

**DIOCESAN  
GOVERNANCE  
ORDINANCE  
2008**

(as amended February 2019)

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**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**Repealed Enactments**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 All the Ordinances mentioned in Schedule 1 of this Canon are hereby repealed.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  - (a) affect any appointment, regulation, order, power, licence or authority made exercised or given by such repealed Ordinance, or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  - (c) affect the previous operation of any Ordinance so repealed or anything duly done or suffered under any Ordinance so repealed, or
  - (d) affect any right privilege obligation or liability acquired, accrued or incurred under any Ordinance so repealed, or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penalty, forfeiture or punishment incurred in respect of any ecclesiastical offence committed against any Ordinance so repealed before such repeal, or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.
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apply to the persons, things and circumstances appointed or created by or existing under the Ordinances hereby repealed, and all such persons and things and circumstances shall continue unless and until other provision be made as aforesaid to have the same status operation and effect as they respectively had under the Ordinances hereby repealed and the provisions of the said Diocesan Governance Ordinance shall respectively apply and be construed to apply to such persons, things and circumstances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.

## **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

Grafton Diocese Investment Fund Ordinance 1996

Records and Archives Ordinance 2000

## CHAPTER 1 - SHORT TITLE

### Short Title

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

## CHAPTER 2 - PREAMBLE

### 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, processes and procedures 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.

### 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) Anglican, reflecting the Episcopal nature of our Church, our commonality with the World Wide communion and, Anglican tradition and.

## CHAPTER 3 – DICTIONARY

### Definitions

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

- 4.1 **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.
- 4.2 **Annual General Meeting** means the annual meeting of the members of a Parish or other Ministry Unit.
- 4.2A **Archdeacon** for the purpose of this Ordinance means a person licensed by the Bishop of Grafton to the role of Archdeacon consistent with the Archdeacons Canon 1995 Adopting Ordinance 1997 but not including those given the title on an honorary basis
- 4.3 **Archives** means the body of records of continuing value to the Church stored in the Diocesan Records Centre and which provides a corporate memory.
- 4.4 **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.
- 4.5 **Bishop-in-Council** means the Bishop acting with the advice and consent of the Council.
- 4.6 **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).
- 4.7 **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.
- 4.8 (Clause deleted 2015)
- 4.9 **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.
- 4.10 **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.
- 4.11 **Chaplain** means a Minister working within, or in charge of, a Chaplaincy.
- 4.12 **Chaplaincy** means a Ministry Unit designated by a sphere of ministry.
- 4.13 **Church** means the Anglican Church of Australia.
- 4.14 **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.

- 4.15 **Churchwarden** means a Churchwarden elected by the Parish Annual General Meeting or a Rector's Warden appointed by the Incumbent.
- 4.16 **Commissary** means the ordained person licensed by the Bishop in terms of clause 19 of this Ordinance.
- 4.17 **Corporate Trustees** means The Corporate Trustees of the Diocese of Grafton.
- 4.18 **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.
- 4.19 **Diocesan Advocate** means the legal practitioner appointed to advise on and undertake the legal work of the Diocese pursuant to clause 22.
- 4.20 **Diocesan Archivist** means the person appointed by Bishop-in-Council to administer the Records Centre and related activities.
- 4.21 **Diocese** means the Diocese of Grafton.
- 4.22 **Disposal** (in relation to Records) means the retention, transfer, destruction, or otherwise treating of records in accordance with a disposal authority.
- 4.23 **Faculty** means a permission from the Bishop to alter, add or remove any furnishings, fittings or ornaments within a place of worship.
- 4.24 **Incumbent** means a Minister (whether Rector or Priest-in-Charge) instituted and inducted as the ordained person in charge of a Parish
- 4.25 **Lay Worker** means a lay person paid by a Ministry Unit for non Pastoral or non Ministry services within the Ministry Unit.
- 4.26 **Licensed Lay Minister** means a lay person who holds a licence from the Bishop issued under the provisions of Chapter 14 of this Ordinance.
- 4.27 **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.
- 4.28 **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.
- 4.29 **Ministry Unit** means any division of the Diocese constituting a separate geographical area (Parish) or sphere of ministry (Chaplaincy).
- 4.30 **Nominator** means a person elected at an Annual General Meeting to represent a Parish at a Presentation Board.
- 4.31 **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.
- 4.32 **Parish** means a Ministry Unit designated by geography.

- 4.33 **Parish Buildings** means Parish churches, centres, Rectories, Halls and other buildings used for the purposes of the Parish.
- 4.34 **Parish Church** means the church which is the principal place of worship in a Parish.
- 4.35 **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.
- 4.36 **Parishioners** means Members of the Church who are active participants in the life and worship of a Ministry Unit.
- 4.37 **Pledge** means the contribution which a Ministry Unit has promised to contribute to the funds of the Diocese.
- 4.38 **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.
- 4.39 **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.
- 4.40 **Records Centre** means the place provided by the Diocese where non-current records and archives are housed.
- 4.41 **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.
- 4.42 (Clause deleted 2016)
- 4.42 **Rector's Warden** means a Churchwarden appointed by a Parish Incumbent, (whether Rector or Priest-in-Charge), pursuant to clause 81 of this Ordinance.
- 4.43 (Clause deleted 2016)
- 4.44 (Clause deleted 2016)
- 4.45 **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.
- 4.46 **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.
- 4.47 **Separate Trustee** means any trustee or trustees or body of trustees whether incorporated or not, other than The Corporate Trustees or the Bishop.



- 4.48 **session** means a meeting of the Synod convened by the Bishop.
- 4.49 **sitting** means a meeting of the Synod on the day on which Synod is convened or on a subsequent day of that session.
- 4.50 **Stipendiary Lay Minister** means a minister appointed pursuant to chapter thirteen of this ordinance
- 4.51 **Synod** means the Synod of the Diocese.
- 4.52 **Synod Representative** means a person elected by a Ministry Unit at an Annual General Meeting to represent that Ministry Unit at Synod.
- 4.53 **the Clerk** means the Clerk of Committees of the Synod.
- 4.54 **the President** means the President of the Synod.
- 4.55 **Warden** holds the same meaning as Churchwarden in 4.15.

## CHAPTER 4 – DIOCESE

### Geography Mission and Ministry

- 5.1 The Diocese is bound in the north by the border between New South Wales and Queensland, to the east by the Pacific Ocean, to the south by the Diocese of Newcastle, and to the west by the diocese of Armidale.
- 5.2 The Church in the Diocese is the 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
- 5.3 In accordance with the Constitution and traditions of the Anglican Church, and under the care, direction and authority of the Bishop the Diocese is 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.
- 5.4 The members of the Church in the Diocese acknowledge, through Synod, their joint responsibility for that Mission and Ministry.

### Objectives

- 6.1 The Church in the Diocese will
  - (a) proclaim the Gospel;
  - (b) provide for the worship of God;
  - (c) provide for the administration of the sacraments
  - (d) baptise new believers
  - (e) teach and nurture all believers
  - (f) respond to human need through loving service;
  - (g) seek to transform the unjust structures of society; and
  - (h) advocate for and strive to safeguard the integrity of creationin ways which are consistent and compatible with Scripture, reason and tradition in the Anglican Church.

## CHAPTER 5 – BISHOP

### 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, as set out in the Ordinal, 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 work of the Diocese.

### 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.

### **Resignation and Election**

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

### **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 as set out in 20:5 and this appointment remains in place until a meeting of the Bishop in Council is able to appoint an Administrator who is a licensed and active Priest or Bishop from within or from outside the Diocese.

### **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 unless a resolution of Synod or Bishop-in-Council shall determine

otherwise. 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 should be taken within the year following its accrual and in no case shall it accrue to a balance exceeding 56 days without the express approval of 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.

#### **Tenure and Review (Amending Ordinance 2011)**

- 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 seventieth birthday, whichever shall come first, and 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 tenth year of the Bishop's tenure 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.

### **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.

### **Absence**

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

### **Bishopric Endowment Fund**

- 15.1 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.

### **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.

### **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 clergyperson transferred to another Diocese.

- 17.3 The records kept by the Bishop in accordance with this section are the property of the Diocese.

### **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.

### **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 When so requested by the Bishop, the Commissary may exercise the powers and perform the functions vested in the Bishop under any Ordinance of the Diocese during the absence from duty of the Bishop due to leave, incapacity or otherwise, whether the Bishop is inside or outside the Diocese.
- 19.3 Where the Commissary is not a bishop, the Commissary shall not exercise any authorities, rights and powers belonging solely to the order of bishops
- 19.4 Where the Bishop is unable through incapacity or absence to request the Commissary to act in accordance with clause 19.2, any two of the Commissary, the Chancellor and the Registrar shall confer with the Bishop-in-

Council Executive who shall determine whether the Commissary should act in accordance with clause 19.2.

- 19.5 To the extent permitted by the Anglican Church of Australia Trust Property Act 1917 ('the Act'), the person for the time being acting in the office of Commissary in accordance with 19.2 may exercise all the powers and functions and do and make all the things referred to in the Act in place of the Bishop.

### **Administrator**

- 20.1 During:
- (a) a vacancy in the office of Bishop; or
  - (b) the absence from duty of the Bishop for a period exceeding 45 days due to leave, incapacity or otherwise, whether the Bishop is inside or outside the Diocese,
- 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, such being defined in clause 20.5, but excluding the Commissary, able and willing to act, shall be Administrator and shall exercise the authorities, powers, rights and duties conferred or imposed upon the Bishop. This appointment remains in place until a meeting of the Bishop in Council is able to appoint an Administrator who is a licensed and active Priest or Bishop from within or from outside the Diocese.
- 20.2A Where the Administrator is not a bishop, the Administrator shall not exercise any authorities, rights and powers belonging solely to the order of bishops.
- 20.3 During a period of vacancy in the office of Bishop, the Administrator's stipend shall be that which would have been payable to the Bishop should a Bishop have been in place.
- 20.4 To the extent permitted by the Anglican Church of Australia Trust Property Act 1917 ('the Act'), the person for the time being acting in the office of Administrator in accordance with 20.1 may exercise all the powers and functions and do and make all the things referred to in the Act in place of the Bishop.
- 20.5 For the purpose of this Ordinance the order of seniority of the clergy shall be:
- (a) the Commissary;
  - (b) the Diocesan Archdeacon;
  - (c) the Dean of the Cathedral;
  - (d) the other Archdeacons, if any, by order of their years in Holy Orders;
  - (e) clergy appointed with regional responsibility pursuant to clauses 70.3 and 70.4 of this Ordinance, by order of their years in Holy Orders;
  - (f) all other full time stipendiary Priests licensed in the Diocese, by order of their years in Holy Orders.

### **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.

**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**

### **Vacancy of the See**

- 23.1 The See of Grafton shall become vacant:
- (a) At the completion of the Bishop's term in Office; or
  - (b) on the Resignation Date nominated by the Bishop; or
  - (c) on the death of the Bishop; or
  - (d) on the Bishop being declared incapable of managing his or her affairs in accordance with the provisions of the Bishop (Incapacity) Canon 1995 of the General Synod, reprinted as the Sixth Schedule to this Ordinance; or
  - (e) for cause, in accordance with the Constitution and Canons of General Synod in force from time to time in the Diocese.
- 23.2 For the purpose of the Bishop Appointment Board and for no other purpose any vacancy occurring under clause 23.1(a) shall be deemed to have occurred six months before the date of the completion of the Bishop's term in Office and any vacancy under clause 23.1(b) shall be deemed to have occurred as from the date of the receipt of the letter by the Metropolitan.

23A.1 (Clause deleted 2015)

### **Resignation of the Bishop**

- 24.1 The Bishop may resign the See by notice in writing to the Metropolitan of the Province of New South Wales, nominating a date, on which the resignation will become effective (the Resignation Date).
- 24.2 The Resignation Date must be within the 6 months following the date that the letter to the Metropolitan is received by the Metropolitan. If no date, or a longer date, is specified, the Resignation Date shall be the date 6 months from the date the letter is received by the Metropolitan.
- 24.3 The Bishop must send a copy of the letter of resignation to the Administrator of the Diocese and to the Registrar.

### **Procedure upon Vacancy of the See**

- 25.1 A Discernment Synod will meet to determine the qualities, characteristics and skills desired of a new Bishop and to elect members of a Bishop Appointment Board. Following that Synod, Synod members will be invited to submit nominations of candidates. The Appointment Board will consider those nominations in conjunction with the results of the Synod's discernment and appoint a new Bishop.

### **Procedure of the Synod**

- 26.1 Within four months of the Vacancy of the See, the Administrator shall summon a special session of Synod (A Discernment Synod) of which not less than 60 days' notice shall be given for the purpose of discerning the qualities sought in the person desired to fill the vacancy. Such special session shall not be held more than three calendar months before the vacancy takes effect by resignation.
- 26.2 The Administrator shall determine the procedure such discernment should follow and in making that determination may appoint a consultant who shall facilitate a procedure for discussion focused on the future of the Diocese and leadership requirements to achieve that result and bring a report to the Synod.

- 26.3 The Administrator may, prior to the Discernment Synod, invite a Bishop or other appropriate person to address the Discernment Synod on the role of a Diocesan Bishop. The President shall invite such person to address the Synod and may invite questions of the speaker.
- 26.4 A Synod Eucharist shall precede the Discernment 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 discerning the qualities sought of a Bishop for the Diocese, we earnestly seek God’s will in guiding us in our deliberations that the person selected will be a shepherd after your own heart who will walk in your ways and with loving care watch over your people.”
- 26.5 At such special session of Synod the Administrator shall preside at all times during the proceedings of the Synod relating to the discernment process and if for any reason the Administrator shall be unable to preside the person next in ecclesiastical rank or degree licensed within the Diocese who is willing to preside shall preside.
- 26.6 Upon the Discernment Synod being duly constituted the President of the Discernment Synod, or a person appointed by the President, shall deliver an address during which Synod members will be reminded of the significance of their duties.
- 26.7 Synod may move into Committee-of-the-Whole at any time if it so resolves.
- 26.8 The Secretaries of Synod shall record the decisions of the Synod so that the Bishop Appointment Board can be advised of the qualities desired of a new Bishop. Such decisions shall be scheduled for the Synod’s approval prior to the closing of Synod.

#### **Election of the Board**

- 27.1 Upon completion of the discernment process and Synod’s approval of the record of decisions (clause 26.8), or at a time earlier as determined by Synod, the Synod, voting by houses, must elect by ballot 9 members of the house of clergy and 9 members of the house of laity to be members of a Bishop Appointment Board (the Board).
- 27.2 The Synod shall determine the closing time for nominations for positions on the Board.
- 27.3 The election process for the clergy members of the Board and for the lay members of the Board shall be conducted generally in accordance with clauses 24, 25 and 26 of the Standing Orders of Synod.
- 27.4 For the purposes of clause 24.4 of the Standing Orders of Synod, if the number of persons nominated is not greater than 6, the President shall declare the persons nominated to be elected
- 27.5 For the purposes of clause 26.4 of the Standing Orders of Synod, if two or more candidates receive the same number of votes for the sixth, seventh, eighth or ninth positions then a new ballot for that position and consequential positions shall be held among those candidates who received that equal number of votes.

- 27.6 The first 6 clerical members elected and the first 6 lay members elected, shall be the members of the Board and the next 3 clerical members elected and the next 3 lay members elected shall be members on a supplementary list.
- 27.7 Members on the supplementary list shall be included in the order of their election.
- 27.8 Members on the supplementary list shall attend the Board as non-voting observers so that if required to fill vacancies on the Board they will be familiar with the work undertaken prior to their appointment.

### **Vacancy on the Board**

- 28.1 The office of a member of the Board is vacant
- (a) if the member fails to attend a meeting of the Board without leave of the Board; or
  - (b) if the member resigns by notice given to the Bishop or the Administrator; or
  - (c) if the member ceases to be eligible to be a member of Synod; or
  - (d) upon the death or incapacity of the member.
- 28.2 A vacancy on the Board shall be filled by the clerical or lay person, as the case requires, whose name appears first in order on the supplementary list of clerical or lay members and who accepts such appointment.
- 28.3 Bishop-in-Council shall by ballot fill any vacancy on the supplementary list with a clerical or lay person as the case requires, and that person shall stand last in order on the supplementary list of clerical or lay members.
- 28.4 A decision of the Board shall not be invalid by reason only of a vacancy or vacancies in the membership of the Board.

### **Term of Office**

- 28A.1 The term of office of a member of the Board expires upon installation of the person appointed as Bishop of Grafton.

### **Nominations**

- 29.1 Any member of Synod may, after conclusion of the Discernment Synod and not later than 45 days thereafter, nominate any one person of canonical fitness to be appointed Bishop of Grafton.
- 29.2 Such nomination, to be valid, shall be:
- (a) In writing in the form set out in the Third Schedule,
  - (b) Signed by the nominator,
  - (c) Signed by a seconder who is also a member of Synod
  - (d) Accompanied by a statement in writing of the relevant facts relating to the nominee,
  - (e) Accompanied by a brief statement signed by the nominee acknowledging that they accept the nomination, and
  - (f) Delivered to the Registrar before 5.00pm on the last day for nomination.

### **Procedure upon closing of the Synod**

- 30.1 Upon the closing of the Discernment Synod and not earlier than the last day for receipt of nominations, the Administrator must convene the Board as soon as practicable, and the Board shall meet to consider nominations and to appoint a Bishop to fill the vacancy of the See.

- 30.2 If the Administrator has not consented to nomination as Bishop of Grafton in accordance with Clause 32, the Administrator shall be convenor of the Board and its Chair, but shall not vote unless otherwise elected as a member of the Board and in that case shall have a deliberative but not a casting vote.
- 30.3 If the Administrator has consented to nomination as Bishop of Grafton in accordance with Clause 32, the board shall elect a chair from amongst its members who shall have a deliberative but not a casting vote and shall be the convenor of the board.

### **Procedure of the Board**

- 31.1 Except as otherwise provided in this Ordinance, the Board shall have power to order its own procedure.
- 31.2 A quorum of the Board shall be 5 clerical members and 5 lay members, except in the case of a ballot referred to in clause 33.6, in which case a quorum shall be all 6 clerical members and all 6 lay members of the Board.
- 31.3 The proceedings of the Board shall be confidential and except as expressly provided by this Ordinance no member of the Board may reveal to any person, information received by him or her as a consequence of his or her membership of the Board.
- 31.4 Voting shall take place by secret ballot.
- 31.5 Subject to clause 33.6 no person shall be declared Bishop of Grafton until that person has received the votes of at least 4 of the clerical members and 4 of the lay members of the Board.

### **Consent of the Candidate**

- 32.1 Any person under consideration as Bishop of Grafton must consent in writing to nomination in accordance with the Fourth Schedule and complete the Safe Ministry Check in the form that is required for the appointment of clergy in the Diocese.
- 32.2 Any person who does not provide such documents within 14 days of a request to do so shall be deemed to have declined to be considered as Bishop of Grafton.

### **Professional Standards**

- 33.1 The Administrator, in respect of any person whose name is being considered by the Board and who has consented in accordance with clause 32, shall cause to be made all inquiries necessary to determine whether:
- (a) There is professional standards information entered in respect of the person in the National Register; or
  - (b) the person is or has been subject to disciplinary proceedings in any Diocese of the Anglican Church of Australia or of any other Church; or
  - (c) the person is or has been the subject of a complaint or investigation under the Professional Standards legislation of any Diocese of the Anglican Church of Australia or of any other Church; or
  - (d) the person is or has been the subject of investigation or legal proceedings in any State or Territory of Australia or other country, including civil proceedings, in respect of Professional Standards matters

- and must have a report the results of those inquiries provided to the Board as soon as practicable.
- 33.2 The Administrator, in respect of any person whose name is being considered by the Board and who has consented in accordance with clause 32, shall cause to be obtained a criminal history check and a current Working with Children's Check and make the results of that check available to the Board as soon as practicable.
- 33.3 If the Administrator is a nominee for the position of Bishop, the Administrator must not undertake the checks specified in clauses 33.1 or 33.2, nor prepare the reports to the Board specified therein, but shall delegate responsibility for all such things to an appropriate person who is not a nominee.
- 33.4 The Board may not proceed to a ballot in respect of any person until the checks and reports in accordance with clauses 33.1 and 33.2 are received and considered by the Board.
- 33.5 In considering a report under clause 33.1 or under 33.2 the Board must give the person under consideration a reasonable opportunity to respond to any adverse information contained in the report.
- 33.6 No person in respect of whom professional standards information is entered in the National Register may be elected Bishop of Grafton until that person has received the votes of all 6 of the clerical members and all 6 of the lay members of the Board.

#### **Board Member under Consideration as Bishop**

- 34.1 A clerical member of the Board, including the Administrator, who has consented to nomination as Bishop of Grafton in accordance with clause 32, ceases to be a member of the Board and his or her position shall be filled in accordance with this Ordinance.
- 34.2 If the Administrator is absent from the Board or ceases to be a member of the Board, the Board shall elect a chair from among its members who shall have a deliberative but not a casting vote.

#### **Canonical Fitness and Confirmation of Appointment**

- 35.1 The Provincial Ordinance for the Confirmation of Bishop's Elections (NSW) 1965 is expressly adopted by this Diocese and its provisions shall apply as if an Ordinance of this Diocese.
- 35.2 When the Metropolitan has notified the Administrator in writing that the appointment of a person has been confirmed, the person appointed (subject to consecration if necessary) shall be the Bishop of Grafton and may exercise the functions of the Bishop from the date of the person's installation in the Cathedral Church of Christ the King, Grafton.

#### **Declaration of Appointment**

- 36.1 Upon the confirmation of the appointment of a Bishop, the Administrator must publish that fact as soon as practicable in such manner as he or she considers most appropriate and, in addition, must ensure that a Declaration is made in the Cathedral Church during each Divine Service on the Sunday following the confirmation.

36.2 The Declaration in the Cathedral must be in the following terms

.....  
(Title and name of the person appointed)

of .....

has been duly appointed Bishop of Grafton and the appointment has been confirmed.

36.3 Once a person has been publicly declared to be the Bishop of Grafton, the Administrator must take such steps to give effect to the appointment as the Board may direct.

36.4 A Bishop of Grafton must, at the time of consecration (if necessary) and installation, make 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 the Diocese, and of the General Synod and Provincial Synod which have force in this Diocese.”

36.5 Upon consecration (if necessary) and installation, a Bishop of Grafton, subject to law and all the Ordinances of the Diocese shall have and may exercise within the boundaries of the Diocese all the powers which a Bishop of the Anglican Church of Australia may exercise within the Diocese and shall be for all purposes the Bishop of Grafton.

36.6 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.

**Delay, Non Acceptance of Nullity of Appointment**

37.1 If an appointment is not confirmed within three months of the receipt by the Metropolitan of the Certificate of Appointment, the Synod or Bishop-in-Council may resolve that the appointment is null and void.

37.2 If a person appointed as Bishop of Grafton does not accept such appointment within a reasonable time, the Synod or Bishop-in-Council may resolve that the appointment is null and void.

37.3 If an appointment is declared null and void the See is deemed to be vacant from the date of the declaration of nullity.

37.4 A declaration of nullity in respect of the appointment of a particular person does not prevent that person again being appointed as Bishop of Grafton in accordance with this Ordinance.

37.5 If a vacancy in the See is not filled for any reason not specifically provided for above, the See shall be deemed to be vacant from the date of a resolution of Bishop-in-Council declaring the failure to appoint.

**Reconvening of Board**

- 37A.1 If an appointment has been declared null and void the Chair of the Board must reconvene the Board as soon as practicable and the Board shall proceed afresh to the appointment of a Bishop of Grafton, in accordance with this Ordinance.

**Proceedings if Board Fails to Appoint**

- 38.1 If any Board fails to appoint a Bishop and notify such appointment to the Administrator within 12 months of the date of the election of that Board, the Board shall report to Bishop-in-Council giving any reasons why the Board should not be immediately dissolved. Bishop-in-Council shall consider such report and shall either:
- (a) resolve that an extension be granted to the Board to a date not more than three months from the date of the resolution and if at that date the Board has failed to appoint a Bishop, the Board is deemed to be dissolved, or
  - (b) resolve that the Board is deemed to be dissolved immediately.
- 38.2 If within the first six months after its election any Board, by resolution passed by 4 clergy members and 4 lay members, agrees that it is unable to further consider any of the nominations it has remaining before it, the Chair of the Board shall report such to Bishop-in-Council who will by resolution determine:
- (a) if members of Synod are to be asked to provide additional nominations to be considered with those already nominated, or
  - (b) the Board is deemed to be dissolved immediately.
- 38.3 If Bishop-in-Council resolves to seek additional nominations the Administrator shall as a matter of urgency notify each member of Synod in writing, either by letter or by electronic means, that additional nominations are being sought and will be received up until 5.00pm on the next business day after thirty-three days from the date of the issue of such notification.

A Synod member may nominate one person of canonical fitness in addition to any persons previously nominated. A nomination shall be in the form prescribed in clause 29.2.

Additional nominations received shall be processed as if they had been received following a Discernment Synod.

- 38.4 If the Board has been dissolved, the Administrator must, as soon as practicable, summon a special session of Synod (a Discernment Synod) whereupon Synod shall proceed afresh to the discernment, election of a Bishop Appointment Board and calling for nominations, as prescribed by this Ordinance.



## CHAPTER 7 – SYNOD

### 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; and
  - (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.

### 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.

### 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.

### 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 43.2 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.

### 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);
  - (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 ministry units of the Diocese by reporting back to their Parish Council and other appropriate ministry groups; 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 Corporate Trustees: and
  - (c) all incumbents and full-time stipended clergy;
  - (d) all full-time stipended Lay Ministers;
  - (e) representatives of the Household of Deacons chosen in accordance with subclause 43.4;
  - (f) two lay Synod Representatives from each Parish;
  - (g) an additional lay Parish Synod Representative for each full-time stipended clergyperson (additional to the Incumbent) upon appointment of the clergy person to that ministry unit;
  - (h) the principals of Diocesan schools;
  - (i) one Chaplain from each Diocesan school nominated by the Bishop if not already appointed under subclause (c) or (d) above;
  - (j) one lay person, who is a communicant member of the Anglican Church, from each Diocesan school, appointed from and by the Council thereof;
  - (k) one lay person from Anglicare North Coast who is a communicant member of the Anglican Church, appointed from and by the Board thereof;
  - (l) Up to six additional members, either clergy or lay persons, appointed by the Bishop on an annual basis at the Bishop's discretion;
  - (m) such other persons 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 A person who is a member of Synod by virtue of subclause 43.2 (h) shall not have voting rights unless he or she is a member of the Anglican Church.
- 43.4 In accordance with 43.2(e), there shall be summoned to Synod up to 25 percent (then rounded up to the next whole number) of the licensed non-stipendiary Vocational Deacons of the Diocese not otherwise summoned to the Synod, 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;
- 43.5 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.

#### **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 or duly convened Special Meeting of parishioners the requisite number of lay Synod representatives as prescribed by clauses 43.2 (f) and (g), and alternative lay 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.
- 44.2 Nominations shall be received in accordance with clause 80 of this Ordinance.
- 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 Ministry Unit 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.

**Standing Orders**

- 45.1 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

### Mission and Ministry

- 46.1 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 matters pertaining to the mission and ministry of the Church as determined by the Bishop and in all such matters the Bishop shall act by and with the consent of the Council.

### Objectives

- 47.1 This Chapter seeks to provide an operational 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.

### Functions

- 48.1 Bishop-in-Council acts for Synod between Synods and is responsible and accountable 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.

### 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 Registrar;
    - (iv) the Chair of Committees; and
    - (v) the Ministry Development Officer.
  - (c) Six Clerical members of Synod elected at the first session of each Synod by the House of Clergy;

- (d) Six Lay members of Synod elected at the first session of each Synod by the House of Laity; and
- (e) Up to three members qualified to be Synod Representatives (either clergy or laity) appointed by the Bishop at the Bishop's discretion.

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.

### **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.

### **Vacancies**

51.1 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.

### **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 or becomes ineligible to be summoned as 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.

### **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 the Executive Committee.
- 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 the Executive Committee, 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.

#### **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.
- 54.4 The Bishop-in-Council report is to include all actions and outcomes in respect to resolutions and notices of motion referred to it by Synod.

#### **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 subclause 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.

#### **Consideration of a Bill by Bishop-in-Council**

- 55A.1 At the time of moving a motion that a bill be approved in principle the mover may seek the leave of Bishop-in-Council to introduce the bill with amendments to the bill as circulated to each member. If such leave is given the bill as so introduced shall be the bill to be debated.
- 55A.2 When a motion that a bill be approved in principle has been moved and spoken to by the mover and seconded, the President shall ask if any member or members wish to ask the mover or seconder any question or questions to assist members to elucidate the purpose and intended effect of the bill, and any member may then ask any such question which may thereupon be answered by the mover or seconder. Further such questions may be asked and answered until the President announces that the debate shall proceed.
- 55A.3 A person who has asked or answered a question during the period referred to in clause 55A.2 shall not, for the purpose of the ensuing debate, be deemed to have spoken on the motion by virtue only of having asked or answered such question.
- 55A.4 After the President shall have announced that the debate shall proceed, the general principle of the bill shall be debated.
- 55A.5 If the motion that the bill be approved in principle be decided in the negative the bill shall lapse.
- 55A.6 When Bishop-in-Council has agreed to a motion that a bill be approved in principle, the President shall ask if any member wishes to debate the bill in Committee.



- 55A.7 If any member shall answer "Yes" then Bishop-in-Council shall, without motion being moved, forthwith be deemed to have resolved itself into Committee to consider the bill in detail, unless Bishop-in-Council resolves that consideration of the bill by the Committee be an order of the day for another time.
- 55A.8 If no member shall answer "Yes", the motion that the bill do now pass may be moved forthwith without notice or may be made an order of the day for another time.
- 55A.9 If a bill is considered in Committee, the Chair of Committees may allow the bill to be considered:
- (a) as a whole;
  - (b) clause by clause;
  - (c) by groups of clauses or by groups of clauses and single clauses; or
  - (d) in a manner which the Chair considers will best facilitate consideration of the amendments of the bill that are to be proposed.
- 55A.10 In Committee if the bill is not taken as a whole:
- (a) the title and short title and the preamble (if any) are postponed until after the clauses have been agreed to; and
  - (b) the question shall be put by the Chair in respect of each clause or each group of clauses, as the case requires, that it be agreed to; and
  - (c) when the clauses have all been agreed to either with or without amendment, the question shall be put, first in respect of the preamble (if any) then in respect of the title and short title, that it be agreed to.
- 55A.11 Upon the Committee completing its consideration of a bill:
- (a) the Bishop-in-Council shall be deemed to be reconvened and the Chair shall report to the President the bill as agreed by the Committee;
  - (b) the President shall, without a motion being moved, put to Bishop-in-Council the question 'that the report be agreed to': which question shall be open to amendment that the bill, or a specified clause, be recommitted to the Committee to consider an amendment.
- 55A.12 When the question that the report of the Chair be agreed to has been put to and passed by Bishop-in-Council, the motion that the bill do now pass may be moved forthwith without notice or made an order of the day for another time.
- 55A.13 A motion that a bill do now pass shall be open to amendment that the bill, or a specified clause, be recommitted to the Committee to consider an amendment.
- 55A.14 If a bill, or a clause of a bill, is recommitted to the Committee:
- (a) Bishop-in-Council shall, without a motion being moved, forthwith be deemed to have resolved itself into Committee to consider the proposed amendment;
  - (b) the procedure in Committee shall, as nearly as practicable, be the same as the procedure following the passing of the motion that the bill be approved in principle except that the Committee shall consider only amendments relating to the purpose of its recommitment; and
  - (c) the procedure following completion of the consideration of the bill in Committee shall, as nearly as practicable, be the same as that following completion of consideration of the bill in Committee in the first instance.

**Bishop's Assent**

- 55B.1 When Bishop-in-Council 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.

**Groups, Committees and Commissions**

- 56.1 Bishop-in-Council may appoint such task groups, working groups, committees or commissions as it considers necessary to assist it in the discharge of its functions, and may make appropriate provision through detailed resolution, terms of reference or a constitution for membership and procedures to be followed by any such task group, working group, committee or commission established under this sub-clause and provide such powers or functions to them as it considers appropriate. Such task groups, working groups, 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 diversity relative to the group's role.
- 56.2 Bishop-in-Council shall establish a Diocesan Audit Committee which shall operate as per the Charter contained in Chapter 19 of this Ordinance.
- 56.3 The resolution to appoint any task group, working group, committee or commission shall be included in the annual public record of the Diocese. The membership of any standing committee or commission shall also be included in the annual public record of the Diocese.

**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) consider at least annually the level of stipends and allowances including those 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;

- (iv) 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 Record 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.

### **Finance Committee**

- 58.1 There shall be a Finance Committee whose members are appointed by Bishop-in-Council.
- 58.2 The membership of the Finance Committee appointed under 58.1 shall include not less than two members of Bishop-in-Council (excluding the Bishop and the Registrar) and not less than one person who is not a member of Bishop-in-Council, up to a maximum of 5 members. The Registrar and the Diocesan Accountant shall attend and assist the meetings of the Finance Committee but are not members.
- 58.3 Not less than one member of the Finance Committee shall be qualified and experienced in accounting at the level of Certified Practising Accountant or Chartered Accountant.
- 58.4 The Finance Committee shall meet on at least 6 occasions each calendar year.
- 58.5 The Finance Committee shall appoint a Chair from among those of its members who are members of Bishop-in-Council.
- 58.6 The quorum for a Finance Committee meeting is 3 members.

### **Role of Finance Committee**

- 59.1 The Finance Committee shall assist Bishop-in-Council in the oversight of the finances of the Diocese by:
- (a) Reviewing income and expenditure versus the approved budget and reporting on any significant discrepancies or other concerns to the Bishop-in-Council;
  - (b) Analysing any proposals for significant expenditure or any unbudgeted expenditure prior to submission to Bishop-in-Council;
  - (c) Monitoring the solvency of the Diocese;
  - (d) Reviewing the draft budget before submission to Bishop-in-Council; and
  - (e) Responding to other matters as referred to it by the Bishop-in-Council.

### **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.

### **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.

### **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 Buildings and Property Committee;
- (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) providing managerial oversight for the Bishop's Registry including Anglican Funds Grafton Diocese;
- (f) 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;
- (g) ensuring proper and sufficient insurance cover is held by the Church and its entities within the Diocese;
- (h) ensuring the Church entities within the Diocese are compliant with occupational health and safety and employment laws;
- (i) ensuring a proper program of education for Professional Standards is maintained;
- (j) 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;
- (k) maintaining a record of all applications of the Corporate Seal of The Corporate Trustees; and
- (l) acting, if necessary, as the proper officer for The Corporate Trustees.

### **Diocesan Auditor**

63.1 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 Anglican Funds Grafton Diocese and shall report the results of such Audit annually to Synod and take such action thereon as it may think fit.

### **Delegation of Powers Duties to Executive Committee**

64.1 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 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.

- 64.2 The members of any Executive Committee will be:
- (a) The Bishop
  - (b) The Registrar
  - (c) The Diocesan Archdeacon
  - (d) The Ministry Development Officer
  - (e) The Dean
  - (f) The Chair of the Finance Committee
  - (g) Two lay members of Bishop-in-Council elected by Bishop-in-Council.

**Conflict of Interest**

- 65.1 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

### 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.

### Ministry Units

- 67.1 Each Ministry Unit will be determined either by its geographical area, or by its ministry responsibilities. If appropriate or necessary the latter may be coupled with a precise or general geographical area.
- 67.2 A Ministry Unit may be known by such designation as Synod or Bishop-in-Council may determine
- 67.3 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.
- 67.4 Those Ministry Units with their respective boundaries or responsibilities existing when this Ordinance comes into operation shall constitute the 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.

### Creation of Ministry Units Geographically Based

- 68.1 Members of the Church who wish to have the geographical area in which they live designated a Ministry Unit may forward a request to Bishop-in-Council asking for the geographical area to be constituted a Ministry Unit. 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 Ministry Unit 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 Ministry Unit and to provide 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 Ministry Unit to an area, Bishop-in-Council shall determine the title of such when the new status shall come into effect and any

required pro rata contributions to Diocesan funds for the remaining portion of the year.

### **Creation of Ministry Units -Not Geographically Based (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.

### **Regional Ministry Unit Grouping**

- 70.1 Regional groups may be established at the discretion of the Bishop and the group may contain such Ministry Units as the Bishop deems appropriate.
- 70.2 Regional groups shall have as their purpose the co-ordination and facilitation of collaborative ministry and missions across Ministry Units within the group.
- 70.3 The oversight of a Regional group shall be as such person shall foster the work of the group act as the Bishop's representative to foster the nurture of the clergy and lay leaders in the region and to facilitate communication between Bishop-in-Council and the region.
- 70.4 The Bishop may determine the appointment of the person with oversight of a regional group at will.
- 70.5 (Clause deleted 2015)

### **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, Anglican ethos, values and worship among students, staff and parents and others associated with the school or college.

#### **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 Ministry Unit that would leave any part of the Diocese outside a Ministry Unit.
- 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 all effected 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 Ministry Unit 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.



### **Change of Ministry Unit designation**

- 72A.1 A Ministry Unit that wishes to change its designation may make application to Bishop in Council to do so. Any application for a change of designation must be accompanied by:
- (a) A resolution passed by the Ministry Unit's governing body
  - (b) Evidence of consultation with the Members of the Church who are involved in the life of the Ministry Unit
  - (c) justification as to why the change in designation will lead to a more effective provision for the Mission of the Church, and
  - (d) a report of how it will lead to a more effective use of the resources of the diocese
- 72A.2 Bishop in council may not change a Ministry Unit's designation without the prior consultation with the members of the church involved with the worshipping community that is the Ministry Unit
- 72A.3 Bishop-in-Council may change a Ministry Unit's designation following consultation only if;
- (a) such a change of the Ministry Unit will lead to more effective provision for the mission of the church; and
  - (b) it will lead to a more effective use of resources of the diocese.
- 72A.4 If Bishop-in-Council is in agreement with the proposed changes in the Ministry Unit designation resulting from either request by the Ministry Unit or an initiative of Bishop-in-Council itself, any processes prescribed for the implementation of such a change either within this Ordinance or by resolution either Synod or Bishop-in-Council Must be followed.

### **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

### Objectives

- 74.1 This Chapter seeks to provide Parishes with a transparent, accountable and inclusive 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 and to participate in the life of the Diocese.

### Right to Vote

- 75.1 (Clause deleted 2015)
- 75.2 Parishioners who:
- (a) are communicant members of the Anglican Church of Australia; and
  - (b) 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.

### 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 inclusive, 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 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, with the Incumbent, shall be responsible for the appointment, control and dismissal of lay workers (other than licensed Lay Ministers).

### Parish Council

- 77.1 There shall be a Parish Council consisting of:
- (a) the Incumbent;
  - (b) any full-time stipended licensed clergy or full-time stipended Licensed Lay Ministers of the parish.
  - (c) Any other clergy or stipended lay member of the parish at the discretion of the incumbent in consultation with the Churchwardens.
  - (d) two Churchwardens (elected at the Parish Church's Annual General Meeting);
  - (e) a Rector's Warden
  - (f) a Parish Councillor for each Centre church the Annual General Meeting nominates;
  - (g) elected Parish Councillors (a number divisible by three but to a maximum of 9); inclusive of those elected under 77.1(f);
  - (h) members of the Parish appointed by the Incumbent (one for each three elected Parish Councillors); and
  - (i) Lay Synod Representatives not elsewhere elected or appointed to Parish Council.

- 77.2 All members of the Parish Council shall hold a current 'Working with Children's Check' from the NSW Office of the Children's Guardian. Those elected to, appointed to, or ex-officio members of Parish Council who do not hold a 'Working with Children's Check' at the time of their election, appointment or becoming otherwise qualified for membership of Parish Council shall have their membership held in abeyance until a 'Working with Children's Check' is obtained. In circumstances where three months has elapsed since election, appointment or becoming otherwise qualified and the potential member of Parish Council has not obtained a 'Working with Children's Check', their election or appointment will lapse and be cancelled and in the case of an ex-officio membership of Parish Council the election or appointment that created that status will be cancelled.

### **Duties and Responsibility of the Parish Council**

- 78.1 The duties and responsibilities of the Parish Council, together with the Incumbent, are to initiate, conduct and develop the worship, mission and ministry of the Church both within the Parish and the wider community:
- (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 Registrar, or to such other persons or bodies as may be required, all lawful superannuation, taxation and other statutory charges as required;
  - (g) to appoint an Auditor who is, or is eligible to be, a member of a professional accounting body or registered auditor, to conduct an annual independent audit of the Parish's financial statements.
  - (h) 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;
  - (i) to ensure that any property for which they are responsible is appropriately insured and that adequate Public Liability Insurance is also taken out;
  - (j) to ensure the stipended Parish Clergy and Stipendiary Lay Ministers required to be covered by Income Protection 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;
  - (k) to ensure that all insurances required by Bishop-in-Council to be taken out are taken out, including insurance for volunteer workers;

- (l) to act as a Council of advice to the Incumbent and the Churchwardens;
- (m) to appoint individuals, task groups, working groups or committees as it considers necessary to assist in the discharge of its functions;
- (n) to ensure that the Parish maintains a healthy financial state; and
- (o) to ensure any position with direct and unsupervised contact with children, or a position that is identified as working with children, is risk assessed and all who work (including volunteers) in such positions hold a current 'Working with Children's Check' from the NSW Office of the Children's Guardian and comply with the Code of Conduct 'Faithfulness in Service'.

### **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 Bishop or Incumbent or elected by the members present to act as Chair,
- are present.
- 79.5 A meeting of the Parish may be chaired by:
- (a) the Bishop, if present; or
  - (b) if the Bishop is not present or declines to chair, the Incumbent; or
  - (c) a person appointed by the Bishop, if there is no Incumbent; or
  - (d) a person appointed by the Incumbent if the Bishop is not present and the Incumbent is unable to or declines to chair; or
  - (e) a person elected from the members present, if none of (a) to (d) above apply.
- 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 for the coming year;
- (g) Determination of which Centres, if any, may elect a Parish Councillor from among their congregation;
- (h) Determination of the number, (divisible by three) to a maximum of 9, of Parish Councillors to be elected for the coming year and the election thereof;
- (i) If the Bishop's Mandate has been received, election of two Parish Nominators as required by clause 111;

79.8 (Clause deleted 2015)

79.9 If at the conclusion of the Meeting there are positions which have not been filled, the authority to fill such positions shall rest with the Parish Council.

#### **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 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 services on the Sunday prior to the meeting.

80.3 If the nominations for a position are not greater 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.
- (g) The result shall be announced to the meeting.

**Rector's Appointment of Warden and Parish Councillors**

81.1 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(h).

**Commissioning of Members of Parish Council**

82.1 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.

**Term of Office**

83.1 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.

**Filling of Vacancies**

84.1 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.

**Quorum**

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

**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 with due consideration as to the duties of the Secretary as listed in clause 91.1;
- (b) elect a Treasurer with due consideration as to the duties of the Treasurer as listed in clause 92.1;
- (c) elect appropriate lay representative to attend meetings of regional groupings of Ministry Units;
- (d) elect persons, not necessarily being members of Parish Council, to any position required by resolution of Synod or Bishop-in-Council to be filled by Parish Council;
- (e) determine the time, place and frequency of meeting, which shall be no less than three monthly;
- (f) 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."

- (g) The declaration is to be fixed to the Minute Book of the Council Meetings. Any member failing to do so within 60 days will no longer be considered a Council Member and as such the office becomes vacant;
- (h) read and confirm the minutes of the Annual General Meeting of the Parish; and
- (i) issue a certificate that the minutes are a true and correct record, signed to that effect by the Secretary.

86.4 (Clause deleted 2015)

86.5 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.

86.6 A Parish may have an Executive Committee, who are authorised to take action on behalf of the Parish Council under the delegation of the Parish Council or where a prompt response is necessary. Any actions or decisions of the Executive Committee shall be reported to the next meeting of Parish Council. The Executive Committee shall consist of:

- (a) The Incumbent;
- (b) The Churchwardens; and
- (c) The Treasurer.

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

#### **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 3 consecutive meetings may have his or her office declared vacant.

#### **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.

88.3 In addition to the provisions of 88.1 and 88.2, a Parish Council member may be suspended or removed by the Bishop under the Professional Standards Ordinance 2004

**Special Meetings of the Parish Council**

89.1 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.

**Churchwardens**

90.1 The Churchwardens, whether elected or appointed by the Incumbent, shall:

- (a) work together with the Incumbent to initiate, conduct and develop the mission and ministry 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 of the Parish;
- (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;
- (e) keep an inventory of all Church goods and movable property belonging to the Parish;
- (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 Parish 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 Parish 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;

**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.

**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's financial affairs and to send a copy of such Statement, signed by any two of the Incumbent and the Churchwardens, to the Registrar within 30 days of the Annual General Meeting;
- (f) to provide without delay any further Information on the financial affairs of the Parish and its 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 each Organisation of the Parish 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.

### **Voting**

- 93.1 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.

### **Contracting**

- 94.1 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.

### **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 the Anglican Funds Grafton Diocese, a bank, building society, or credit union.
- 95.3 All financial transfers and payments (e.g. cheques, electronic funds transfer) require the authorisation 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 (Clause deleted 2015)
- 95.8 (Clause deleted 2015)
- 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.

### **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 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's written certification of the decision of Bishop-in-Council to grant the loan will specify:
- (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.

### **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 Buildings and Property Committee 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.

### **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 following 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.

### **Representatives from Centres**

- 99.1 At any Annual Centre Meeting there may be a representative elected from that Centre to be a member of Parish Council, providing that membership of Parish Council is approved by the Parish Annual General Meeting as per subclause 79.7(g). This election will not have excluded any other person from the Centre nominating for a position at the Parish Annual General Meeting.

### **Business at Annual Centre Meetings**

- 100.1 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.
- 101.1 (Clause deleted 2015)

### **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 Buildings and Property Committee 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 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.

### **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.

**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;
  - (g) suitable seating for the worshippers.
- 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) suitably secure storage for 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.

**Maintenance, Alterations and Furnishings of Parish Buildings**

- 105.1 Churchwardens shall ensure annual inspections of all Parish buildings with the supply to Parish Council of the inspection report and the maintenance priorities arising from the report for the budgeting and scheduling of maintenance and building works.
- 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 its Building Committee must conform to regulations approved by the Bishop-in-Council for obtaining the necessary approvals for substantial building work including alterations, demolition and other property matters described in Chapter 16 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.

**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 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 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.

**Land and Buildings Owned by The Corporate Trustees**

- 107.1 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.

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

- 108.1 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 Churchwardens.

## **CHAPTER 11 - PARISH INCUMBENT'S PRESENTATION BOARD**

### Objectives

- 109.1 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 commissioning 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.

### 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.
- 110.3 At its first meeting, the Presentation Board shall be attended by any person, such as an Archdeacon, who has been given an over-arching responsibility for the vacant Ministry Unit, together with the person responsible for any Vacancy Consultation for that Ministry Unit, the content of which shall be given to the members of the Presentation Board with explanation.

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

- 111.1 Parish members of the Presentation Board, known as Parish Nominators, are lay Parishioners elected every three years at an Annual General Meeting of the Parish.
- 111.2 (Clause deleted 2015)
- 111.3 The Parish Nominators should be people with discernment skills, have a good knowledge of the Parish and its Vision, Mission and Goals and be able to research possible candidates.
- 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 Should the Presentation Board be unable to nominate a suitable person to the Bishop after nine months from the date of the first meeting of the Board, the Bishop may stand down the Presentation Board and request the Parish to elect two new Parish Nominators and the Bishop may appoint two new Diocesan Nominators forming a new Presentation Board.
- 111.10 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.

#### **Election of Diocesan Members of Presentation Boards**

- 112.1 At the first meeting of each Synod, the Synod shall elect a panel of eight 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.

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

- 113.1 The Bishop, or the Bishop's nominee, 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 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 commission 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.

#### **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. The Presentation Board meeting may be convened sooner at the discretion of the Bishop.
- 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.

#### **Loss of Rights to a Presentation Board**

- 115.1 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**

### **Ministry and Mission**

116.1 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.

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

117.1 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.

### **Licensing of a Minister**

118.1 The Bishop may issue an Ordained or Lay person 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 A person appointed 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 Bishop-in-Council, that are applicable to the role or position to which that person is licensed.

### **Licensing of an Incumbent**

119.1 The Bishop may license an ordained person to the cure of souls of a Parish Ministry Unit or to the leadership of a Chaplaincy Ministry Unit.

119.2 An ordained person so licensed may be a Rector or a Chaplain.

119.3 An appointment to a Parish or Chaplaincy shall be made in accordance with the provisions of this Ordinance.

119.4 The (Parish) Ministry Unit will be responsible for negotiating and paying the expenses, allowances and stipend of any Ordained Person appointed as the Incumbent of the (Parish) Ministry Unit.

### **Licensing of a Priest-in-Charge**

120.1 The Bishop may license an Ordained person to act as a Priest-in-Charge of a Ministry Unit.

- 120.2 A Priest-in-Charge will have the same rights and duties of an Incumbent as laid down in this Ordinance, during the period of the license.
- 120.3 The Ministry Unit will be responsible for negotiating and paying the expenses, allowances and stipend (if any) of any Ordained person appointed as the Priest-in-Charge of the Ministry Unit.

#### **Licensing of Locum Tenens**

- 121.1 The Bishop may license an Ordained person 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.
- 121.2 The Bishop may determine the length of time that an Ordained Person will act as locum tenens.
- 121.3 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.

#### **Licensing of Assistant Ministers**

- 122.1 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.
- 122.2 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)
- 122.3 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.

#### **Granting of a General Licence**

- 123.1 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 summoned to Synod.

#### **Granting of an Authority to Officiate**

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

#### **Licence Conditions may be Changed**

- 125.1 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.

**Tenure of Incumbents<sup>1</sup>**

- 126.1 The tenure of an Incumbent shall be for a period of seven years or until the incumbent's seventieth birthday, whichever shall come first.
- 126.2 An Incumbent may resign at any time upon the giving of notice appropriate to the circumstances.
- 126.3 In the fifth year of the Incumbent's tenure the Bishop shall review with the Incumbent their understanding of his or her current and future ministry.
- 126.4 During the last year of an Incumbent's licensed period in a Parish Ministry Unit, should the Incumbent wish to remain in office, the Bishop shall summon a meeting of the Presentation Board of the Parish to determine whether the Incumbent's licence should be extended.
- 126.5 The Incumbent 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.
- 126.6 During the last year of an Incumbent's licensed period in a Chaplaincy Ministry Unit, should the Incumbent wish to remain in office, the Bishop after consultation shall determine whether the Incumbent's licence should be extended.
- 126.7 The Incumbent may be present at and make a submission to the consultation meeting held in 126.6 before a determination is made, but shall not be present at the time the determination is made.
- 126.8 Any extension made shall be for a period of no longer than three calendar years to a date not later than the Incumbent's seventieth birthday.
- 126.9 Further extensions of periods of no longer than three calendar years may be given following consultation by the Bishop with the relevant committee as outlined in clauses 126.4 to 126.7.

**Tenure of Priests-in-Charge**

- 127.1 The Bishop may determine the length of time that an Ordained Person will act as a Priest-in-Charge in consultation with the Ordained Person so licensed.
- 127.2 The Bishop may, following discussions with the Priest-in-Charge change the designation of the Priest-in-Charge.

**Leave of Absence**

- 128.1 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 1 calendar year. An application for Leave of Absence must be in writing.
- 128.2 The period of leave may be extended by further periods each not exceeding 1 calendar year at the discretion of the Bishop.

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<sup>1</sup> For appointments prior to 13 June 2015 different age limitations apply except where that appointment is extended post 13 June 2015

- 128.3 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.
- 128.4 The granting of a Leave of Absence does not confer any right of appointment or reappointment to any stipendiary position within the Diocese.

### **Termination of Licences**

- 129.1 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.
- 129.2 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.
- 129.3 The licence of an Incumbent shall terminate on the minister's seventieth birthday.
- 129.4 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.
- 129.5 The termination of an Incumbent's licence under clause 129.4 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.
- 129.6 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.
- 129.7 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.
- 129.8 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.
- 129.9 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 by Bishop-in-Council.

### **Clergy Service Conditions**

- 130.1 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 Governance body of their Ministry Unit or Bishop-in-Council from time to time.
- 130.2 (Clause deleted 2015)
- 130.3 The Diocese will assist facilitation of "salary sacrifice" provisions to the extent of 30% of the cash component of the Minister's stipend.
- 130.4 An incumbent shall not be absent from the Incumbent's Ministry Unit for longer than 28 calendar days without the consent of the Bishop.
- 130.5 Ordained Persons and Lay Ministers receiving a stipend shall be entitled to 28 calendar days paid holiday leave from their licensed positions in any one calendar year.
- 130.6 The date of such leave will be decided in consultation with the Ministry Unit's governance body, if the Minister is the Incumbent; or the Incumbent, if the Minister is an assistant or associate.
- 130.7 Stipendiary 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 14 calendar days in any one calendar year.
- 130.8 Such period of support should be considered to be cumulative up to an entitlement not exceeding 28 calendar days.
- 130.9 Ordained Persons will be provided with Parental Leave entitlements through a Diocesan Parental Leave Policy as determined by Bishop-in-Council from time to time.
- 130.10 All stipended Ministers and Stipendiary Lay Ministers will be members of the Long Services 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.
- 130.11 All stipended Ordained Persons and Stipendiary Lay Ministers, below the age of seventy, holding a licence shall be covered by Income Protection Insurance as determined from time to time by Bishop-in-Council.
- 130.12 (Clause deleted 2015)
- 130.13 The premiums for Income Protection Insurance shall be paid by a combination of Parish, Minister and the Diocese as determined from time to time by Bishop-in-Council.

- 130.14 An Incumbent of a Parish shall reside within the boundaries of the Parish, unless, the Bishop gives a written exemption.
- 130.15 An Incumbent of a Parish shall have accommodation provided free of charge by the Parish.
- 130.16 Any other stipended Minister may have accommodation provided free of charge by the Parish.
- 130.17 The accommodation provided by the Parish for an Incumbent or other stipended minister shall conform to the Clergy Housing Standards recommended by the Diocesan Buildings and Property Committee and adopted by Bishop-in-Council from time to time.
- 130.18 Alternatively, with the agreement of the Parish, 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 Parish. 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 Parish is able to afford if the Parish provided housing is not utilised and further take into account the rent received by the Parish minus any amount needed for repairs and maintenance on the Parish's residence.
- 130.19 An Incumbent is encouraged to reside in the accommodation provided by the Parish unless in consultation with the Parish and Bishop be exempted in writing.
- 130.20 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.
- 130.21 A licensed and active Minister (other than a Licensed Lay Minister) is expected to attend a retreat at least once a calendar year, either with the Diocese or by making an alternative arrangement as approved by the Bishop.
- 130.22 All Ministers must be aware of and agree to abide by the provisions of the Clergy Discipline Ordinance 1966, the Professional Standards Ordinance 2004 and the Code of Conduct entitled Faithfulness in Service.
- 130.23 The expected minimum robing standard for services is alb and stole or cassock, surplice and stole.

### **Rights of an Incumbent**

- 131.1 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.
- 131.2 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.

- 131.3 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.
- 131.4 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.
- 131.5 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.
- 131.6 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.

#### **Duties of an Incumbent**

- 132.1 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
- 132.2 The Incumbent of a Ministry Unit, in consultation with the Bishop, 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 taken by the Incumbent.
- 132.3 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
- 132.4 An Incumbent in conjunction with the Churchwardens shall keep or cause to be kept the registers of the Parish pertaining to Baptisms, Confirmations, Marriages, Funerals and all other services.
- 132.5 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 who shall, if requested, issue a receipt for such. The Churchwardens 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.
- 132.6 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.



- 132.7 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.

**Assistant or Associate Clergy**

- 133.1 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.

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

- 133A.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.
- 133A.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.

**Clergy Discipline Ordinance 1966**

- 133B.1 Nothing in this ordinance affects the applicability of the Clergy Discipline Ordinance 1966 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

### Mission and Ministry

134.1 The mission and ministry of Stipendiary Lay Ministers is to proclaim the Gospel to assist in the pastoral and liturgical ministry of the Ministry Unit to which they are licensed by the bishop. The scope of the ministry shall be as licensed by the bishop and as directed by the Incumbent of the Parish within which the Minister works or in other context person is designated by the Bishop.

### Objectives

135.1 This Chapter seeks to provide a framework for Stipendiary Lay Ministers to work within and to ensure that the appropriate entitlements and expectations apply.

### 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.

136.3 The Bishop may at any time, in consultation with the Stipendiary Lay Minister and the Incumbent, or in other contexts a representative of the governing body which employs the minister, revoke the licence of a Licenced Lay Minister

136.4 The licence of any Stipendiary Lay Minister may not extend to a date later than the Minister's seventieth birthday.

### Stipendiary Lay Ministers Conditions of Service

137.1 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.

### Salary

138.1 The salary of any Stipendiary Lay Minister shall be as determined by the Bishop in consultation with the Parish Council of the parish to which the minister is licenced, or in other contexts the governing body which employs the Minister, and shall be in accordance with any relevant category of the salary, stipend or allowance adopted by Bishop-in-Council.

### Supervision

139.1 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

### 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].

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

### Objective

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

### 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.

### 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.

### Nomination

144.1 Any layperson may be nominated as a Licensed Lay Minister to the Bishop by the Incumbent. 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.

144.2 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.

### Appointment and Revocation

145.1 The Bishop will consider nominations and any further reports or comments put before him or her 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.

### **Admission to Office**

146.1 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.

### **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.

The licence for a Licensed Lay Minister shall state whether the Minister is a Category 1 or Category 2 Lay Minister.

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 ministrations 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.

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.

A Licensed Lay Minister may exercise any duty or function of a pastoral nature as shall be considered appropriate by the Incumbent.

It is required that each Licensed Lay Minister will attend training and formation days as provided each year.

### **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.

**Co-ordination**

- 149.1 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.

**Expenses**

- 150.1 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

### 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.

### 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.

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.

- 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 Trustee Prior to the passing of this ordinance are hereby validated and confirmed.

### (Amendment Ordinance 2009)

#### Membership

- 153.1 The members of the Corporate Trustees of the Diocese of Grafton shall be the Bishop as Chair and five elected members.
- 153.2
- (a) A person nominating for office of Corporate Trustee must be a member of the church as defined by this ordinance.
  - (b) The member of the Corporate Trustee of the Diocese of Grafton shall be elected by Synod for a term of five years
  - (c) The expiration of that term shall be on the last day of the session of the Ordinary Synod held in year five years after the corporate trustee was elected
  - (d) All members are eligible for re-election for a maximum of three consecutive terms or fifteen years, subject to transition clause 153.2(e).

- (e) A corporate Trustee who, at 1<sup>st</sup> January 2013, had been in office greater than fifteen years shall be eligible for re-election for one further term of five years at the expiration of that Trustees current term.

### **Casual Vacancies**

153.3. A Casual Vacancy occurs when a Corporate Trustee

- (a) resigns; or
- (b) dies; or
- (c) becomes physically or mentally ill to a point that the opinion of the majority of members interferes with the Trustees' ability to continue to carry out the functions of a Trustee; or
- (d) becomes bankrupt; or
- (e) is convicted of an indictable offence; or
- (f) is ineligible to hold office in the Anglican Church arising from a professional standards determination; or
- (g) is absent without leave from three consecutive meetings of the Corporate Trustees

153.3. A casual vacancy shall be filled by either Synod or Bishop-in-Council, as convenience dictates, and the person elected or appointed to the casual vacancy shall serve the balance of the original Member's term.

153.4 Notwithstanding any other Ordinance or appointment the present Corporate Trustees are declared to be in office until the Synods at which by virtue of their election their term of office is to cease

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

154.1 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.

### **New Corporate Trustees to be Inducted**

154A.1 Upon the election of a Corporate Trustee (not re-election), the Registrar shall provide to such Trustee

- (a) either in hard copy or in digital medium, or by reference to where such is to be obtained, all Acts, Ordinances, policies, manuals or other materials necessary for the Corporate Trustee to be acquainted with, and prepared form the responsibility of the position of Corporate Trustee, and
- (b) either in hard copy or in digital medium, the minutes of all corporate Trustees in the preceding twelve months
- (c) either in hard copy or digital medium, a detailed listing of all the Corporate Trustees' investment properties together with pertinent information on the Trustees investment portfolio.
- (d) either in hardcopy or digital medium, or by reference to where which such can be obtained, written or diagrammatic, on the inter-relationship between Corporate Trustees and functional groupings in the diocese including, but not limited to Bishop-in-Council, Anglican Funds Grafton Diocese, and the Diocesan Buildings and Property Committee.

154A.2 The Bishop and the Registrar Shall, either together or separately, meet with any newly elected (not re-elected) Trustee for an induction session wherein

the trustee is briefed on the functioning role of a Corporate Trustee in the Diocese of Grafton and acquainted with significant matters currently before The Corporate Trustees

**Bishop to be Chair**

155.1 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.

**Registrar to be Convenor of Meetings**

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

**Registrar to be Secretary**

157.1 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.

**Quorum**

158.1 Any three of The Corporate Trustees shall form a quorum for meetings of The Corporate Trustees.

**Proceedings Valid even if Vacancy Exists**

159.1 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.

**Funds and Land Vested in The Corporate Trustees**

160.1 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.

**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.



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

162.1 Notwithstanding anything to the contrary herein contained the furniture of every Church and Church books, monuments, 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, monuments, records and sacred vessels shall remain with the Churchwardens of the respective Churches.

### **Corporate Trustees to Accept or Reject Property Transfer**

163.1 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.

### **Trust to be Declared**

164.1 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.

### **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.

### **The Corporate Trustees may hold Property as Received**

166.1 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.

### **Pooling of Investments Allowed**

167.1 It shall be lawful for The Corporate Trustees for the purposes of investment to pool separate Church Trust Property under their control and management.

### **The Corporate Trustee Authorised to make Payments**

168.1 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.

### **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.

### **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 per cent of the value of the asset managed.

### **Investment Returns on Trust Funds and Properties**

- 171.1 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.

### **Investment Reserve May be Established**

- 172.1 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.

### **Investment Reserve May be Pooled**

- 173.1 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.

### **When investment Reserve may be used**

- 174.1 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 reasonably practicable the best possible rate of Corporate Trustees to account to Bishop-in-Council for Investment Reserve
- 174.2 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 174 hereof should be used and Synod may by Ordinance give effect to such recommendation
- 175.1 (Blank)

**Books to Be Kept**

176.1 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.

**Annual Financial Statements**

177.1 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.

**Property Vested in the Bishop**

178.1 The Bishop may act as trustee of property and funds vested in him or her 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.

**Property Vested in Separate Trustee**

179.1 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.

**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.

**Names of Separate Trustees to be Registered**

181.1 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.

**Trusts May be Conveyed to The Corporate Trustee**

182.1 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.

**Delegation of Powers in Certain Cases**

183.1 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 BUILDINGS AND PROPERTY COMMITTEE

### Mission and Ministry

184.1 The Diocesan Buildings and Property Committee seeks to provide direction, support and advice for the good stewardship of the buildings and real property of the Diocese and for any commercial arrangements regarding the leasing or use of third party property.

### Objectives

185.1 This Chapter seeks to outline the authorities for the conduct of property dealings within the Diocese (other than those undertaken by Incorporated Boards) and establishes the Diocesan Buildings and Property Committee to make decisions in response to proposals concerning Diocesan land and buildings.

### 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 Buildings and Property Committee, as successor to the Diocesan Property Board, as if the repealed Ordinance remained in force.

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

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

### Membership

- 187.1 The BPC shall consist of:
- (a) the Bishop;
  - (b) up to two persons appointed by the Bishop;
  - (c) the Registrar of the Diocese, who shall also be the secretary of the Committee; and
  - (d) a minimum of four to a maximum of eight persons appointed by the Bishop-in-Council for terms of up to 3 years. Bishop-in-Council shall prefer people with expertise in local government, engineering, building and construction, architecture, design, land management, town planning, heritage, parish ministry, insurance, workplace health and safety, or the like.
- 187.2 Membership of the BPC under 187.1(b) may be revoked at any time by the Bishop and membership under 187.1(d) may be revoked at any time by the Bishop-in-Council. Grounds for revocation of membership may include repeated failure to attend meetings without reasonable excuse, failure to comply with the Ordinances of the Diocese and behaviour contrary to that expected of a representative of the Diocese.

### Meetings

188.1 The BPC shall meet regularly at least once a quarter, and a quorum shall be four members.

- 188.2 The proceedings of the BPC shall be minuted and a copy of such minutes shall be provided to Bishop-in-Council.
- 188.3 The BPC shall provide a report to each meeting of Synod as to its activities for the year.
- 188.4 (Clause deleted)
- 188.5 The BPC may choose to hold any meetings by teleconference or make resolutions through the circulation of correspondence, where circumstances make such an approach expedient.
- 188.6 Meetings of the BPC are chaired by the Bishop or by a member chosen by the Bishop. Where the Bishop is absent from a meeting and no Chair has been appointed by the Bishop, the members present shall elect a Chair.
- 188.7 The Chair shall have a deliberative vote but not a casting vote.

### **Powers, Functions and Responsibilities**

- 189.1 Matters relating to property held in the name of The Corporate Trustees of the Diocese of Grafton (excepting property held for or under the control of an Incorporated Board) that require referral to the BPC for approval, prior to any action are:
- (a) The sale or exchange of property (including any marketing for sale or the commitment to any agent or agency arrangement);
  - (b) Purchase of lands and or buildings;
  - (c) Mortgaging of any property;
  - (d) The leasing of any lands or buildings;
  - (e) Sub-dividing, amalgamating lots, creating strata titles, or similar;
  - (f) The construction of any new structure;
  - (g) The demolition or removal of any structure or part of a structure;
  - (h) The construction of any extension to any existing structure;
  - (i) Any change to a property that requires an application to the relevant local government;
  - (j) Any alteration to an existing structure that exceeds \$10,000 in expenses or impacts on the strength of the structure, or changes the use of the structure; or
  - (k) Any repair, restoration or conservation of a major nature or that requires an application to the relevant authority for heritage work.
- No work or action of this type may proceed without the approval of the BPC unless otherwise directed by The Corporate Trustees and or Bishop-in-Council.
- 189.1A Minor alterations, routine repairs and maintenance of buildings and structures do not require permission or authorisation as outlined in 189.1 and are the responsibility of the Churchwardens and Parish Council.
- 189.1B Emergency actions may be taken by Churchwardens or their delegates in the event of an accident or incident to ensure the safety of volunteers, workers or the general public and to lessen the likelihood of further damage occurring. Such accidents and incidents shall be reported by churchwardens or their delegates for insurance purposes as soon as possible. Where such action would have otherwise required approval under 189.1, the churchwardens shall also provide a report to the BPC as soon as practicable after attending to the emergency.

## 189.2

- (a) The approval and directions of the BPC are sufficient for matters under 189.1 (g) to (k) inclusive except for where an existing Faculty is affected or a new Faculty is required. Where a Faculty is affected or required, the Bishop shall consider any application prior to any approval or direction from the BPC;
- (b) For matters under 189.1 (a) to (f), the BPC shall make a recommendation to the Corporate Trustees for their consideration. Where an Ordinance is necessary to give effect to any recommended action, the BPC shall also provide the recommendation to Bishop-in-Council whose approval and direction will be given in the form of an Ordinance.
- (c) For matters where the successful completion is dependent on the Parish's ability to borrow funds, the BPC's approval, recommendation or direction is dependent on the Bishop-in-Council's consideration of the Parish's request to borrow as per clauses 96.1 to 96.6 inclusive. [Note: This condition should not prevent a Parish seeking advice or approval in principle from the BPC in order to be able to establish the cost of a project.]

189.2A The BPC 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, either from its membership or sourced externally, for any parish, agency or other entity which seeks such assistance.

- (a) Requests for such support shall be sent to the Registrar or the BPC may make it a condition of their approval of the work.
- (b) Where such support incurs costs, the costs shall be borne by the Parish or body funding the project.

189.3 The BPC may co-opt assistance from one or more people with particular expertise or experience for a project or special purpose on a temporary basis. Such people will not be recognised as members of the BPC.

189.4 The BPC shall recommend, and periodically review, policies and procedures relating to the management and use of buildings and property throughout the Diocese.

### **Faculties**

190.1 The BPC may, when requested by the Bishop, provide advice to the Bishop in respect to any part of an application for a Faculty made by a Parish.

### **Applications**

191.1 Applications for any approval or recommendations by the BPC may be made by any Parish or other entity within the Diocese of Grafton and must be made in the name of the Parish or entity making the application or its governing body and the application must be approved by the governing body of the Parish or entity.

Before granting approval or making a recommendation, the BPC must be satisfied that the proposal:

- (a) is legally able to be undertaken and is in the interests of the Diocese and the Parish 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.

Any Application for approval or recommendation as provided for in sub-clause 191.1 above must follow the steps set out in in a regulations approved by Bishop-in-Council for this purpose. Nothing in the steps contained in that procedure precludes any Parish or entity from approaching the BPC at any time for advice, guidance or assistance related to any property matter.

191.2 The BPC may require one or more representatives of an applicant parish or entity to confer with it or attend a Committee meeting.



## **CHAPTER 17 - THE CATHEDRAL CHURCH OF CHRIST THE KING**

### **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.

### **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 and Cathedral Chapter in Ministry and Mission.

### **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 and the Cathedral Chapter.
- 194.2 The Cathedral is the place of the cathedra, the seat of the Bishop's See, and in consequence the 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.

### **The Bishop**

- 195.1 In addition to his or her 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 or she shall think fit upon giving due notice to the Dean of his or her 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 or she 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.

### **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.

### **The Archdeacons**

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

198.1 (Deleted)

### **The Parish Council**

199.1 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

### **Functions of the Cathedral Parish Council**

200.1 In addition to the Duties and Responsibilities of the Parish Council provided in clause 78 of this Ordinance, the Cathedral 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) Liaising with the Buildings and Property Committee to ensure periodical architectural appraisals of the Cathedral and associated buildings are conducted; and
- (e) Advising Bishop-in-Council, through the Buildings and Property Committee, on the state of the fabric of the Cathedral and its heritage surrounds.

### **The Churchwardens**

201.1 There shall be:

- (a) two Churchwardens elected by the Annual General Meeting;
  - (b) a Churchwarden (known as the Bishop's Churchwarden) appointed by the Bishop; and
  - (c) a Churchwarden (known as the Dean's Churchwarden) appointed by the Dean;
  - (d) (Clause deleted 2015)
- all of whom shall be members of the Parish Council.

### **Role of Churchwardens**

202.1 Unless otherwise provided, the role of Churchwardens shall be in accordance with the provisions elsewhere in this Ordinance.

## 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 Diocesan Archdeacon;
  - (d) The Registrar;
  - (e) Four Clerical Canons;
    - (i) two of whom shall be elected by the House of Clergy at the first session of each Synod and hold office for the life of the Synod,
    - (ii) one appointed by the Bishop to hold office for the life of the Synod, and
    - (iii) one appointed by the Dean to hold office for the life of the Synod.
  - (f) Four Lay Canons;
    - (i) two of whom shall be elected by the House of Laity at the first session of each Synod and hold office for the life of the Synod,
    - (ii) one appointed by the Bishop to hold office for the life of the Synod, and
    - (iii) one appointed by the Dean to hold office for the life of the Synod.
  - (g) A Cathedral Churchwarden as determined by the Cathedral Parish Council.

## Casual Vacancies

- 203A.1. A Casual Vacancy occurs when a Canon:
- (a) resigns; or
  - (b) dies; or
  - (c) ceases to qualify as a Canon under clause 209.2; or
  - (d) becomes physically or mentally ill to a point that in the opinion of the majority of members of Chapter interferes with the Canon's ability to continue to carry out the functions of a Canon; or
  - (e) becomes bankrupt; or
  - (f) is convicted of an indictable offence; or
  - (g) is ineligible to hold office in the Anglican Church arising from a professional standards determination; or
  - (h) is absent without leave from three consecutive meetings of the Chapter.
- 203A.2. A casual vacancy for a Canon elected under either clause 203.1(e)(i) or 203.1(f)(i) shall be filled by either Synod or Bishop-in-Council, as convenience dictates, and the person elected or appointed to the casual vacancy shall serve the balance of the original Canon's term.
- 203A.3. A casual vacancy for a Canon appointed under either clause 203.1(e)(ii) or 203.1(f)(ii) shall be filled by the Bishop and the person appointed to the casual vacancy shall serve the balance of the original Canon's term.
- 203A.4. A casual vacancy for a Canon appointed under either clause 203.1(e)(iii) or 203.1(f)(iii) shall be filled by the Dean and the person appointed to the casual vacancy shall serve the balance of the original Canon's term.

## 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;
  - (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) to be available as possible facilitators of occasional major Diocesan events whether worship, learning or Synodical;
- (e) advocating to all members of the Diocesan family the responsibility of all for maintenance of the Cathedral;
- (f) to be available to the Bishop for consultation and resource.

### **Meetings of Chapter**

205.1 The Chapter shall meet as required and determined by the Dean but not less than once in any calendar year. The Dean shall have a deliberative and a casting vote on all questions. The Bishop however, shall have the right to convene a meeting at his or her discretion.

### **Quorum of Chapter**

206.1 A quorum for any meeting of the Chapter shall be not less than half of its members.

### **Chapter Clerk**

207.1 The Chapter may appoint from its number a Chapter Clerk who shall perform the duties of secretary and keep all necessary records of meetings of the Chapter.

207.2 The Chapter Clerk may be appointed for the life of the Synod, or such term as the Chapter decides not exceeding the life of the Synod. The person appointed may at the conclusion of this term be appointed for a further term.

### **Reporting to Synod**

208.1 The Dean shall provide, on behalf of the Chapter, an annual report to Synod on the activities of the Chapter.

### **Clerical and Lay Canons**

209.1 (Deleted)

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

209.3 In electing or appointing Canons the Bishop, the Dean and the Synod 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.

### **Admission to Office**

210.1 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 installed therein by the Dean.

### **Tenure of Chapter Canons**

211.1 Canons may hold office for a maximum of three consecutive terms.

### **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 no more than 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.

### **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.

214.1 (Clause deleted 2012)

215.1 (Clause deleted 2012)

216.1 (Clause deleted 2012)

217.1 (Clause deleted 2012)

## **CHAPTER 18 - ANGLICAN FUNDS GRAFTON DIOCESE**

### **Mission and Role**

- 218.1 A Fund herein called the Anglican Funds Grafton Diocese created under the Diocese of Grafton Investment Fund Ordinance 1981 and continued under the Grafton Diocese Investment Fund Ordinance 1996 is hereby continued.
- 218.2 The Mission of Anglican Funds Grafton Diocese (AFGD) is to be a fiscally responsible commercial entity which generates financial resources to support and serve the community of faith that is the Anglican Diocese of Grafton.
- 218.3 AFGD's role is to seek deposits of funds which it invests, or lends for profit to assist and grow the mission of the Anglican Church in the Diocese. AFGD provides funds from any surplus achieved in any given year to the Anglican Diocese of Grafton.
- 218.4 AFGD shall act in the interests of depositors, provide returns where possible to the Anglican Diocese of Grafton and optimise returns on investment funds within prudent limits and diversity.
- 218.5 Any Ordinance repealed by the Governance Ordinance 2008 shall not affect the Board of the Anglican Funds Grafton Diocese or the members of that Board or the property accepted on deposit and invested by the Board or any contracts, acts and things undertaken or agreed to by the Board.

### **Purposes of the Fund**

- 219.1 The purposes of the Fund shall be:
- 219.1.1 to receive deposits
  - 219.1.2 to pay interest on such deposits at such rates as shall from time to time be determined by the AFGD Board.
  - 219.1.3 to optimise returns, within prudent limits to the Fund
  - 219.1.4 to make available to Bishop-in-Council funds from any surplus achieved in any given year, after creation of all necessary provisions and reserves as determined by the AFGD Board.
  - 219.1.5 to make available by way of loans as approved by the AFGD Board from time to time to Parishes, Diocesan Bodies Corporate, clergy and full time Stipendiary Lay Ministers sums of money from the Fund at such interest rates as determined by the Board.
  - 219.1.6 to invest such funds as from time to time are not required for the purposes mentioned in Clauses 219.1.2, 219.1.4 and 219.1.5 in such a manner as is authorised by The Corporate Trustees.

### **Board of Management**

- 220.1 The Fund shall be under the control of The Corporate Trustees of the Diocese of Grafton who shall be empowered to delegate to the AFGD Board responsibility for the administration and management of the Fund and reporting to the Corporate Trustees and development and recommendation of changes to AFGD Policy, for review and approval by The Corporate Trustees.
- 220.2 Members of the AFGD Board shall be "Fit and Proper Persons" as defined by the Australian Securities and Investment Commission (ASIC) and the Australian Prudential Regulatory Authority (APRA), in consequence of that, have experience or skills relevant to the management of a Religious Charitable Development Fund (RCDF) as defined by APRA.

- 220.3 A Fit and Proper Person as defined by ASIC and APRA Prudential Standard CPS 520 to engage in credit activities means that the person:
- 220.3.1 is competent to operate a credit business (as demonstrated by the person's knowledge, skill and experience);
  - 220.3.2 has the attributes of good character, diligence, honesty, integrity and judgement;
  - 220.3.3 is not disqualified by law from performing their role in AFGD's credit business;
  - 220.3.4 either has no conflict of interest in performing their role in AFGD's credit business, or any conflict that exists will not create a material risk that the person will fail to properly perform their role in AFGD's credit business.
- 220.4 The Bishop, Bishop-in-Council and the AFGD Board will ensure that the AFGD Board has the appropriate level of skills and experience required to properly fulfil its responsibilities, with special emphasis on legal, financial, business and strategic skills and will review the mix of skills and experience of its members on a regular basis.
- 220.5 Where the appropriate skills are not within the skills of the individual Board members AFGD Board will make arrangements for ready access to such skills.
- 220.6 The AFGD Board shall consist of:
- (a) the Bishop, who shall be an ex-officio member, and
  - (b) up to a maximum of eight persons and a minimum of four persons appointed by the Bishop in consultation with Bishop-in-Council.
- 220.6A A quorum shall consist of half of the AFGD Board members, rounded up to the nearest whole number, whether the Board member is present in person or via virtual or electronic participation, as agreed by the AFGD Board.
- 220.7 Membership of the AFGD Board shall be subject to the following:
- 220.7.1 A term of membership shall be 3 years;
  - 220.7.2 A member is eligible for reappointment to a maximum of 3 consecutive terms or 9 years served consecutively subject to the transition arrangements in 220.8;
  - 220.7.3 A member vacates the AFGD Board when a member:
    - (a) resigns, or
    - (b) dies, or
    - (c) becomes physically or mentally ill to a point that in the opinion of a majority of members interferes with that member's ability to continue to carry out a function, or
    - (d) becomes bankrupt, or
    - (e) is convicted of an indictable offence, or
    - (f) fails the requirements for Fit and Proper Person in the opinion of a majority of members or in the opinion of The Corporate Trustees of the Diocese of Grafton, or
    - (g) is removed from office by the Bishop, or
    - (h) is ineligible to hold office in the Anglican Church arising from a professional standards investigation, or
    - (i) is absent without leave for three consecutive meetings of the AFGD Board.

- 220.8 The members of the AFGD Board immediately preceding the 2017 Synod may continue as members until no later than the later of the 2020 Synod or 9 years of consecutive service.
- 220.9 The Chair of the AFGD Board
- 220.9.1 The Chair of the AFGD Board must be a member and shall be appointed as Chair by the Bishop.
- 220.9.2 The Chair will initially be appointed to hold office for the balance of their term as a member of the AFGD Board.
- 220.9.3 The Bishop may reappoint the Chair, subject to their continuing appointment as a member of the AFGD Board.
- 220.9.4 The Chair may be removed from the office of Chair by the Bishop, following consultation with the AFGD Board.

### **Board Meetings**

- 221.1 The AFGD Board shall meet at least 8 times in a calendar year.
- 221.2 Meetings shall be conducted in accordance with the AFGD Board Governance Charter.

### **Anglican Funds Grafton Diocese – Governance and Performance**

- 222.1 The AFGD Board shall adopt and continuously review the following governance documents to assist it in maintaining best practice:
- 222.1.1 Board Governance Charter
- 222.1.2 Strategic Plan
- 222.1.3 Annual operating budgets
- 222.1.4 Annual Financial Statements in accordance with Australian Accounting Standards.
- 222.1.5 A framework of appropriate policies and procedures for investment, risk management, performance monitoring and operation of the Fund
- where each of these documents has been submitted to the Corporate Trustees for approval.
- 222.2 Relevant Key Performance Indicators (KPI's) shall be established and reviewed.
- 222.3 The AFGD Board shall arrange appropriate insurance cover through the Diocesan Master Insurance Policies.
- 222.4 The AFGD Board shall at all times ensure compliance with and maintenance of current Banking Exemption notes which provide exemption from the Banking acts or any legislation by Federal Government body relevant to the activities of AFGD that may be promulgated from time to time.

### **Oversight and Audit**

- 223.1 Minutes of each meeting of the AFGD Board shall be made available to the Corporate Trustees.
- 223.2 The AFGD Board shall cause the Accounts of the Fund to be audited by the Diocesan Auditor for each year ending on 31st December.



**Reports**

- 224.1 The AFGD Board shall submit to Synod an annual report on the operations of the Fund and audited financial statements.
  
- 224.2 The AFGD Board shall, on not less than a bi-monthly basis, submit to the Corporate Trustees a report on the operations of the Fund and a current financial statement.

## CHAPTER 19 - DIOCESAN AUDIT COMMITTEE

### 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 in respect of the specified entities by oversight of the following:
- (a) systems that ensure compliance with legal requirements, ethics 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.
- 226.4 The specified entities are:
- (a) Bishop-in-Council
  - (b) The Corporate Trustees Diocese of Grafton
  - (c) Anglican Funds Grafton Diocese
  - (d) Any other Diocesan entity nominated by Bishop-in-council.

### 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, members of the Finance Committee, or those in similar position in any of the specified entities 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 Chairperson.
- 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 the Diocese as a whole from any specified entities.

**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.

**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.

**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.

**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 review 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.
- (f) Review management efficiency in minimising risk flowing from non-financial legislation, regulation or policy such as in the area of Work Health and Safety, Professional Standards or any other.

### **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) immediately refer to the Bishop and the External Auditor the suspicion of any fraud or Identified fraud and the suspicion of any Illegal activity or identified illegal activity brought to the Committee's attention
  - (c) consider referring to the External Auditor any deficiencies in intercontrol issues or other similar issues that are brought to the Committee's attention
  - (d) ensure management has considered significant accounting and reporting issues, including recent professional and regulatory pronouncements, and understand their impact on the financial statements;
  - (e) consider any legal matters brought to its attention that could significantly impact the financial statements.

### **Annual Financial Statements**

- 233.1 The Committee shall review the annual financial statements of the specified entities 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 Diocese and its operations.

**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.

**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.

**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.
  - (d) Review compliance with the Australian Charities and Not-for-profits Commission Act 2012

**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 from any of the specified entities;
  - (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.
- (d) Make recommendations to the Bishop-in-Council from time to time about changes to the Committee's Charter as expressed in the Grafton Diocese Governance Ordinance

**CHAPTER 20 - ACCOUNTS, AUDITS AND ANNUAL REPORTS**

(Deleted 2016)

## CHAPTER 21 – DIOCESAN RECORDS

### Ministry and Mission

243.1 The Diocese of Grafton seeks to be a good custodian of the records produced and collected to fulfil its obligations under law and under the Constitution of the Anglican Church of Australia and to provide a history of the development and major activities of the Anglican Church in this region.

### Ownership of Records

244.1 The records of the Diocese, its Parishes and organisations are and shall be the property of The Corporate Trustees of the Diocese of Grafton and shall be dealt with in accordance with the provisions of this Ordinance and any regulations approved by Bishop-in-Council.

### Delivery of Records

245.1 The disposition of records of the Church shall be in accordance with regulations approved by Bishop-in-Council.

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.

### 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.

### Registrar

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

247.2 The Registrar shall be responsible for the staffing of the Records Centre, whether paid or voluntary, and shall make appointments and assign duties on such terms and conditions as the Registrar decides within the bounds of the approved budget.

### Disposal

248.1 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.

### Records Centre Policies

249.1 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.

249.2 Policies for access to records shall not be contrary to any law in force from time to time in the State of New South Wales.

249.3 The receipt of records other than records of the Church shall be subject to the approval of Bishop-in-Council and once received any policy direction or action in relation to such records shall not be contrary to any expressed direction given by or on behalf of any person who shall deposit such records except that



the right to return the records to the giver or a legitimate successor of the giver shall be reserved.

## FIRST SCHEDULE - SYNOD STANDING ORDERS

### PART A - SYNOD MEETINGS

#### 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.

#### 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.

#### 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 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.

#### 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.

#### 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.

#### **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.

#### **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.

#### **Duties of the Registrar**

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

#### **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.

#### **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.

**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

### **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 Anglican Funds Grafton Diocese
- (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.

### **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.

### **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.

### **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.

### **Formal Motions**

16.1 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 by any member other than the mover of the motion, and such motion on being declared formal shall be forthwith put from the chair without debate.

### **Notice of Bills for Ordinances**

17.1 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

### **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.

### **Petition to be Respectful**

- 19.1 A petition shall not be received if; in the opinion of the President it is not respectful, decorous and temperate in its language.

### **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.

### **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

### Application

22.1 Unless the Synod otherwise orders, this clause does not apply to the election of officers of the Synod.

### Notice of Elections

23.1 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.

### 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.

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

### 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.

### 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

**Members to Stand**

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

**President's Privileges**

28.1 The President may take part in debate without leaving the chair.

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.

**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.

**Length of Speeches**

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

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

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

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              |

Motion to adopt any other report -

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

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.

### **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.

### **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.

### **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.

### **Adjournment of Debate**

- 34.1 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.

### **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.

#### **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.

#### **Notice to be given of Motion**

- 37.1 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.

#### **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.

#### **Questions**

- 39.1 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.

#### **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 negated, 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 negated, 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.

#### **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.

#### **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.

#### **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.

43.4 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.

### **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.

### **Withdrawal of Motion**

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

### **Motion previously Dealt With**

46.1 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.

### **Adjournment**

47.1 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.

### **President (Bishop) May Not Vote**

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

### **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.

### **Need for Motion Before the Chair**

50.1 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

### **Committee of the Whole**

51.1 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.

### **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.

### **Deputy Chair**

53.1 In the case of the absence of the Chair, or by arrangement between the Chair and a Deputy Chair, a Deputy Chair shall act. In the case of absence, inability or unwillingness to act of all the Deputy Chairs, a member whom the Committee shall appoint shall act.

53.2 An Acting Chair has all the powers and shall exercise all the functions of the Chair under these Standing Orders, including a casting vote.

### **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.

### **Motions in Committee**

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

### **Speaking in Committee**

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

### **Length of Speeches**

57.1 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.

58.1 (Clause Deleted 2012)

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

### Leave to Introduce a 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.

### Consideration by the Synod

- 61.1 At the time of moving a motion that a bill be approved in principle the mover may seek the leave of the Synod to introduce the bill with amendments to the bill as circulated to each member. If such leave is given the bill as so introduced shall be the bill to be debated.
- 61.2 When a motion that a bill be approved in principle has been moved and spoken to by the mover and seconded, the President shall ask if any member or members wish to ask the mover or seconder any question or questions to assist members to elucidate the purpose and intended effect of the bill, and any member may then ask any such question which may thereupon be answered by the mover or seconder. Further such questions may be asked and answered until the President announces that the debate shall proceed.
- 61.3 A person who has asked or answered a question during the period referred to in paragraph (2) shall not, for the purpose of the ensuing debate, be deemed to have spoken on the motion by virtue only of having asked or answered such question.
- 61.4 After the President shall have announced that the debate shall proceed, the general principle of the bill shall be debated.
- 61.5 If the motion that the bill be approved in principle be decided in the negative the bill shall lapse.
- 61.6 When the Synod has agreed to a motion that a bill be approved in principle, the President shall ask if any member wishes to debate the bill in Committee.
- 61.7 If any member shall answer "Yes" then the Synod shall, without motion being moved, forthwith be deemed to have resolved itself into Committee to consider the bill in detail, unless the Synod resolves that consideration of the bill by the Committee be an order of the day for another time.
- 61.8 If no member shall answer "Yes", the motion that the bill do now pass may be moved forthwith without notice or may be made an order of the day for another time.
- 61.9 If a bill is considered in Committee, the Chair may allow the bill to be considered:
- (a) as a whole;
  - (b) clause by clause;
  - (c) by groups of clauses or by groups of clauses and single clauses; or
  - (d) in a manner which the Chair considers will best facilitate consideration of the amendments of the bill that are to be proposed.



- 61.10 In Committee if the bill is not taken as a whole:
- (a) the title and short title and the preamble (if any) are postponed until after the clauses have been agreed to; and
  - (b) the question shall be put by the Chair in respect of each clause or each group of clauses, as the case requires, that it be agreed to; and
  - (c) when the clauses have all been agreed to either with or without amendment, the question shall be put, first in respect of the preamble (if any) then in respect of the title and short title, that it be agreed to.
- 61.11 Upon the Committee completing its consideration of a bill:
- (a) the Synod shall be deemed to be reconvened and the Chair shall report to the President the bill as agreed by the Committee;
  - (b) the President shall, without a motion being moved, put to the Synod the question 'that the report be agreed to': which question shall be open to amendment that the bill, or a specified clause, be recommitted to the Committee to consider an amendment.
- 61.12 When the question that the report of the Chair be agreed to has been put to and passed by Synod, the motion that the bill do now pass may be moved forthwith without notice or made an order of the day for another time.
- 61.13 A motion that a bill do now pass shall be open to amendment that the bill, or a specified clause, be recommitted to the Committee to consider an amendment.
- 61.14 If a bill, or a clause of a bill, is recommitted to the Committee:
- (a) the Synod shall, without a motion being moved, forthwith be deemed to have resolved itself into Committee to consider the proposed amendment;
  - (b) the procedure in Committee shall, as nearly as practicable, be the same as the procedure following the passing of the motion that the bill be approved in principle except that the Committee shall consider only amendments relating to the purpose of its recommittal; and
  - (c) the procedure following completion of the consideration of the bill in Committee shall, as nearly as practicable, be the same as that following completion of consideration of the bill in Committee in the first instance.

### **Bishop's Assent**

- 62.1 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.

**SECOND SCHEDULE**

(Deleted 2016)

**THIRD SCHEDULE**

**Form of Nomination of a Candidate  
for Bishop of Grafton**

I, ..... (full name)  
of (address) ,.....  
hereby nominate .....  
who currently holds the following office .....  
and whose present address is .....  
for appointment as Bishop of Grafton.

..... /..... /.....  
(Signed) Nominator.

I, ..... (full name)  
of (address) ,.....  
hereby second this nomination

..... /..... /.....  
(Signed) Secunder.

NOTE: To be valid, this nomination must be accompanied by a statement in writing of  
the relevant facts relating to the nominee and reach the Registrar before 5.00pm on the  
..... day of .....20.....

**FOURTH SCHEDULE**

**Form of Consent, Declaration and Release of a  
Candidate for Bishop of Grafton**

1. I,..... (full name) born on.....(date of birth) consent to my nomination as a candidate for appointment as Bishop of Grafton.
2. I declare that I am not and have never been known by any names other than the name written by me above and those names which appear below:
3. I understand that in addition to general inquiries customary of such appointment, the following specific inquiries will be made:
  - (a) as to whether there is professional standards information entered in respect of me in the National Register; and
  - (b) as to whether I am or have been subject to disciplinary proceedings in any Diocese of the Anglican Church of Australia or of any other Church; and
  - (c) as to whether I am or have been the subject of a complaint or investigation under the Professional Standards legislation of any Diocese of the Anglican Church of Australia or of any other Church; and
  - (d) as to whether I am or have been the subject of investigation or legal proceedings in any State or Territory of Australia or other country in respect of Professional Standards matters;

and I consent to any information obtained as a result of these inquiries being made available to the members of the Bishop Appointment Board of the Diocese of Grafton.
4. I consent to the Diocese of Grafton obtaining a criminal record check and providing a current Working with Children’s Check in respect of my name and I agree to sign all documents necessary to facilitate such checks. I consent to the provision of the results of any check to be made available to the members of the Bishop Appointment Board of the Diocese of Grafton.
5. I am not aware of any conduct or omission of mine which has been or could properly have been the subject of any complaint received, or investigation undertaken by any person or body constituted to receive complaints about, or to investigate the conduct of, persons in holy orders in any Diocese of the Anglican Church or Australia or of any other Church.
6. I hereby release from liability any person or organisation that provides information to the Bishop Appointment Board of the Diocese of Grafton in connection with this nomination. I also hereby release from liability the members of the Bishop Appointment Board of the Diocese in connections with all inquiries made concerning this nomination.

Signed..... Date.....

**FIFTH SCHEDULE**

(Deleted 2019)

## SIXTH SCHEDULE

### Bishop (Incapacity) Canon 1995

#### **A Canon to provide for the vacation of the See of a bishop incapable of fulfilling office and for other purposes**

The General Synod prescribes as follows:

#### **Short title**

1. This canon may be cited as the "Bishop (Incapacity) Canon 1995".

#### **Definitions**

2. In this canon -

"incapable", in relation to a person who is the bishop of a diocese, means -

- (a) incapable, continuously or intermittently, of managing the person's affairs; or
- (b) by reason of a physical or mental disability of any kind, unable, continuously or intermittently, to make reasonable judgments in respect of matters relating to all or any part of the carrying out of the person's affairs or the affairs of the person's office as the bishop of the diocese;

"registrar", in relation to a diocese, means the person holding office as the chief executive officer (by whatever name called) of the registry of the bishop of the diocese, and includes a person acting in such an office;

"relevant Metropolitan", in relation to the bishop of a diocese, means -

- (a) unless paragraph (c) or (d) applies, the Metropolitan of the Province in which the diocese is situated; or
- (b) if the diocese is an extra provincial diocese, the Primate; or
- (c) if the bishop is the Metropolitan but not the Primate, the Primate; or
- (d) if the bishop is the Primate, the person who, at the relevant time, is the next most senior Metropolitan who is available, seniority being determined by the date of consecration.

#### **Where court, tribunal or other body determines bishop incapable**

3. (1) If a court, tribunal or other body established by law having authority to make such orders, makes an order an effect of which is that a person who is the bishop of a diocese is declared, determined or otherwise found to be incapable, the relevant Metropolitan may, subject to clause 12, by notice in writing given to the registrar of the bishop's diocese, declare the See vacant.
- (2) The relevant Metropolitan, before making a declaration under sub-clause (1), shall make or cause to be made an enquiry of a chancellor of a diocese of the Anglican Church of Australia and such other enquiries as the relevant Metropolitan thinks fit.

- (3) The relevant Metropolitan shall cause a copy of the notice under sub-clause (1) to be given to the bishop to whom it relates, to the registrar of the relevant Metropolitan's diocese and, unless the bishop is the Primate, to the Primate.

#### **Where suspected inability reported to relevant Metropolitan**

4. If three members of the synod of a diocese consider on reasonable grounds that the bishop of the diocese may be incapable, those members may, in writing, report the matter to the relevant Metropolitan.

#### **Relevant Metropolitan may appoint panel of inquiry**

5. (1) The relevant Metropolitan, upon receiving a report under clause 4, may, if the relevant Metropolitan considers it appropriate, appoint a panel to inquire into the matter the subject of the report.
- (2) The panel shall consist of at least 3 persons appointed by the relevant Metropolitan, at least one of whom is a qualified medical practitioner and at least one of whom is a qualified legal practitioner.
- (3) The relevant Metropolitan shall appoint one of the members of the panel to chair the panel.
- (4) Subject to this canon, the panel shall determine its own procedure.

#### **Authority to Disclose Information**

6. This canon shall be sufficient authority from the Bishop concerned, who shall be deemed to have given such authority, for any medical practitioner who has treated the Bishop at any time in the previous 2 years to disclose information relating to the Bishop's medical condition to the panel, or the Tribunal, or any member thereof.

#### **Report by panel**

7. (1) A panel appointed under this canon shall report to the relevant Metropolitan within 2 months after being appointed or, if the relevant Metropolitan approves a longer period, within that longer period.
- (2) The relevant Metropolitan -
  - (a) shall send a copy of the report of the panel to the bishop of the diocese; and
  - (b) if the panel reports that it considers that there are reasonable grounds for considering that the bishop is incapable, shall, in writing, ask the bishop for a response to the report within 21 days after the bishop receives the copy.

### **Suspension of bishop from office**

8. (1) If the panel reports that it considers that there are reasonable grounds for considering that the bishop is incapable, the relevant Metropolitan may, by notice given to the bishop, suspend the bishop from office.
- (2) The relevant Metropolitan shall cause a copy of the notice under sub-clause (1) to be given to the registrar of the bishop's diocese, to the registrar of the relevant Metropolitan's diocese and, unless the bishop is the Primate, to the Primate.
- (3) The suspension -
  - (a) has effect as an absence of the bishop from the See; and
  - (b) ceases to have effect -
    - (i) upon a determination by a tribunal appointed under clause 10 or 11 that the bishop is not incapable; or
    - (ii) upon the See becoming vacant (whether or not under this canon)whichever first occurs.

### **See may be declared vacant if report not contested**

9. (1) Unless the bishop of a diocese to whom a report is sent under clause 7 contests the report in accordance with clause 10, the relevant Metropolitan may, subject to clause 12 by notice given to the bishop, declare the See vacant.
- (2) The relevant Metropolitan shall cause a copy of the notice under sub-clause (1) to be given to the registrar of the bishop's diocese, to the registrar of the relevant Metropolitan's diocese and, unless the bishop is the Primate, to the Primate.

### **Where report of panel contested**

10. (1) If the bishop of a diocese, by notice in writing given to the relevant Metropolitan within 21 days after receiving the copy of a report under clause 7, contests the report, the relevant Metropolitan shall appoint a tribunal to determine the matter.
- (2) The tribunal shall consist of 3 persons appointed by the relevant Metropolitan of whom one shall be a chancellor of a diocese of the Anglican Church of Australia, who shall be president of the tribunal, one shall be a bishop of another such diocese and one shall be a qualified medical practitioner.
- (3) A person who has been concerned in any way with an investigation or report into the capacity of the bishop, or who is or has been a member of the synod of that diocese while that bishop has been the bishop of the diocese, is ineligible to be a member of a tribunal appointed under this clause in relation to the bishop.
- (4) Subject to this canon, the tribunal shall determine its own procedure.



### **Determination by tribunal under clause 10 and appeal**

11. (1) The tribunal under clause 10 shall determine whether or not, in its opinion, the bishop of the diocese is incapable and shall report its determination in writing to the relevant Metropolitan.
- (2) The relevant Metropolitan shall give a copy of the determination of the tribunal under clause 10 to the bishop to whom it relates and to the registrar of the bishop's diocese.
- (3) The bishop may appeal, on a question of law only, from a determination of the tribunal under clause 10 to a tribunal consisting of the members for the time being of the Appellate Tribunal.
- (4) Subject to this canon, the procedure of a tribunal under this clause shall, so far as practicable, be the procedure of the Appellate Tribunal.
- (5) If the bishop does not, within 7 days after a copy is given to the bishop or the registrar of the bishop's diocese, whichever is the later, of a determination of the tribunal under clause 10 that the bishop is incapable, give notice in writing to the Registrar of the Appellate Tribunal of an appeal to the tribunal under this clause on a question of law, the relevant Metropolitan may, subject to clause 12 by notice in writing given to the bishop or the registrar of the bishop's diocese, declare the See vacant.
- (6) If the bishop appeals on a question of law in accordance with sub-clause (5) and the tribunal under this clause, in determining the appeal, upholds the determination of the tribunal under clause 9, the relevant Metropolitan may, subject to clause 12 by notice in writing given to the bishop or the registrar of the bishop's diocese, declare the See vacant.
- (7) The relevant Metropolitan shall cause a copy of a notice under sub-clause (5) or (6) to be given to the registrar of the relevant Metropolitan's diocese and, unless the bishop is the Primate, to the Primate.
  - (a) the tribunal under this clause determines that the bishop is not incapable; or
  - (b) the See becomes vacant (whether or not under this canon).

### **Consultation with Diocesan Council or Standing Committee**

12. Before declaring a See vacant in accordance with the provisions of this canon the relevant Metropolitan shall convene a meeting in the diocese concerned, of the members of the relevant Diocesan Council or Standing Committee in order to consult with them as to the making or implementation of any declaration of the vacancy in the See.

### **Reimbursement by Diocese of Expenditure**

13. Any expenditure incurred by the relevant metropolitan in the administration of this Canon in relation to the Bishop of a Diocese, including expenses incurred in relation to the panel and any Tribunal shall be paid or reimbursed by that Diocese.

### **Canon affects order and good government**

14. This canon affects the order and good government of this Church and shall not come into operation in a diocese unless and until the diocese adopts and assents to this canon by ordinance of the synod of the diocese.

**Determination VI, 1891 to cease to have effect**

15. The Determination of the General Synod of the Dioceses in Australia and Tasmania made on 3 October 1891 ceases to have effect in a diocese which adopts this canon.

## SEVENTH SCHEDULE

### **Provincial Ordinance for the Confirmation of Bishops' Elections (NSW) 1965**

An Ordinance to provide for the confirmation as to Canonical fitness of persons elected to be Diocesan Bishops in the Province of New South Wales.

WHEREAS Clause eight of the Constitution for the Anglican Church of Australia (hereinafter called the said Constitution) provides that the election of a bishop of a diocese shall as to the canonical fitness of the person elected be subject to confirmation as prescribed by ordinance of the Provincial Synod.

NOW this Synod of the Province of New South Wales (hereinafter called the Province) in pursuance of the powers in that behalf conferred upon it by the said Constitution and by the Constitutions for the Management and Good Government of the Anglican Church within the State of New South Wales 1902 (hereinafter called the Constitutions) ordains prescribes and rules as follows:

- (1) When in any diocese of the said Province a person shall be elected to be the bishop of such diocese, the president of the Synod of such diocese, or if the See be vacant, the person appointed or entitled to exercise the powers of the bishop of such diocese under or pursuant to the 26th of the Constitutions shall forthwith transmit the name of such person together with a certificate of his election to the Metropolitan.
- (2) On receiving any such certificate the Metropolitan shall forthwith communicate the election to the other diocesan bishops of the Province.
- (3) If three or more diocesan bishops are satisfied as to the canonical fitness of the person so elected, the confirmation of the election of such person shall be duly certified under the hand and seal of the Metropolitan. Provided that the election of a person who at the time of his election is already a Bishop of the Anglican Church of Australia shall not require to be confirmed.
- (4) An election shall be deemed to have been communicated to any diocesan bishop if notice in writing thereof has been posted by prepaid registered mail addressed to him at his Registry either in addition to or in lieu of any other mode or manner of communicating the same to him, and any such bishop to whom any such election shall have been communicated shall inform the Metropolitan in writing whether or not he is satisfied as to such canonical fitness provided that if the Metropolitan shall not have received any such reply within thirty days of such communication the bishop concerned shall be deemed to be satisfied.
- (5) For the purposes of this ordinance "Metropolitan" and "Canonical Fitness" shall have the same meaning respectively as they have in Sec. 74(1) of the said constitution.
- (6) This Ordinance may be cited as the "Provincial Ordinance for the Confirmation of Bishops' Elections (NSW) 1965".

**Diocesan Governance Ordinance 2008  
AMENDMENTS**

| Chapter No                          | Chapter Title  | Amendment   | Date of Amendment |
|-------------------------------------|--|---|-------------------|
| Six                                 | Bishop-Resignation and Election  | Replaced Synod 2011   | 16 October 2011   |
| Twelve                              | Clergy – Licences, Appointments and Entitlements   | Replaced Synod 2011   | 16 October 2011   |
| First Schedule                      | Synod Standing Orders  | Replaced Synod 2012   | 16 September 2012 |
| Eighteen                            | Grafton Diocese Investment Fund  | Replaced Synod 2012   | 16 September 2012 |
| Five                                | Bishop   | Replaced Synod 2012   | 16 September 2012 |
| Seven                               | Synod  | Replaced Synod 2012   | 16 September 2012 |
| Eight                               | Bishop-In-Council  | Replaced Synod 2012   | 16 September 2012 |
| Ten                                 | Parish Administration  | Replaced Synod 2012   | 16 September 2012 |
| Eleven                              | Parish Incumbent's Presentation Board  | Replaced Synod 2012   | 16 September 2012 |
| Seventeen                           | The Cathedral Church of Christ the King  | Replaced Synod 2012   | 16 September 2012 |
| Five                                | Bishop   | Amended clauses 11 and 12 Bishop in Council                         | 27 June 2013      |
| Six<br>Third Schedule               | Bishop-Resignation and Election  | Replaced Bishop in Council  | 1 August 2013     |
| Four                                | Diocese  | Replaced Synod 2013   | 12 October 2013   |
| Seven                               | Synod  | Replaced Synod 2013   | 12 October 2013   |
| Thirteen                            | Stipendiary Lay Ministers  | Replaced Synod 2013   | 13 October 2013   |
| Fifteen                             | The Corporate Trustees of the Diocese of Grafton   | Replaced Synod 2013   | 13 October 2013   |
| Two                                 | Preamble   | Replaced Synod 2013   | 13 October 2013   |
| Nineteen                            | Diocesan Audit Committee   | Replaced Synod 2013   | 13 October 2013   |
| Nine                                | Ministry Units   | Replaced Synod 2013   | 13 October 2013   |
| Eighteen                            | Grafton Diocese Investment Fund name change  | Replaced Synod 2013   | 13 October 2013   |
| Twelve                              | Clergy Service Conditions  | Deleted Clause 130.2 Bishop in Council                              | 26 February 2015  |
| Eighteen                            | Anglican Funds Grafton Diocese   | Amended clause 218.1 Bishop in Council                              | 7 May 2015        |
| Five<br>Six<br>Eleven<br><br>Twelve | Bishop<br>Bishop-Resignation and Election<br>Parish Incumbent's Presentation Board<br>Clergy – Licences, Appointments and Entitlements | Amended retirement age<br>Synod 2015                                | 13 June 2015      |
| Seven                               | Synod  | Amendment to Synod Membership Synod 2015                            | 13 June 2015      |
| Eight                               | Bishop-In-Council  | Amendment to Bishop-in-Council Membership and Committees Synod 2015 | 13 June 2015      |
| Ten                                 | Parish Administration  | Various amendments Synod 2015                                       | 13 June 2015      |
| Eleven                              | Parish Incumbent's Presentation Board  | Amendment to nominators Synod 2015                                  | 13 June 2015      |

| <b>Chapter No</b> | <b>Chapter Title</b>  | <b>Amendment</b>   | <b>Date of Amendment</b>                    |
|-------------------|---|--|---|
| Twelve            | Clergy – Licences, Appointments and Entitlements                              | Amendments to Income Protection Insurance Synod 2015   | 13 June 2015                                |
| Six Ten           | Bishop-Resignation and Election Parish Administration                         | Amended clauses 33.2, 77.2 and 78.1(o) Bishop in Council   | 28 January 2016                             |
| Fourth Schedule   | Form of Consent, Declaration and Release of a Candidate for Bishop of Grafton | Amended clause 4 Bishop in Council   | 28 January 2016                             |
| Fifth Schedule    | Safe Ministry Check   | Amended Bishop in Council  | 28 January 2016                             |
| Three             | Dictionary  | Amended Clauses 4.42, 4.43, 4.44 and 4.55 Bishop in Council  | 4 May 2016                                  |
| Seven             | Synod   | Amendment to 43.4 and 123.1 Synod 2016   | 18 June 2016                                |
| Seventeen         | The Cathedral Church of Christ the King                                       | Replaced Synod 2016  | 18 June 2016                                |
| Sixteen           | Diocesan Buildings and Property Committee                                     | Replaced Synod 2016 and amended Clauses 97.7, 102.1, 105.1, 105.3, 130.17 and 154A.1                     | 18 June 2016                                |
| Second Schedule   | Diocesan Property Board Process for Approval of Building Works or Alterations | Deleted Synod 2016   | 18 June 2016                                |
| Five              | Bishop  | Amendments to clauses 19 and 20 Synod 2016   | 18 June 2016                                |
| Twenty            | Accounts, Audits and Annual Reports   | Deleted Synod 2016 Diocesan Organisation Reporting, Accounts and Audit Ordinance 2012 as amended applies | 18 June 2016                                |
| Eighteen          | Anglican Funds Grafton Diocese  | Chapter 18 replaced Synod 2017. 62.1(b) amended.   | 18 June 2017                                |
| Eight             | Bishop-in-Council   | Creation of Finance Committee replacing Diocesan Treasurer   | 17 June 2017                                |
| Twenty-one        | Diocesan Records  | Replacement of Chapter   | 14 September 2017<br>15                     |
| Six               | Bishop – Resignation and Election   | Amendment of 29.1  | 16 November 2017                            |
| Seven             | Synod   | Amendment of 44.1  | Correction by Registrar<br>19 December 2017 |
| Eight Eighteen    | Bishop-in-Council Anglican Funds Grafton Diocese                              | Amendment of clause 62.1 and replacement of clause 220.6   | 22 March 2018                               |
| Ten               | Parish Administration   | Replacement of clause 105.1  | 22 March 2018                               |
| Twelve            | Clergy – Licences, Appointments and Entitlements                              | Amendment of clauses 130.22, 132.4, 132.5 and 133B.1   | 6 September 2018                            |
| Three             | Dictionary  | Amendment of clause 4.2A   |   |

| <b>Chapter No</b>     | <b>Chapter Title</b> | <b>Amendment</b>                            | <b>Date of Amendment</b> |
|-----------------------|----------------------|---|--------------------------|
| Six<br>Fifth Schedule | Safe Ministry Check  | Amendment of clause 32.1<br>Delete Schedule | 21 February 2019         |