchwarden (known as the Bishop's Churchwarden) appointed by the Bishop;
- (c) a Churchwarden (known as the Dean's Churchwarden) appointed by the Dean; and

- (d) a Centre Warden for each Centre Church in the Parish of Grafton the Annual General Meeting nominates all of whom shall be members of the Parish Council.

202 *Role of Churchwardens*

202.1 The Churchwardens shall do all such things as tradition and usage and this Ordinance require, including:

- (a) ensuring all things necessary for the conduct of Divine Services are provided;
- (b) keeping order in Church and to provide for the due seating of the people and the collection of alms and offerings;
- (c) ensuring adequate provision is made for the proper preservation and safe custody of the Church registers and all Church plate and other valuables;
- (d) keeping an inventory of all Church goods and movable property belonging to the Church of which they are wardens;
- (e) reporting to Parish Council on any expenditure necessary to keep the residences of the Dean and clergy of the district in good order and repair.

203 *The Chapter*

203.1 There shall be a Chapter of the Cathedral which shall consist of:-

- (a) The Bishop (who shall be President);
- (b) The Dean (who shall be Chair);
- (c) The Archdeacons;
- (d) The Registrar;
- (e) The Clerical Canons;
- (f) The Lay Canons;
- (g) The Cathedral Churchwardens (as elected by the congregation and appointed by the Bishop and Dean under clause 202).

204 *Functions of the Chapter*

204.1 The Chapter of the Cathedral shall have the following functions:-

- (a) development and fostering of the Ministry of the Cathedral within the Diocese and Regional and Australian community;
- (b) promoting and safeguarding the place and function of the Cathedral as the parent church of the Diocese for Diocesan and civic services;
- (c) assisting in facilitating the Cathedral's wider ministry especially in the areas of evangelism, education, ecumenical endeavour, media communication, public witness, music and the arts;
- (d) conducting of the four yearly architectural appraisal of the Cathedral and associated buildings;
- (e) advocating to Diocesan decision makers the special maintenance and building needs of the Cathedral and its heritage surrounds;
- (f) advocating to all members of the Diocesan family the responsibility of all for maintenance of the Cathedral;
- (g) be responsible for major capital fund - raising;
- (h) to recommend to the Bishop and Dean appropriate candidates for appointment as Canons;
- (i) to be available to the Bishop for consultation and resource;
- (j) to be available as a possible facilitator of occasional major Diocesan events whether worship, learning or Synodical.

205 *Meetings of Chapter*

The Chapter shall meet at least twice in each year (apart from joint meetings with the Parish Council), all meetings thereof being convened by the Dean, who shall have a deliberative and a casting vote on all questions. The Bishop however, shall have the right to convene a meeting at his discretion.

206 *Quorum of Chapter*

A quorum for any meeting of the Chapter shall be seven members.

207 Chapter Clerk

The Chapter shall appoint a Chapter Clerk who shall perform the duties of secretary and keep all necessary records of meetings of the Chapter. The Chapter Clerk shall attend meetings of the Chapter and may participate in debate but shall not have a vote unless a member of the Chapter.

208 Reporting to Synod

The Chapter Clerk shall, on behalf of the Chapter, annually report to Synod on the activities of the Chapter.

209 Clerical and Lay Canons

209.1 The Bishop, after consultation with the Dean, shall have the right to appoint Canons.

209.2 Licensed clergy of the Diocese of at least five years standing from ordination may be appointed to be Canons of the Cathedral and members of the Cathedral Chapter; and communicant lay members of the Church resident within the Diocese may be appointed Lay Canons of the Cathedral and members of the Cathedral Chapter.

209.3 In appointing Canons the Bishop and the Dean will give consideration to the gifts of service and support that the Canon may bring to the Cathedral and the Dean in areas such as evangelism, ministry development, church administration, media, music, liturgy, welfare, social justice, finance or environment.

209.4 Canons accepting appointment to the Chapter will undertake to support the mission of the Cathedral and the work of the Dean in their areas of expertise.

210 Admission to Office

The Canons shall be admitted to office according to a form prescribed by the Bishop. They shall be licensed by the Bishop, assigned a stall in the Cathedral, and shall be installed therein by the Dean.

211 *Tenure of Chapter Canons*

211.1 The period of appointment of Canons will be determined by the Bishop at the time of appointment and may be extended by the Bishop for such period as he sees fit.

211.2 Clerical and lay Canons shall cease to hold office if:

- (a) they resign in writing to the Bishop; or
- (b) the Bishop revokes their licence; or
- (c) in the case of clerical Canons they cease to be licensed; or
- (d) in the case of lay Canons they cease to be communicant members of the Church; or
- (e) they cease to reside within the Diocese.

212 *Honorary Canons*

212.1 The Bishop, after consultation with the Dean, shall have the right to appoint licensed clergy of the Anglican Communion, who have served in the Diocese of Grafton, to be Honorary Canons of the Cathedral.

212.2 Honorary Canons are not members of the Chapter.

212.3 There may be only a total of six Honorary Canons at any time.

212.4 The title Honorary Canon may be used by those whom the Bishop appoints until such time as the Bishop, in writing and with three months notice, withdraws the right to use such title. An Honorary Canon may resign the title in writing at any time.

213 *Canons Emeritus*

213.1 The Bishop, after consultation with the Dean, shall have the right to appoint licensed clergy and lay people who are communicant members of the Anglican Church of the Diocese of Grafton who have been either Chapter Canons or Honorary Canons of the Cathedral to be Canons Emeritus in recognition of service to the Diocese of Grafton.

213.2 Canons Emeritus are not members of the Chapter.

213.3 The title Canon Emeritus may be used by those whom the Bishop appoints until such time as the Bishop, in writing and with three months notice, withdraws the right to use such title. The Canon Emeritus may resign the title in writing at any time.

214 *The Cathedral Council*

214.1 There shall be a Cathedral Council the membership of which shall be:

- (a) All members of the Parish Council, and
- (b) All members of the Chapter,
 meeting together as The Cathedral Council.

214.2 The Cathedral Council shall meet at least annually, all meetings thereof being convened by the Dean, who shall have a deliberative and a casting vote on all questions, or by the Bishop at his discretion.

215 *Functions of The Cathedral Council*

215.1 The Cathedral Council shall have the following functions:-

- (a) to facilitate communication, good relations, clarity and efficiency between the Parish Council and the Cathedral Chapter for the betterment of the Cathedral and its worshippers;
- (b) to receive reports from the Parish Council and the Cathedral Chapter;
- (c) to receive and determine submissions on possible major new works and undertakings affecting Parish Council and Cathedral Chapter responsibilities;
- (d) to provide strategic direction for the Cathedral Council;
- (e) to discuss and agree on expenditure (if any) from the Cathedral Endowment Fund;
- (f) to discuss and agree on any major alterations to the Cathedral and its heritage surrounds;
- (g) to advise Bishop-in-Council on the state of the fabric of the Cathedral and its heritage surrounds;
- (h) to be available to the Bishop for consultation and resource;
- (i) to facilitate the Cathedral's role as a workshop and resource centre for the parishes of the Diocese.

216 *Officers of The Cathedral Council*

216.1 The Officers of the Cathedral Council shall be

President	The Bishop
Chair	The Dean of Grafton
Secretary	The Chapter Clerk
Treasurer	The Parish Treasurer

216.2 An Executive of The Cathedral Council may be formed comprising the Officers and such other members of The Council as The Council shall appoint.

217 *Quorum for The Cathedral Council*

A quorum for the Cathedral Council shall be ten (10) members, at least five of whom shall be from the Cathedral Chapter and at least five of whom are from the Parish Council.

CHAPTER 18 - GRAFTON DIOCESE INVESTMENT FUND

218 *Mission and Ministry*

The Mission and ministry of the Grafton Diocesan Investment Fund is to assist in the work of the Diocese by providing funds and income to support the proclamation of the Gospel.

219 *Saving Provisions*

Any repeal by this Ordinance shall not affect the Board of the Grafton Diocesan Investment Fund or the members of that Board or the property accepted on deposit and invested by the Board or any acts and things undertaken or agreed to by the Board.

220 *Grafton Diocese Investment Fund – Creation, Governance*

220.1 A Fund herein called the Grafton Diocese Investment Fund created under the Diocese of Grafton Investment Fund Ordinance 1981 – 1996, and continued under the Grafton Diocese Investment Fund Ordinance 1996 is hereby continued.

220.2 The Board of Management controlling the Fund shall develop a Strategic Plan and appropriate policies to ensure proper governance, fiduciary responsibility and prudent management of the Fund.

221 *Board of Management*

221.1 The Fund shall be under the control of The Corporate Trustees of the Diocese of Grafton who shall be empowered to delegate the administration and management of the Fund to a Board of Management which shall consist of:

- (a) the Bishop of Grafton who shall be President of the Board;
- (b) a chairperson who shall be appointed by the Bishop of Grafton to hold office for a period of one year but who may be re-appointed for such further periods of one year as the Bishop may determine;
- (c) the Registrar of the Diocese who shall be the Secretary of the Board;
- (d) a Treasurer who shall be appointed by the Board;

- (e) four members appointed by the Bishop in consultation with Bishop-in-Council subsequent to the First Session of each Synod, for the term of that Synod, and who shall be appropriately experienced or qualified and be fit and proper persons in terms of their fiduciary responsibilities for the deposits made to the Fund.

221.2 Should a casual vacancy occur, it shall be filled by the Bishop, in consultation with the Bishop-in-Council, and the appointee shall hold office for the remainder of the term of Synod.

222 Purposes of the Fund

222.1 The purposes of the Fund shall be:

- (a) to receive deposits for the purposes of the Fund;
- (b) to pay interest on such deposits at such rates as shall from time to time be determined by the Board;
- (c) to maximise returns, within prudent limits, to the Fund;
- (d) to make available to Bishop-in-Council funds from any surplus achieved in any given year, after the creation of all necessary provisions and reserves as determined by the Board of Management;
- (e) to make available by way of loans as approved by the Board from time to time to Ministry Units, Church entities in the Diocese (being under the control of Synod), clergy and full time Stipendiary Lay Ministers sums of money from the Fund at such interest rates as determined by the Board;
- (f) to invest such funds as from time to time are not required for the purposes mentioned in Clauses 222.1 (e) in such manner as is authorised by The Corporate Trustees.

223 Audit

The Board of Management shall cause the Accounts of the Fund to be audited by the Diocesan Auditor for each year ending on 31st December.

224 *Reports*

The Board shall submit to Synod an annual report on the operations of the Fund. The Board shall from time to time submit to The Corporate Trustees and to Bishop-in-Council a report on the operations of the Fund and a current financial statement.

225 *Rules*

The Board of Management shall prepare such rules for the good conduct of the Fund as may be found to be necessary and such rules shall be tabled forthwith to Bishop-in-Council and The Corporate Trustees.

CHAPTER 19 - DIOCESAN AUDIT COMMITTEE

226 Objectives

- 226.1 The Audit Committee is appointed by Bishop-in-Council to provide independent assurance on the appropriateness of the Diocesan accountability and control framework, which, over time, is expected to enhance the quality and consistency of financial information provided to and issued by Bishop-in-Council.
- 226.2 The Audit Committee should primarily consider "big picture" strategic implications on the Diocese in undertaking its responsibilities.
- 226.3 The Audit Committee's role is to discharge its responsibilities to the Diocese as a whole and, as appropriate, Diocesan organisations, by oversight of the following:
- (a) systems that ensure compliance with legal requirements and Diocesan policy relating to financial disclosure;
 - (b) the adequacy of internal controls and risk management procedures,
 - (c) the scope and performance of internal audit;
 - (d) the scope and performance of External Audit;
 - (e) financial reporting to and by the Bishop-in-Council; and
 - (f) other matters delegated by Bishop-in-Council from time to time.

227 Membership

- 227.1 The Audit Committee will be appointed by Bishop-in-Council and will comprise not less than three, and up to five members, all of whom will be non-executive members. At least one member will be a member of Bishop-in-Council.
- 227.2 None of the Bishop, Registrar, Diocesan Treasurer, or those in a similar position in Diocesan organisations will be members of the Audit Committee.
- 227.3 Bishop-in-Council shall appoint one of the Audit Committee members to serve as the Audit Committee Chairman.
- 227.4 At least one member of the Audit Committee shall have expertise in financial reporting.

- 227.5 At least one member shall have knowledge of the legal framework of the Anglican Church of Australia, particularly the Diocese and its organisations.
- 227.6 The Diocese will provide a suitable Secretary to the Audit Committee.
- 227.7 Each member of the Audit Committee should be capable of making a valuable contribution to the Committee. It is expected that each member will obtain an understanding of the detailed responsibilities of the Committee and of the operations and business-related risks of the Diocese and its organisations.

228 *Attendance at Meetings*

- 228.1 The quorum for any Committee meeting shall be two-thirds of the members.
- 228.2 The Committee may meet as necessary to meet its obligations under this Chapter, but in any event not less than three times per annum. The Committee may convene special meetings as required. The Bishop or Registrar may request meetings as they reasonably consider necessary.
- 228.3 The Audit Committee may invite such other persons to its meeting, as it deems necessary. However, Audit Committee members may not have a substitute representative attend on their behalf. The Registrar and Diocesan Accountant may be invited to attend Audit Committee meetings.
- 228.4 The Secretary shall provide the Committee with papers in relation to agenda items at least three working days prior to the meeting. The Secretary shall attend all meetings to ensure that a record of meetings is maintained and, after approval of the Chair of the Audit Committee, is circulated promptly to members, Bishop-in Council, the External Auditor, and relevant Diocesan organisations as appropriate.

229 *Right to Access and Information*

- 229.1 Synod and Bishop-in-Council may authorise the Audit Committee, within the scope of its responsibilities, to:
- (a) seek any information it requires from:

- (i) any employee (and all employees are directed to co-operate with any reasonable request made by the Audit Committee); and
- (ii) external parties;
- (b) obtain outside legal or other professional advice, subject to the appropriate delegations; and
- (c) request the attendance of Diocesan officers at meetings as appropriate.

230 *Independence*

- 230.1 The Audit Committee has no executive powers in relation to the operations of the Diocese. It functions in an oversight and review role.
- 230.2 The primary responsibility for financial and other reporting, internal control and compliance with legislation, regulations and ethics within the Diocese rests with executive management.
- 230.3 The Audit Committee is directly accountable to Bishop-in-Council.
- 230.4 Members with real or perceived conflicts of interests will notify the Audit Committee as soon as these issues become apparent. Any members with an actual or perceived conflict of interest will excuse themselves from discussions at the point of decision.

231 *Duties and Responsibilities - Internal Control*

- 231.1 With respect to the internal control environment, the Committee shall:
- (a) evaluate whether management has maintained a sound environment for financial administration, which inter alia will include a competent financial officer, an effective Diocesan finance committee and suitably experienced independent auditors who understand their role. Where this environment does not exist, the Audit Committee should encourage change towards best practices;
 - (b) evaluate whether management is providing the appropriate control environment by communicating the importance of internal control, and management of risk, including fraud risk, and ensuring that all employees have an understanding of their roles and responsibilities. This

includes the oversight of controls over the engagement and conduct of external parties including contractors, advisers and outsourcing arrangements;

- (c) review management's assessment of the adequacy of internal control processes and systems and plans for business continuity and approve internal control policies and procedures;
- (d) confirm that internal control recommendations made by Internal Audit and the External Auditor have been implemented by management.
- (e) evaluate whether management has implemented appropriate systems to manage the risk of fraud, defalcation or theft.

232 *Financial Reporting - General*

232.1 With respect to the control of reporting of financial information and the appreciation of risk management policies the Committee shall:

- (a) satisfy itself, in consultation with the Bishop and the External Auditor, that management is effectively managing the current areas of financial and business risk;
- (b) consider referring to the External Auditor any fraud, illegal acts, deficiencies in internal control or other similar issues that are brought to the Committees attention;
- (c) ensure management has considered significant accounting and reporting issues, including recent professional and regulatory pronouncements, and understand their impact on the financial statements;
- (d) consider any legal matters brought to its attention that could significantly impact the financial statements.

233 *Annual Financial Statements*

233.1 The Committee shall review the annual financial statements and determine whether they are consistent with the information known to members.

233.2 The Committee shall assess whether the financial statements reflect appropriate accounting principles and the disclosure of appropriate financial performance measures. The Committee shall:

- (a) focus on judgmental areas, for example those involving valuation of assets and liabilities, guarantees, environmental liabilities, litigation reserves, commitments, contingencies and complex or unusual transactions;
- (b) meet with management and the External Auditor to review the financial statements and the results of the audit.
- (c) review the annual report before its release and consider whether the information is reasonably consistent with the Audit Committee's knowledge of the Diocese and its operations.

234 *Internal Audit*

234.1 The Committee shall review and approve the plans, activities and organisational structure of the Registry Office and other relevant entities and ensure that they have no unjustified restrictions or limitations. The Committee shall:

- (a) review the qualifications of the Registrar, Diocesan Accountant and other Registry personnel involved in risk and financial management;
- (b) ensure that management responds to recommendations by the Committee or External Audit.

235 *External Audit*

235.1 The Committee shall:

- (a) review the External Auditor's proposed audit scope and approach and ensure no unjustified restrictions or limitations have been made;
- (b) review the performance of the External Auditor in its dealings with the Diocese;
- (c) monitor the independence of the External Auditor, including the review and approval in advance of any non-

- audit services to be contracted by the Diocese from the External Auditor;
- (d) make recommendations to Bishop-in-Council regarding the appointment and reappointment of the External Auditor.
- (e) meet separately with the External Auditor to discuss any matters that the Audit Committee or auditors believe should be discussed privately. The Committee shall ensure that significant findings and recommendations made by the External Auditor are received and discussed on a timely basis; and
- (f) ensure that management responds to recommendations made by the External Auditor.

236 *Compliance with Legislation and Regulations*

236.1 With respect to the oversight of the Compliance monitoring system, the Committee shall:

- (a) review the effectiveness of the system for monitoring compliance with legislation and regulations and the results of management's investigation (including disciplinary action) of any fraudulent acts or non-compliance;
- (b) obtain regular updates from management, with legal advice as necessary, regarding compliance matters;
- (c) be satisfied that all regulatory compliance matters have been considered in the preparation of the financial statements and annual report.

237 *Reporting Responsibilities*

237.1 With respect to the Committee's reporting obligations the Committee shall:

- (a) regularly report to Bishop-in-Council on Audit Committee activities and make appropriate recommendations. In doing so, the Committee shall ensure that Bishop-in-Council is aware of matters that may significantly impact the financial condition or affairs of the Diocese;

- (b) provide an open avenue of communication between Bishop-in-Council, Diocesan senior executive staff, Internal Audit, and the External Auditor. This includes, but is not limited to, regular de-briefs of Audit Committee activity with the Bishop, occasional presentations by the Audit Committee to Bishop-in-Council, and a standing invitation to the External Auditor to attend Audit Committee meetings.
- (c) evaluate the Audit Committee's own performance on a regular basis and report to Bishop-in-Council at least annually on the Audit Committee's achievements against its proposed outcomes.

CHAPTER 20 - ACCOUNTS, AUDITS AND ANNUAL REPORTS

238 *Organisations and Parishes to which this Chapter Applies*

This Chapter applies to all bodies incorporated by Ordinances or resolutions of the Synod or Bishop-in-Council under the *Anglican Church (Bodies Corporate) Act 1932* which include in their responsibilities the management of church trust property and which Bishop-in-Council has by resolution declared to be subject to the reporting provisions of this section.

239 *Application to Parishes*

- 239.1 By resolution Bishop-in-Council may declare that some or all of the provisions of this Chapter apply to a Parish in the same way as they apply to an incorporated body if Bishop-in-Council believes the trading and/or investment activities of the Parish require the application of those provisions.
- 239.2 A resolution under sub-clause (1) may specify the person or persons in the Parish who is or are to comply with the provisions.
- 239.3 On the making of a resolution under sub-clause (1), the provisions of this Chapter specified in the resolution will apply to the Parish.
- 239.4 By resolution Bishop-in-Council may revoke or amend a resolution made under this clause.

240 *Annual Reports to Synod - Lodgement and Format*

- 240.1 Within three (3) months after the end of the Calendar Year, the members of each incorporated body or Parish to which this section applies must submit to Bishop-in-Council for tabling at the next ordinary session of the Synod a report on that Calendar Year which contains:-
- (a) an index or table of contents;
 - (b) a logical sequence of material information; and
 - (c) an appropriate layout of information with clear, readable text.

241 *Annual Reports to Synod - Content*

241.1 Each required Annual Report of an incorporated body or Parish must include:-

- (a) The annual Financial Statements and auditor's report;
- (b) Information, as appropriate, along the following lines:
 - (i) Charter - a statement of the purposes for which the incorporated body was established, stating its Ordinance or other constituting documents and the sections of the Church or the community served;
 - (ii) Access - the address and telephone number of the principal office of the incorporated body and its business hours;
 - (iii) Members - the names of the members, the method and term of appointment of those members, their attendance at meetings, and the names of any significant committees;
 - (iv) Structure - a chart indicating functional responsibilities within the incorporated body and the titles, names and qualifications of the senior officers;
 - (v) Activities - a narrative summary of the major activities for the Financial Year and the range of services provided; and
 - (vi) Financial Results - a short summary of the results for the Financial Year comparing actual results to the budget, and the budget for the current Financial Year, with an explanation of any significant variances.

242 *Annual "Liquidity" Reports to Bishop-in-Council*

242.1 Within three (3) months after the end of each Calendar Year, the members of any reporting incorporated body or Parish must submit to Bishop-in-Council a report stating the following information:

- (a) whether the members of the body or Parish are of the opinion that, at the date of the report, there are reasonable grounds to believe that the body will be able to pay its

debts as and when they fall due and whether they are relying on the support of any other body or banker in doing so;

- (b) whether adequate provisions have been made (including but not limited to, provisions for employee entitlements);
- (c) whether all trade creditors are being paid in accordance with normal terms of payment;
- (d) whether all dealings with real and personal property (including money) have been consistent with the trusts on which the property is held;
- (e) whether any payment has been made to a member (other than in the capacity of an employee of the body) and, if so, the name and total amount paid to the member;
- (f) whether a satisfactory system of Internal Control has been maintained;
- (g) whether appropriate types of insurance and levels of insurance cover are held for all insurable risks having regard to both value of assets and current levels of awards for damages;
- (h) particulars of any matter which has arisen since the end of the Financial Year and the date on which the report is signed which could have a significant effect on the body; and
- (i) that the report has been adopted at a duly convened and constituted meeting of the members of the body and the date of that meeting.

242.2 A report under subclause (1) must be signed by two (2) or more members of the Organisation.

CHAPTER 21 – DIOCESAN RECORDS OFFICE

243 *Ministry and Mission*

The Diocesan Records Office seeks to be a good custodian of the records, experience and memory of the Diocese of Grafton and through this stewardship to know the past so as to inform the future and how the word of God might be better proclaimed within the Diocese.

244 *Ownership of Records*

244.1 The records of the Diocese and Ministry Units are and shall be the property of The Corporate Trustees of the Diocese of Grafton.

244.2 All records of the Diocese and Ministry Units shall be dealt with in accordance with the provisions of this Ordinance and any Regulations made pursuant to this Ordinance.

245 *Delivery of Records*

245.1 All records of the Church whether in use or not either for entry of events or for frequent reference by those with authority to make such entries or references shall be delivered up within one year to the Registrar for preservation in the Records Centre.

245.2 Where the information contained in any of the records of the Church delivered up to the Registrar is written, stored or compiled by magnetic or optical means, the person delivering up the Records shall either:

- (a) cause the information to be accurately, completely and understandably transcribed into writing or printing on paper, and that transcription shall be delivered up as aforesaid with the original records; or
- (b) certify that the records contain metadata providing a complete context for those records and enabling accurate retrieval.

245.3 Any person who has the custody of or possesses any Records of the Church must, on demand from the Registrar, deliver them up to the Registrar in accordance with such demand.

- 245.4 Any person in whose custody the said Records of the Church are kept shall upon delivery of the same to the Registrar be discharged from any responsibility therefore upon the issuance of an Accession Certificate by the Diocesan Archivist.

246 Responsibility of Bishop-in-Council

- 246.1 Bishop-in-Council shall in accordance with this Ordinance and subject to any general or special direction of the Synod be responsible for the adequate preservation and conservation of the Records acquired by the Records Centre and for the general administration of the Records Centre.

- 246.2 Bishop-in-Council shall appoint a person to be Diocesan Archivist on such terms and conditions as it shall deem proper.

247 Responsibilities of the Diocesan Archivist

- 247.1 The responsibilities of the Diocesan Archivist are to -

- (a) administer the Records Centre in accordance with this Ordinance;
- (b) provide for the provision of certified extracts regarding baptisms, confirmations, marriage and burials conducted within the Diocese;
- (c) regulate the acquisition, preservation, conservation and disposal of the records of the Church, whether held in the Records Centre or not, in accordance with such professional standards as are usually required of archives and archivists, such as Australian Standard AS4390;
- (d) assist the Bishop, Registrar, Ministry Units and other officers, organisations and institutions of the Church in carrying out their duties, by facilitating access to records held in the Records Centre;
- (e) encourage and facilitate academic and scholarly research;
- (f) advise the officers, organisations and institutions of the Church in the creation, acquisition, preservation, conservation and disposal of the records of the Church;

- (g) regulate the acquisition, preservation, conservation and disposal of records from private sources relevant to the activities of the Church;
- (h) report on the functioning of the Records Centre to each annual session of Synod and to Bishop-in-Council as required.

248.2 The Diocesan Archivist shall be responsible to the Registrar in carrying out the day to day duties of Diocesan Archivist.

248 Registrar

The Registrar shall be responsible for managing the Records Centre under this Ordinance and any Regulations made or Policies adopted by Bishop-in-Council.

249 Disposal

The disposal of any Records of the Church, or of any other Records acquired by the Records Centre, may be done only in accordance with such Regulations as may from time to time be in force pursuant to this Ordinance.

250 Records Centre Policies

250.1 The Bishop-in-Council may from time to time adopt policies not inconsistent with this Ordinance, providing for all or any of the purposes set out in this Ordinance.

250.2 Policies for access shall not be contrary to any law in force from time to time in the State, and in the case of records other than records of the Church shall not be contrary to any expressed direction given by or on behalf of any person who shall deposit such records.

FIRST SCHEDULE - SYNOD STANDING ORDERS

PART A - SYNOD MEETINGS

1 *Notice of Meeting of Synod*

- 1.1 When the Bishop convenes a session of the Synod the Registrar shall cause to be forwarded to each member of the Synod not less than 14 days before the first sitting-day of the session
- (a) notice of the time and place fixed for the sitting;
 - (b) a copy of the agenda for the first sitting-day of the session;
 - (c) a copy of each of the reports and accounts required by these Standing Orders, by Ordinance or by resolution of the Synod to be laid before the Synod that are then available;
 - (d) a copy of any other report that has been furnished to the Registrar for laying before Synod; and
 - (e) a copy of each Bill included on the agenda.

2 *Hours of Meeting*

- 2.1 Unless the Synod otherwise orders, on a day other than the first day of a session the Synod shall meet at 9am.
- 2.2 If before the expiration of half an hour after the time fixed for a sitting there is not a quorum present, the President shall adjourn the Synod to the next day of sitting and if, on that day, there is not a quorum present before the expiration of half an hour after the time fixed for the sitting the President shall adjourn the Synod sine die.

3 *Quorum*

- 3.1 The President, ten clerical members and twenty lay members shall form a quorum of the Synod.
- 3.2 If it appears, as a result of a division or of a count of the Synod had at the request of a member, that there is not a quorum present, the President shall adjourn the Synod for thirty minutes and again seek a quorum, if no quorum is then present the President shall adjourn the Synod until the next day of sitting.

- 3.3 The President may, if the President thinks that there is likely to be a quorum of members present within a reasonable time, refrain from adjourning the Synod under the last rule, whichever is applicable, for a period fixed by the President and if, within the period so fixed, a quorum be not present, the President shall adjourn the Synod under the last rule.

4 *Suspension of Sittings*

- 4.1 At its first sitting the Synod shall determine on motion without notice the hours at which each sitting will be suspended.
- 4.2 The President may, without motion being made suspend a sitting of the Synod for a period of 15 minutes during a morning, afternoon or evening sitting.

5 *Meetings of Synod*

- 5.1 The members of the Synod shall meet in one chamber.
- 5.2 A meeting of the Synod is, subject to the next succeeding sub-clause, open to the public.
- 5.3 The President shall, at any time, upon request by five members, close the proceedings to the public.
- 5.4 Where the public have been ordered to withdraw, they shall be re-admitted when the motion or Ordinance before the Synod at the time when they were ordered to withdraw has been disposed of or adjourned.

6 *Officers of the Synod*

- 6.1 The Officers of the Synod are -
- (a) the Chair of Committees, and a Deputy Chair of Committees;
 - (b) the Clerk of Committees and
 - (c) two Synod Secretaries, one of whom shall be a clerical member of Synod and the other a lay member of Synod.
- 6.2 The Officers shall be elected at the first meeting of Synod.
- 6.3 An Officer holds office, unless the officer resigns office by notice in writing to the President, or ceases to be a member of the Synod, until the commencement of the first sitting of the next Synod.

- 6.4 Where an Officer resigns or ceases to be a member of the Synod, the Synod shall, at the commencement of its next sitting, elect a member to fill the vacancy.

7 *Duties of the Secretaries*

- 7.1 It is the duty of the Secretaries to take minutes of the proceedings of the Synod, except when in Committee of the Whole, to record all Ordinances and Motions passed by the Synod and all reports and other papers laid on the table of the Synod and to prepare the Notice Paper for each sitting other than the first day of a session of the Synod.

8 *Duties of the Registrar*

- 8.1 The Registrar has the custody of the books, papers, minutes and records of the Synod.

9 *Members – Dress and Record of Attendance*

- 9.1 A clerical member shall wear clerical attire. A lay person shall wear appropriate attire.
- 9.2 A member present at a session of the Synod shall record the member's attendance in a manner approved by Synod.
- 9.3 If the member's name is not recorded this shall be prima facie evidence that the member was absent from Synod for the whole of that session.
- 9.4 The President may require lay representatives to sign any declarations that may be required under the Constitution of the Church in New South Wales before participating in the business of Synod.

10 *Acting President*

- 10.1 The President may, at any time, without motion being made, request a member of Synod to take the chair as Acting President of the Synod during the President's temporary absence from the sitting.
- 10.2 An Acting President has all the powers, and shall exercise all the functions, of the President under these Standing Orders during the absence of the President from the sitting.

11 Minutes

- 11.1 At the first session of each Synod, the Synod shall elect a committee to scrutinise the minutes of each sitting and certify whether or not the minutes are correct.
- 11.2 The Committee shall consist of three members.
- 11.3 A member of the Committee holds office, unless the member resigns the office by notice in writing to the President or ceases to be a member of the Synod, until the first session of the next Synod.
- 11.4 Where a vacancy occurs in the Committee, the Synod shall, at the commencement of its next sitting, elect a member to fill the vacancy.
- 11.5 The President shall, at each sitting of a session of the Synod other than the first sitting of the session, report whether or not the minutes have been duly certified by the Committee to be correct and, where the minutes have been so certified to be correct, they shall be taken to have been confirmed by the Synod.
- 11.6 The minutes of the Synod's last sitting shall be certified by the Minutes Committee which shall forward its certification to the next meeting of Bishop-in-Council for adoption.

PART B - ORDER OF BUSINESS**12 Order of Business for First Sitting Day**

- 12.1 The order of business for the first sitting-day of a Synod session is as follows:
- (a) Prayers;
 - (b) Calling the Roll of Members of Synod;
 - (c) Receiving the apologies;
 - (d) Election of Officers of Synod (if necessary);
 - (e) Election of the Members of the Minutes Committee (if necessary);
 - (f) Election of the Elections and Qualifications Committee (if necessary);
 - (g) The President's Address;

- (h) Reports and Accounts required by these Standing Orders, by Ordinance or by a resolution of Synod to be laid before Synod to be laid on the table;
- (i) Petitions;
- (j) Notices of Questions;
- (k) Notices of Motion;
- (l) Formal Motions;
- (m) Adoption of the audited annual Financial Statements of Bishop-in-Council, The Corporate Trustees and Grafton Development Investment Fund
- (n) Consideration of the Diocesan Budget;
- (o) Motions relating to the reports and annual Financial Statements laid on the table;
- (p) Introduction of Bills having the approval of Bishop-in-Council to be introduced;
- (q) Introduction of other Bills;
- (r) Motions;
- (s) Such other Business as the President or Synod may by Motion determine.

12.2 During the first sitting-day of any session in which elections are to be held Synod shall determine on motion without notice the time at which nominations shall open and close and the time(s) at which voting shall take place.

12.3 At the first session of each Synod, the Synod shall elect a committee of five members of Synod to form an Elections and Qualifications Committee. Any petition concerning a disputed election signed by a candidate or by three qualified electors present at such election shall be referred to the Committee. The Committee, having a quorum of three, shall consider the dispute and report its findings to Synod and Synod shall thereupon determine the dispute.

13 Order of Business for Subsequent Days

13.1 Subject to the next succeeding sub-clause, orders of the day and motions, respectively, shall be listed in the order of business for the second or a subsequent day of a session in such order as the

President, or Acting President, and the Secretaries consider most convenient.

- 13.2 Where the Synod has directed that an Order of the Day or Motion be taken at a particular time or following a specified matter, the order or motion shall be listed on the Order of Business accordingly.

14 Reports and Accounts to be laid before Synod

- 14.1 The following reports and accounts shall be laid before Synod during each ordinary annual session of the Synod:

- (a) a report of the work of Bishop-in-Council since the last ordinary session of Synod;
- (b) a report of Bishop-in-Council concerning its exercise since the last ordinary annual session of Synod of any powers of management conferred on it by Section 24 of the *Anglican Church of Australia Trust Property Act 1917*;
- (c) a report of the work of The Corporate Trustees since their last report to Synod;
- (d) the Financial Accounts of each fund under the control of Synod, Bishop-in-Council or The Corporate Trustee; and
- (e) reports on the work of such of the Ministry Units, bodies, entities and committees of the Diocese as the Bishop or Synod by Ordinance determines.

- 14.2 Bishop-in-Council shall cause copies of the reports and accounts referred to in the last preceding sub-rule and of any other report furnished to the Registrar for laying before the Synod to be prepared for forwarding to each member of Synod and where appropriate included in the Diocesan Year Book.

15 Notices of Motion

- 15.1 A notice of motion, including a notice of motion for leave to introduce a Bill, shall not be included on the agenda for the first day of a session unless the notice is received by the Registrar not less than 21 days before the first sitting day of the session.

- 15.2 Motions for which less than 21 days notice before the first sitting day of a session have been given shall not be included on the agenda unless:

- (a) Upon notices of motion being called for by the President the mover reads the proposed motion and gives reasons why the motion should be placed on the agenda; and
- (b) Synod on motion without notice immediately resolves that such proposed motion should be placed on the agenda.

- 15.3 Notices of motion given on the last day of a session shall be dealt with as if they were included on the agenda for that day.
- 15.4 A notice of motion shall be supplied to the Synod Secretaries, be in writing and be signed by the mover.

16 *Formal Motions*

Before the Orders of the Day or motions are proceeded with the President at each sitting shall read over all the motions on the business paper. Any motion read may be taken as a formal motion unless objection be taken thereto by the word "object" being called, and such motion on being declared formal shall be forthwith put from the chair without debate.

17 *Notice of Bills for Ordinances*

A motion for leave to introduce a Bill shall not be moved during a session unless a copy of the Bill is received by the Registrar not less than 21 days before the first sitting.

PART C - PETITIONS

18 *Form of Petitions*

- 18.1 A petition shall be written and legible.
- 18.2 A petition shall contain a succinct statement of its purpose and conclude with a prayer (a succinct statement of the action or prohibition sought).
- 18.3 A petition shall be signed by at least one person on the sheet on which the petition is inscribed.
- 18.4 A petition shall be signed by the persons, with their own hands, whose names are appended to it on the petition or on a sheet containing the prayer.

- 18.5 A petition shall not have attached to it, or be accompanied by, a letter or any other document.
- 19 ***Petition to be Respectful***
A petition shall not be received if, in the opinion of the President it is not respectful, decorous and temperate in its language.
- 20 ***Presentation***
- 20.1 The members presenting a petition shall be acquainted with its contents and sign their names at the top thereof before presenting it.
- 20.2 Upon presenting a petition, the member -
- (a) shall state from whom it comes, its material allegations and its prayer(s) and
 - (b) may require it to be read by one of the Synod Secretaries.
- 21 ***Motion to Receive the Petition***
- 21.1 Upon the presentation of a petition, the member presenting it shall move, without notice, that the petition be received.
- 21.2 No other motion relating to the petition may be moved without notice.

PART D - ELECTIONS

- 22 ***Application***
Unless the Synod otherwise orders, this clause does not apply to the election of officers of the Synod.
- 23 ***Notice of Elections***
The Registrar shall cause notice of each election due to be held at a Synod session to be given to each member of the Synod with the agenda for the first sitting-day of the session.
- 24 ***Nominations***
- 24.1 Any two or more members of Synod may, by writing under their hands, nominate a person or persons not exceeding the number of persons required to be elected, being a person or persons duly qualified to be elected to the office, for election.
- 24.2 A nomination -

- (a) shall have, in respect of the person or each person nominated for the election, the consent of the person nominated for the election written on it and signed by the nominee or bear a certificate, signed by one of the nominators, certifying that the person has consented to be nominated for the election; and
- (b) shall be delivered to a Synod Secretary not later than the time Synod has determined for the close of nominations.

24.3 If the number of persons nominated is not sufficient to fill the vacancies, the President may extend the time for nominations and call for further nominations.

24.4 If the number of persons nominated is not greater than the number to be elected, the President shall declare the persons nominated to be elected but, in any other case, the Synod Secretaries shall conduct a ballot.

24.5 If a vacancy is not filled at Synod Bishop-in-Council is hereby empowered to fill the vacancy by appropriate nomination or election process.

25 Voting

25.1 Where a ballot is to be held -

- (a) the Synod shall, by resolution, appoint persons, who need not be members of the Synod, to be scrutineers;
- (b) the Synod Secretaries shall notify the names of the persons nominated to the members of Synod;
- (c) voting shall take place at times determined by Synod;
- (d) the Synod Secretaries shall cause ballot papers to be issued to the persons entitled to vote and record the persons to whom they are issued;
- (e) a voter to whom a ballot paper for an election is issued is not entitled to receive another ballot paper for the election unless the person surrenders to a Secretary the ballot paper first issued; and
- (f) a voter shall vote by marking a cross on the ballot paper opposite to the name of each person for whom the voter

desires to vote and depositing the ballot paper in a locked box provided for receiving ballot papers. A voter may place no more crosses on the ballot paper than there are positions to be filled.

26 *Counting of Votes*

- 26.1 The scrutineers shall, after the close of the poll, remove the ballot papers from the locked box in which they were placed and scrutinise each ballot paper.
- 26.2 The scrutineers shall reject as informal a ballot paper that
- (a) does not appear to have been duly issued; or
 - (b) records votes for a greater number of persons than the number required to be elected; or
 - (c) is not marked in accordance with this part.
- 26.3 The scrutineers shall count the number of votes duly cast for each candidate and report the result of the ballot to the President.
- 26.4 If two or more candidates receive the same number of votes but there are vacancies for some only of those candidates a new ballot to fill those vacancies shall be held among the candidates who received that equal number of votes.
- 26.5 The President shall report at a convenient time the result of a completed ballot(s) to the Synod.

PART E - RULES OF DEBATE

27 *Members to Stand*

A member shall stand when speaking, and address the President and Members of Synod.

28 *President's Privileges*

- 28.1 The President may take part in debate without leaving the chair.
- 28.2 When the President rises, a member speaking shall resume the member's seat and all members other than the President shall remain seated until the President is seated.

29 Questions of Order

29.1 A question of order shall be determined by the President whose determination is final unless altered by a vote of the Synod upon a motion moved without notice forthwith after the determination.

29.2 A member may speak to a point of order.

30 Length of Speeches

30.1 Unless the Synod otherwise orders, the following time limits apply to speeches in the Synod -

(a) Motion other than motion to adopt a report or a procedural motion-

Person	Time (minutes)
Mover	8
Other Speaker	5
Mover in Reply	5

(b) Motion to adopt a report specified in clause 14 of these Standing Orders -

Person	Time (minutes)
Mover	8
Other Speaker	5
Mover in Reply	5

(c) Motion to adopt any other report -

Person	Time (minutes)
Mover	5
Other Speaker	3
Mover in Reply	3

(d) Procedural motion -

Person	Time (minutes)
Any Speaker	3

- 30.2 The Synod may, on motion put without notice or debate, extend the time allowed to a speaker.

31 *Limitation on Debate*

- 31.1 At any time during a debate on a question, but not so as to interrupt a member who is speaking, a member who has not spoken may, without notice, ask the President "Whether in the opinion of the President the question has been sufficiently debated?".
- 31.2 If, upon being asked the question, or at any other time, the President is of the opinion that the question has been sufficiently debated, the President shall so inform the Synod.
- 31.3 Where the President informs the Synod that the question has been sufficiently debated, a member who has not spoken may move, without notice, "that the question be now put".
- 31.4 Upon such a motion being moved and seconded, the President shall put the motion without further debate.
- 31.5 If the motion "that the question be now put" is carried, the President shall afford the mover of the motion to which the question relates an opportunity to reply, or, if the mover does not wish to reply, forthwith put the question to the vote.

32 *Speeches to deal only with the Question under debate*

- 32.1 The President shall call to order any member who, in the opinion of the President, is digressing from the subject matter of the question under discussion or who makes personal reflections on, or imputes improper motives to, another member.
- 32.2 A member shall not interrupt a speaker except to raise a point of order or when expressly permitted to do so by these Standing Orders.

33 *Disorderly Conduct*

- 33.1 If, in the opinion of the President, a member -
- (a) persistently digresses from the subject matter of the question under discussion; or
 - (b) is guilty of disorderly conduct,

the President shall report the member to the Synod, which may suspend the member for the remainder of the session or a part of the session.

- 33.2 The President shall not report a member to the Synod for disorderly conduct unless the President has afforded the member an opportunity to withdraw any improper remarks made or otherwise apologise for the conduct and the member has refused to do so.

34 *Adjournment of Debate*

Where the debate on a question is adjourned and made an Order of the Day for a future sitting, the Synod may, upon motion made without notice and put without debate, determine that the resumption of the debate take preference over all or any motions or other Orders of the Day for that sitting.

35 *Right of Reply*

- 35.1 A member shall not speak more than once on the question to which the motion relates, except where, with the permission of the President, the member makes a personal explanation.
- 35.2 Where an amendment has been moved to a question, a member who spoke on the question before the amendment was moved may speak, once only, to the amendment.
- 35.3 A member, not being a member to whom the last preceding sub-clause applies, who speaks after an amendment has been moved to a question may address both the original question and the amendment but is not entitled to speak a second time to the question or the amendment.
- 35.4 The mover of a motion (not being the mover of an amendment to a motion), may, speak a second time in reply.
- 35.5 When the mover of a motion has spoken in reply, the question shall be put without further debate.

36 *Motions to be seconded*

- 36.1 A motion shall not be discussed or entered in the minutes unless it is seconded.

36.2 A member may second a motion pro forma and shall not be considered to have spoken on the question by doing so.

36.3 When a motion has been moved and, if required to be seconded, has also been seconded, the President shall propose to the Synod the question "That the motion be agreed to" but any member may, before the close of the debate, move an amendment to the motion.

37 Notice to be given of Motion

Except with the leave of Synod, or as otherwise provided in these Standing Orders, a motion shall not be moved unless Notice of the motion was duly given before the commencement of the session or on a previous day of sitting.

38 Order of Motions

38.1 Unless the Synod otherwise orders, motions shall be taken on a sitting day in the order in which they are listed on the agenda for the day.

38.2 If a motion is not moved, or is not postponed by leave of the Synod, when it is due to be moved, the motion shall be deemed to have lapsed.

39 Questions

The President shall at least once a day ask if there are any Notices of Motion or Petitions for presentation or questions. The President shall answer any questions asked at a later hour of the sitting.

40 Amendments

40.1 An amendment shall not be put unless it is seconded and a written copy of the amendment handed to a Synod Secretary.

40.2 Subject to the next succeeding clause, an amendment shall be in one of the following forms:

- (a) if the object of the amendment is to substitute a new motion for the motion moved, the amendment shall be "that all words after the word 'that' in the motion be omitted with a view to the insertion of the following words in their stead ...";
- (b) if the object of the amendment is to alter the motion by omitting certain words only and inserting other words in

their stead - the amendment shall be "that the word (or words).... be omitted with a view to inserting the following word (or words) in its (or their) stead...";

- (c) if the object of the amendment is to alter the motion by omitting certain words only - the amendment shall be "that the words be omitted"; and
- (d) if the object of the amendment is to alter the motion by inserting or adding certain words to it - the amendment shall be "that the words be inserted after the word (or added at the end)".

40.3 Where an amendment is moved and seconded, the question to be proposed by the President is -

- (a) if the amendment is that certain words be omitted with a view to the insertion of other words in their stead - first, that the words proposed to be omitted be omitted, and if that question is agreed to by the Synod, secondly that the words proposed to be inserted be inserted; or
- (b) in any other case - that the words proposed to be omitted be omitted or that the words proposed to be inserted (or added) be inserted (or added) as the case requires.

40.4 Where a question that certain words be omitted is negatived, a further motion proposing the omission of those words or any of them is out of order.

40.5 Where a question that certain words be inserted or added is negatived, a motion may be moved for the insertion or addition of other words.

40.6 An amendment to a motion shall be disposed of before another amendment to the motion is moved.

40.7 An amendment may be moved to a proposed amendment as if the proposed amendment were an original motion.

41 Certain Amendments Not in Order

41.1 An amendment shall not be moved to a motion:

- (a) if it is not relevant to the subject matter of the motion; or
- (b) if it would result in the motion as proposed to be amended being the opposite of the motion.

42 *Closure of Debate without Decision*

- 42.1 When it is desired to avoid or postpone a decision on a motion a member may move, without notice, "that the Synod proceed to the next item of business".
- 42.2 When moved, that motion shall be put without debate, and if agreed to, the Synod shall proceed forthwith to the next item of business.

43 *Motions, how resolved*

- 43.1 Subject to the next succeeding sub-clause, a question shall be resolved on the voices or by show of hands according to whether in the President's opinion, there is a majority voting "aye" or "no".
- 43.2 If ten or more members so require, a division shall be held on a question and the question shall be decided according to the result of the division.
- 43.3 If a division is to be held -
- (a) the President shall put the question and, after a lapse of two minutes, shall direct the "Ayes" to move to the right and the "Noes" to the left of the chair.
 - (b) the President shall appoint tellers for each side;
 - (c) the tellers shall count the votes for each side and report the count to the President; and
 - (d) the President shall declare the result of the division, including the numbers voting for and against the question collectively.
 - (e) If five or more members require a vote by orders or houses, a show of hands or a division of first only the lay members and then only the clergy members (other than the Bishop) of the Synod as described in sub-clauses (a), (b) and (c) above shall be conducted with the count for each House being reported to the President.
- 43.5 Where a vote by Houses is taken, the question shall not be taken to be resolved in the affirmative unless a majority of the members voting in each House vote in favour of the question.

44 Divisions**44.1** Where a division is to be held -

- (a) a member may not leave the chamber after the President had directed members to divide;
- (b) a member may enter the chamber within two minutes of the President putting the question and advising of the division; and
- (c) after the President has appointed the tellers, a member other than a teller is not entitled to change the member's place from one side of the chair to the other side.

45 Withdrawal of Motion

A motion may, with the leave of the Synod, be withdrawn by the mover.

46 Motion previously Dealt With

A matter that has been dealt with by the Synod at a session shall not be the subject of a further motion during that session.

47 Adjournment

A motion to adjourn the debate on a motion or to adjourn the Synod may be moved at any time without notice but not so as to interrupt a member who is speaking.

48 President (Bishop) May Not Vote

The President may not vote on any question before the Synod.

49 Suspension of Standing Order**49.1** A matter or thing may be done by or in the Synod notwithstanding the provision of a Standing Order if -

- (a) it is done by leave of the Synod without dissentient voice;
or
- (b) the provision of the Standing Order is suspended
 - (i) upon motion moved on notice; or
 - (ii) upon motion moved without notice, there being ten or less members voting against the motion.

50 *Need for Motion Before the Chair*

When no question is before Synod, no member shall be at liberty to speak unless the member intends to conclude by moving a motion and any member rising to move a motion of which notice has not been given shall when called upon by the President forthwith state what motion it is intended to move.

PART F - COMMITTEE OF THE WHOLE**51 *Committee of the Whole***

The Synod shall, upon motion moved without notice, or, as provided by the Standing Orders, without motion, sit as a Committee of the Whole to consider a matter.

52 *Chair and Clerk of Committees*

52.1 When the Synod is sitting as a Committee of the Whole -

- (a) the Chair of Committees (the Chair) shall preside;
- (b) the Chair has a casting but not a deliberative vote; and
- (c) the Clerk of Committees shall keep minutes of the proceedings of the Committee and a record of the matters agreed to by the Committee.

53 *Deputy Chair*

53.1 If the Chair is unable to attend a sitting of the Synod, a Deputy Chair shall take the Chair as Acting Chair during the absence of the Chair.

53.2 A Deputy Chair has all the powers and shall exercise all the functions of the Chair under these Standing Orders, including a casting vote, during the absence of the Chair.

54 *Quorum*

54.1 The quorum in Committee of the Whole is the same as the quorum of the Synod.

54.2 If, while the Synod is sitting as a Committee of the Whole, notice is taken that there is not a quorum present, the Chair shall leave the chair and report that fact to the President.

55 *Motions in Committee*

A motion moved in Committee of the Whole need not be seconded.

56 *Speaking in Committee*

A member may speak more than once on a motion before the Committee of the Whole.

57 *Length of Speeches*

Unless the Committee otherwise orders, a member shall not speak for more than five minutes on any one occasion before the Committee of the Whole.

58 *Bills for Proposed Ordinances*

- 58.1 In this rule, unless the contrary intention appears, a reference to a clause of a Bill shall be read as including a reference to a Schedule, a preamble and the title to the proposed Ordinance.
- 58.2 Subject to the next succeeding sub-rule, when a Bill is being considered by the Committee of the Whole, the Chair shall, without motion, put, with respect to each clause, the question "that clause as printed shall stand part of the Bill".
- 58.3 The question may, by leave of the Committee of the Whole, be put concerning all the clauses together or some two or more clauses together instead of concerning each clause.
- 58.4 Where a Schedule to a proposed Ordinance is divided into paragraphs, each paragraph may be considered after every other clause, any schedules and any preambles have been considered.
- 58.5 The clause providing for the short title to the proposed Ordinance and the Title shall be considered after every other clause, any schedules and any preambles have been considered.
- 58.6 Where the question referred to in sub-clause (2) of this rule has been proposed concerning a clause, amendments may be moved as if the clause were a motion.
- 58.7 Where a clause is amended, the Chair shall, without motion, propose the further question "that the clause as amended stand part of the Bill".
- 58.8 A motion for the inclusion of a new clause shall be moved after the clause that it is to follow has been dealt with by the Committee as a Whole.

- 58.9 Where a Clause is omitted from or inserted in a proposed Ordinance it is not necessary for any consequential re-numbering or altering of reference to be put to and agreed to by the Committee of the Whole but these alterations shall be made by the Clerk and certified by the Chair.

59 Clauses 27-50 to apply in Committee

- 59.1 Except to the extent to which they are inconsistent with this Part, clauses 27-50 of these Standing Orders apply to proceedings in Committee of the Whole as if references to the President were read as reference to the Chair and references to Synod were read as references to the Committee.
- 59.2 The Committee may not suspend a member.

PART G - ORDINANCES

60 Leave to introduce Bill

- 60.1 A Bill for a proposed Ordinance shall not be considered by the Synod unless its introduction has been approved
- (a) by Bishop-in-Council, or
 - (b) by resolution of the Synod by way of a motion for leave to introduce a Bill for an Ordinance.

61 Consideration by the Synod

- 61.1 Where the introduction has been approved as provided by the above clause the member in charge of the Bill shall move without notice -
- (a) "that the Bill be considered"; or
 - (b) "that the consideration of the Bill be an order of the day for".
- 61.2 Where the motion "that the Bill be considered" is moved, the general principles of the proposed Ordinance may be considered.

62 Consideration in Committee of the Whole

- 62.1 Where the Synod has agreed to consider a Bill, the Bill shall, without motion being moved, be considered in Committee of the Whole unless

the Synod shall fix another time for consideration of the Bill in that committee.

- 62.2 When the Chair of Committees reports to the Synod that a Bill has been considered by the Committee of the Whole and agreed to either with or without amendment, the President shall, without motion being made, put the question "that the report be adopted".
- 62.3 The motion referred to in the last preceding sub-rule may be amended for the purpose of having the Bill reconsidered by the Committee of the Whole but may not otherwise be amended.
- 62.4 Where the Chair's report concerning a Bill is adopted by the Synod, the member in charge of the Bill shall, without notice, move -
- (a) "that the Bill do now pass"; or
 - (b) "that further consideration of the Bill be an Order of the Day for (tomorrow) ".
- 62.5 When the Synod has agreed that a Bill do pass, the Bill shall be presented to the Bishop to be signified, whether or not the Bishop assents to it.

63 Amendments

A Bill shall not be amended except in Committee of the Whole.

SECOND SCHEDULE - DIOCESAN PROPERTY BOARD PROCESS FOR APPROVAL OF BUILDING WORKS OR ALTERATIONS

1 Step One: – Preliminary Permission

1.1 Before submitting an application for approval or recommendation to the Diocesan Property Board, the Parish Council, the governing body or any other agency or entity, must submit to the Bishop, a précis in writing of the proposal including the estimated cost, and obtain the Bishop's permission to progress the application further. A certified copy of the minute of the resolution of the Parish Council, the governing body of any other agency or entity seeking the permission must accompany the proposal to the Bishop.

1.2 The Bishop may;

- (a) Refuse to authorise the progress of the proposal.
- (b) Grant approval to progress the proposal; or
- (c) Grant approval to progress the proposal conditional upon amendments being made to the proposal or conditional upon further details being provided.

2 Step Two: – Advertising and Consultation

2.1 Where the Bishop has authorised the progress of the application, the Parish Council, the governing body or any other agency or entity shall cause a Notice of the intended works and relevant information to be prominently exhibited for a continuous period of 28 days upon the main entrance to the principal church and the relevant district church of the parish, or on the main entrance to any other building which is the subject of the application.

2.2 The relevant information must include:

- (a) Notice that any objection to the proposal shall be given to the Parish Secretary or secretary of the entity's governing body within 28 days and:
- (b) The date (being after 28 days), of the time and place of any general meeting of parishioners (or in the case of other entities a meeting of relevant interested people) proposed

to be convened to discuss the proposal should there be substantial objections.

- 2.3 The Parish Council or the relevant governing body shall convene any necessary meeting of parishioners or of relevant interested persons (should there be any) and keep minutes of the meeting.
- 2.4 If the meeting resolves not to proceed with the proposal, that fact shall be reported to the Board, which may after consultations with the Parish Council or other governing body direct what further action, if any, should be taken.
- 2.5 If the meeting carries a resolution approving the proposal, or if there are no substantial objections so that no meeting is required, the Parish Council or entity may make a Step Three Application to the Board.

3 Step Three: – Application

- 3.1 After satisfying Step Two, an application may be made to the Board for Approval or Recommendation.

- 3.2 A Formal Application to the Board must be supported by:

- (a) A precise description of the transaction (ie sale, purchase, sub division or lease) or work to be undertaken:
- (b) The Bishop's Authority to Submit an application:
- (c) Material concerning the Meeting in Step Two:
 - (i) The Minutes of the Meeting (if any).
 - (ii) Any letters of objection to the proposal.
 - (iii) Any sketch plan and site plan submitted to the meeting with any subsequent amendments thereto outlined in red.
 - (iv) A declaration signed by the Rector and two Wardens or in the case of another entity by relevant staff or office holders that all conditions concerning advertising and consultation have been complied with.
- (d) Material concerning the Proposal:
 - (i) in the case of a building, a plan of the proposal (with details relevant to the size of the undertaking):
 - (ii) in the case of purchase of real estate, a full property description and the zoning where applicable:

- (iii) A site plan showing the location of the proposal or purchase:
- (iv) A description of the proposal or purchase and the materials (if any) to be used:
- (v) A reasonable estimate of the cost of and the method of financing the proposal:
- (vi) in the case of a sale or lease a statement as to the proposed use of funds raised or received: and
- (vii) Any other material that may be relevant and could assist the Board:

4 Step Four: – Final Approval or Recommendation

4.1 The Board may:

- (a) Approve, Reject or Recommend the application; or
- (b) Grant a Conditional Approval or Conditional Recommendation subject to one or more of the following conditions:
 - (i) provision of detailed, or more detailed, plans and specifications being submitted in duplicate and approved;
 - (ii) provision of further evidence of the financial viability of the proposal;
 - (iii) provision of such further information or evidence that the Board reasonably believes is necessary to allow it to determine the matter, or which it believes is necessary to assist the Parish or other proponent to undertake the proposal.

4.2 No contract may be entered into until final approval in writing to proceed has been issued by the Diocesan Property Board and no substantial variation to the proposal may be made without the approval of the Board.

4.3 In the case of sale or lease no further steps may be taken in the transaction until Bishop-in-Council has passed an Ordinance authorising the transaction. Any Land Sale or Leasing Ordinance must

contain a clause stating the purpose the funds raised or received may be put.

4.4 Where a transaction is authorised the Registrar shall inform and brief the Diocesan Advocate or such other Solicitor as may be deemed appropriate with such information and documentation as the solicitor shall require to implement the transaction.

4.5 Any Contract or Agreement for Purchase, Sale, Subdivision, Transfer, Lease or other legal documentation in relation to any transaction shall be submitted to the Registrar for execution in the name of The Corporate Trustees of the Diocese of Grafton.

5 Procedures

All parish applications for approval and recommendation must be in accordance with the procedures and regulations adopted from time to time by the Diocesan Property Board.

I hereby certify that the Ordinance as printed is in accordance with the Ordinance as passed.


Chairman of Committees

I hereby certify that the Ordinance was passed by ^{Synod} ~~Bishop in Council~~ on theday of 2008.


Registrar

I assent to this Ordinance.


Bishop

