



# Administration Ordinance 2003-2018

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## FUNDAMENTAL DECLARATIONS AND RULING PRINCIPLES

- 1 This Diocese holds and approves the Fundamental Declarations and the Ruling Principles contained in the Constitution of the Anglican Church of Australia and reprinted in Schedule A of this Ordinance to be the basis upon which the church in this Diocese is built and maintained.
- 2 The purpose and ministry of the Anglican Church in this Diocese is, by the grace of God, to proclaim the Gospel of Christ and administer His sacraments to His Church and by our lives witness to the love of God for all people. The Church in this Diocese exists to encourage and equip its members in these tasks in the communities in which they live and work.
- 3 By baptism each member of the Church is called to ministry according to his or her gifts. Within our Anglican tradition we recognise that some are called to the threefold order of Ordained Ministry as Bishop, Priest or Deacon. All Christian people lay and ordained are called and equipped by God for the building up of the body of Christ.
- 4 Good order in Church administration is part of the ministry of this Diocese. In the administration of its affairs the people of the Diocese express their thanks to God for his gifts both spiritual and temporal, model themselves as a community upon the life and teaching of Christ and exercise the fruits and gifts of the Holy Spirit with faith and generosity.
- 5 The rules ordering the administration of the Church in this Diocese having become unwieldy, in some cases outdated and in others unworkable, this Diocese has resolved at this time to consider afresh all matters relating to the administration of the Diocese.

THE SYNOD OF THE DIOCESE OF BATHURST ORDAINS AS FOLLOWS:

## CHAPTER 1 - PRELIMINARY AND DEFINITIONS

100 This Ordinance may be cited as the Anglican Diocese of Bathurst Administration Ordinance, 2003-2004.

101 This Ordinance is arranged in chapters as follows

Ch 1 Preliminary and Definitions (Ss100-199)

Ch 2 The Diocese (Ss 200-299)

Ch 3 The Synod (Ss 300-399)

Ch 4 Bishop-in-Council (Ss 400-499)

Ch 5 Parishes and Special Ministries (Ss 500-599)

Ch 6 Church Buildings and Grounds (Ss 600-699)

Ch 7 Clergy Rights and Duties (Ss 700-799)

Ch 8 Lay Ministry (Ss 800-899)

Ch 9 Miscellaneous (Ss 900-999)

102 The following documents appear as schedules to this Ordinance

Sch A Fundamental Declarations and Ruling Principles of the Constitution of the Anglican Church of Australia

Sch B The Rules of Synod

Sch C Canon Concerning Authorised Lay Ministry – General Synod Canon No 17, 1992

Sch D Parish Accounting and Reporting Regulations 2004

### DEFINITIONS

103 In this Ordinance and in all other Ordinances of the Diocese, unless the context otherwise requires, the words and terms in the first column have the meanings ascribed to them in the second column

Assistant Bishop	A person in Episcopal orders holding the Bishop's licence as Assistant Bishop but does not include a person in Episcopal orders performing some other ministry in the Diocese.
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Bishop	The Bishop of Bathurst or in the event of the Bishop of Bathurst being absent from the State of New South Wales or of a vacancy in that office the person next entitled to administer the Diocese of Bathurst during the absence or vacancy in accordance with this Ordinance.
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Bishop-in-Council	The Council constituted by section 400 of this Ordinance.
Chancellor	The person appointed by the Bishop under his hand and seal to be his Chancellor
Church	<i>(Except in relation to a building):</i> The Anglican Church of Australia.  <i>(In relation to a building):</i> "Church" when applied to a building means a building set apart or which the Bishop is satisfied is intended to be set apart for the worship of God.
Clergy	An episcopally ordained person in the Order of Priest or Deacon licensed by the Bishop to exercise ministry in the Diocese.
Corporate Trustees OR The Anglican Property Trust	The Anglican Property Trust Diocese of Bathurst
Communicant Member of the Anglican Church of Australia OR Communicant member	A person who has (i) been baptised; and (ii) been confirmed or received into the Church according to the rites and ceremonies of the Anglican Church of Australia; and (iii) is over the age of 18 years; and (iv) has made at least three communions in an Anglican Church during the previous twelve calendar months.
Deacon	A person in the order of Deacon licensed by the Bishop within the Diocese
Dean	The Parish Priest of the Cathedral Parish of All Saints' Bathurst
Diocese	Diocese of Bathurst known as "The Anglican Church in Central & Western NSW".
	Amendment 6-2018
House	<i>(In relation to the House of Clergy):</i> The members of Synod ordained to the Order of Priest or Deacon and including any Assistant Bishop  <i>(In relation to the House of Laity):</i> The members of Synod who are laypersons
Layperson	A person not ordained to the Order of Bishop, Priest or Deacon
Parish	A geographical area the boundaries of which are determined and registered by Bishop-in-Council and which contains at least one licensed or consecrated church.

Parish Priest	The Priest in Charge of a Parish or a Priest licensed by the Bishop to the charge of a Special Ministry.
Priest	A person in the order of Priest licensed within the Diocese.
Property Trust	The Anglican Property Trust Diocese of Bathurst
Rector	A Priest in Charge of a Parish designated as Rector by the Bishop's licence.
Registrar	The Registrar of the Diocese appointed by the Bishop under his hand and seal or any person appointed in like manner by the Bishop to act as Registrar in the case of absence or incapability of the first mentioned person.
See	The Diocese of Bathurst
Synod	The Synod of the Diocese of Bathurst except where the context intends the General Synod of the Anglican Church of Australia or the Synod of the Province of New South Wales.
Vicar-General	The Vicar-General of the Diocese appointed by the Bishop to represent him in matters of leadership in the Diocese. The Vicar-General is usually also the Administrator of the Diocese and takes responsibility for the life of the Diocese during a vacancy of the See.

## CHAPTER 2 - THE DIOCESE

200 The Bishop of Bathurst is the chief pastor of the Diocese

201 The Diocese consists of Parishes and Special Ministries.

202 To exercise his Episcopal authority the Bishop may divide the Diocese into Regions and Districts.

203 (1) The Bishop may, at any time, visit any church and attend any meeting of any group that is or indicates that it is associated with the Diocese. When the Bishop attends a church or meeting, the Bishop may elect to preside.

(2) The Bishop may appoint a person under this Ordinance to assist him with his functions as Visitor and to take evidence and make recommendations whether or not the subject matter of the Visitation has already been raised before the person is appointed.

### COMMISSARIES

204 (1) The Bishop may appoint a person to be Commissary to act during his absence from the State in accordance with section 38 of the Anglican Church of Australia Trust Property Act, 1917.

(2) The Bishop may also appoint one or more persons to act for him as Commissary outside Australia.

(3) A Commissary shall cease to hold office upon the vacancy of the See.

(4) A Commissary referred to in sub-section (1) shall be the Vicar-General.

(5) The Bishop may, by Commission, appoint a person as a Commissary to do any act or thing for him which can be lawfully delegated.

205 If a Commissary, referred to in section 204(1), has not been appointed, all the powers of a commissary may be exercised by the Administrator of the Diocese.

### ADMINISTRATOR

206 (1) The person in order of Priests who is senior in ecclesiastical rank, is appointed Administrator of the Diocese, and failing that person, the next most senior person in order of rank.

(2) The ecclesiastical rank of persons in the order of Priests shall be

(a) Assistant Bishops in order of appointment to this Diocese;

(b) The Diocesan Archdeacon;

(c) The Dean;

(d) The Archdeacons in order of collation as Archdeacon in this Diocese;

(e) Deleted per Amendment 6-2018

(f) Parish Priests in order of their ordination as a Priest in this Church.



(3) The Administrator may exercise his or her powers only in accordance with the 26th constitution in the Schedule of the Anglican Church of Australia Constitution Act 1902 or section 39 of the Anglican Church of Australia Trust Property Act 1917.

#### ABSENCE OF COMMISSARY AND ADMINISTRATOR

207 In default of a Commissary or in default of an Administrator appointed under sections 204 or 206 of this Ordinance, the person entitled to administer the Diocese shall be, in order of priority;

- (a) Assistant Bishops in order of appointment to this Diocese;
- (b) The Diocesan Archdeacon;
- (c) The Dean;
- (d) The Archdeacons in order of collation as Archdeacon in this Diocese;
- (e) Repealed 6-2018
- (f) Parish Priests in order of their ordination as a Priest in this Church.

#### DIOCESAN OFFICERS

208 An Assistant Bishop may be appointed in accordance with the Assistant Bishops Canon 1966 of the General Synod.

209 The Bishop may appoint a person in accordance with the Archdeacons Canon 1995 of the General Synod as an Archdeacon, including a Diocesan Archdeacon, in such terms and for such period and with such duties as the Bishop specifies in the document of appointment.

210 The Bishop shall appoint a Chancellor in accordance with the Chancellors Canon 2001 of the General Synod. Amended 6-2018

211 The Bishop shall appoint a Bishop's Registrar for the Diocese upon such terms and for such period and with such duties as the Bishop specifies in the document of appointment. (Amended 6-2018)

212 Deleted by Ordinance 2012.

#### APPOINTMENT AND REMOVAL OF DIOCESAN OFFICERS

213 (1) The Bishop may appoint such officers, including those named in sections 208- 212, as he may from time to time consider proper to assist him with the administration of the Diocese.

(2) No Diocesan officer shall exercise any function that is properly a part of the exclusive Episcopal authority of the Bishop.

(3) The appointment of a Diocesan Officer must be in writing under the hand and seal of the Bishop.

214 The Bishop may in writing under his hand and seal remove from office any person appointed in accordance with sections 208-2 12 of this Ordinance and that person shall from that date cease to hold the relevant office.

215 All appointments made by the Bishop and all removals from office must be duly recorded by the Registrar in the Book of the Acts of the Bishop of Bathurst.

216 The holder of any office in the Diocese shall continue in office notwithstanding the vacancy of the See, provided however that he or she ceases to hold office three calendar months after the Installation of the next succeeding Bishop of Bathurst unless such Bishop renews the appointment in writing.

#### REGIONAL MINISTRIES

217 Each region of the Diocese shall consist of those Archdeaconries, Districts, Parishes and Special Ministries nominated from time to time by the Bishop. Amended 6-2018

218 The Bishop may appoint a Priest to be an Archdeacon upon such terms and for such period and with such duties as the Bishop specifies in the document of appointment. (Amended 6-2018)

#### DISTRICT MINISTRIES

219 The Diocese may be divided into Districts, to consist of those Parishes and Special Ministries which the Bishop shall determine from time to time.

220 There shall be a District Ministry Council for each District of the Diocese.

#### DUTIES OF DISTRICT MINISTRY COUNCIL

221 The duties and responsibilities of a District Ministry Council are;

(a) to undertake operational planning for the ministry of the District;

(b) to manage the ministry and pastoral resources of the District including the co-ordination of clergy duties;

(c) to facilitate co-operation between Parishes of the District in the provision of their ministry of worship, outreach and pastoral care.

#### COMPOSITION OF DISTRICT MINISTRY COUNCIL

222 Each District Ministry Council shall consist of the following;

(a) From each Parish in the District

(i) The Parish Priest; and

(ii) 1 Layperson appointed by each Parish Council and approved by the Bishop; and

(b) Each Parish Priest of a Special Ministry conducted within that District.

223 The lay members of each Council hold office for three years from the date of their respective appointments.

## QUALIFICATIONS OF MEMBERS OF DISTRICT MINISTRY COUNCILS

224 The qualifications for a lay member of a District Ministry Council shall be the same as those for a lay member of Synod.

## CASUAL VACANCIES

225 Casual vacancies in the lay members of a District Ministry Council must be filled by the Parish Council of the Parish which appointed the retiring member.

## CHAIR OF DISTRICT MINISTRY COUNCIL

226 (1) The Bishop shall appoint one Priest from within the District as Clerical Chair of each Council.

(2) The Bishop shall appoint one layperson from a Parish within the District as Lay Chair of each Council.

227 The Clerical and Lay Chairs must alternate the chair of District Ministry Council Meetings, unless the Bishop determines otherwise.

## QUORUM FOR DISTRICT MINISTRY COUNCIL MEETINGS

228 One half of the members of the Council constitutes a quorum for any meeting of a Council.

## ORDER OF BUSINESS FOR DISTRICT MINISTRY COUNCIL MEETINGS

229 (1) Subject to subsections (2) and (3) a District Ministry Council may order its business in any manner it thinks fit.

(2) A District Ministry Council must meet at least quarterly.

(3) Where a recommendation for action is proposed to be forwarded by a District Ministry Council to the Bishop in respect of;

(a) the composition of the District; or

(b) the composition of Parishes or special ministries in the District; or

(c) the roles and responsibilities of clergy within the District; or

(d) the expenditure of funds within the District; or

(e) any other matter of which 3 or more members of the Council request that the provisions of this section apply;

such recommendation may only be forwarded upon a majority vote of those present and voting at the Council meeting.

(4) In any vote taken under this section, the Clerical Chair of the District shall have a deliberative but not casting vote.

230 The Clerical Chair must forward a report to the Regional Ministry Coordinator within 14 days of the conclusion of each meeting of a Council.

## REGIONAL CO-ORDINATION MEETINGS

231 (1) Regional Co-Ordination Meetings shall be held at least twice per year.

(2) The Regional Ministry Coordinator, the Clerical Chair and the Lay Chair of each District within a Region are to attend the Regional Co-Ordination Meeting.

232 The business of the Regional Co-Ordination Meeting shall be

- (a) To review the activities of the District Councils;
- (b) To co-ordinate the activities of the Districts within the Region;
- (c) To undertake strategic planning within and for the Region;
- (d) Any other business that the meeting considers necessary;

233 The Regional Ministry Coordinator must forward a report to the Bishop on the activities of the Region at the conclusion of each Co-ordination meeting.

## COOPERATION WITH OTHER DIOCESES

234 Bishop-in-Council is empowered to co-operate with any other Diocese in the province of New South Wales to form a corporation for any purpose which it considers beneficial for this Diocese notwithstanding that the corporation may also benefit other Dioceses. For this purpose Bishop-in-Council may nominate persons to be members of such corporation on behalf of this Diocese and to do all such acts and things as are reasonably necessary to promote and operate such corporation.

## ORDINANCES

235 The Synod may make Ordinances for the order and good government of the Church in this Diocese.

236 Unless an Ordinance otherwise provides, it shall commence upon assent being given by the Bishop.

237 (1) Where an Ordinance has been amended by a subsequent Ordinance, any reprint made shall incorporate the amending Ordinance in such a form as Bishop-in-Council may direct.

(2) A copy of an Ordinance as most recently printed or reprinted in any Diocesan Year Book whether published before or after the coming into operation of this Ordinance shall be presumed to be the true text of a valid Ordinance of the Synod of the Diocese.

(3) Where because of the effect of the operation of the Anglican Church of Australia Act, 1976, or the change of name of any corporation, a body is not referred to by its current name in an Ordinance, any reprint of that Ordinance shall insert the correct name of the body or organisation as at the date of the reprint.

238 A copy of an Ordinance (whether in an amended form or not) certified by the Registrar as a true copy of the Ordinance in force shall be presumed to be a true copy of the text of the Ordinance currently in force.

#### PRESUMPTION OF QUALIFICATION FOR OFFICE

239 It shall be prima facie evidence that a person is a communicant member of this Church if that person has within the previous calendar year subscribed a declaration to the following effect;

“I the undersigned (name) do declare that I am a communicant member of the Anglican Church of Australia”.

240 A person who acts in the office of Synod Member, Churchwarden, Parish Council member or any other office shall be presumed to be qualified for and be duly elected or appointed to such office until the contrary is proved.

#### ENDOWMENT OF THE SEE

241 The Endowment of the See as administered by the Board constituted pursuant to the Bathurst Endowment of the See Ordinance 1997 shall maintain a fund for the payment of the emoluments and allowances of the Bishop and the emoluments and allowances of such other persons as are determined from time to time by the Endowment of the See Board pursuant to the Endowment of the See Ordinance.

## CHAPTER 3 - THE SYNOD

### REPRESENTATION OF PARISHES AND SPECIAL MINISTRIES IN SYNOD

300 (1) Every Parish Priest is entitled to be summoned to Synod.

(2) Every Parish in the Diocese is entitled to send two lay representatives to Synod.

(3) The Bishop may summon one or two lay persons representing a Special Ministry.

### REPRESENTATION OF CHAPLAINS IN SYNOD

301 A chaplain is entitled to be summoned to Synod only if his or her Licence from the Bishop includes such entitlement.

### REPRESENTATION BY YOUTH IN SYNOD

302 (1) Each Regional Ministry Coordinator shall be entitled to recommend to the Bishop one lay person for appointment as a youth representative to each Session of the Synod.

(2) A youth representative to the Synod must;

(a) be at least 18 years of age, but not more than 30 years of age at the time of his/her appointment; and

(b) be baptised and confirmed and regularly worship in a church of the Diocese

303 A youth representative to Synod shall be entitled to speak and participate in debate in the Synod, and shall be entitled to vote upon any question.

### ELECTION OF LAY REPRESENTATIVES

304 (1) At the Annual Parish Meeting to be held in 2006 and every three years thereafter, two lay Synod representatives and two substitutionary lay Synod representatives must be elected by secret ballot.

(2) Each elector may vote for up to two candidates as lay Synod Representatives.

(3) Each person nominated must signify his or her consent in writing to the Parish Priest or the person authorised by the Bishop to act in his stead (the Deputy).

(4) In the case of an equality of votes the Parish Priest or the Deputy shall give a casting vote but otherwise shall not vote.

(5) The lay Synod Representatives shall be the two persons who received the two highest numbers of votes in the election. The substitutionary representatives shall be the two persons who receive, in preferential order, the next two highest numbers of votes.

### CASUAL VACANCIES IN LAY SYNOD REPRESENTATIVES

305 (1) Should a Lay Synod Representative die, resign, refuse, neglect to act or become incapable of acting for the remainder of the life of the Synod, the Parish Priest must notify the substitutionary Lay Representative who received the highest number of votes at the Annual Church Meeting who shall become an elected Lay Synod Representative for the Parish

(2) If the first substitutionary Lay Representative is unable or unwilling to act, the Parish Priest must notify the remaining substitutionary representative who shall become an elected Lay Synod Representative for the Parish.

306 Should the Parish at any time be without the full number of substitutionary Lay Synod Representatives, Parish Council may elect one person as such representative, that person being deemed to have received the lowest number of votes at the Annual Church Meeting.

307 Should Bishop-in-Council be of the view that;

(a) after due reminder a Parish has failed to elect lay representatives to Synod, or

(b) a Parish Priest has failed to report the names of elected representatives in accordance with section 312; or

(c) there is a casual vacancy in the representation of a Parish that has not been filled by the Parish concerned

Bishop-in-Council in its absolute discretion may elect a representative or representatives for such Parish upon such terms and conditions as it may decide.

#### INABILITY TO ATTEND A SESSION OF SYNOD

308 (1) If a Lay Synod Representative is unable to obey the summons of the Bishop to attend any session of Synod for any reason, he or she must,

(a) obtain the approval of the Bishop for their absence; and

(b) notify the Parish Priest of his or her Parish of such inability as soon as practicable.

(2) On receipt of notification by the Bishop that the office of the person becomes vacant for that Session, the vacancy must be filled by the substitutionary Lay Synod Representative who received the highest number of votes at the Annual Church Meeting.

(3) This section does not apply if the event giving rise to the inability occurs less than three full days before the commencement of the relevant session of Synod.

#### QUALIFICATIONS OF ELECTORS

309 A person is qualified as an elector for an election as a Lay Synod representative if he or she is qualified to vote at an Annual Meeting held under this Ordinance.

#### QUALIFICATIONS OF LAY MEMBERS OF SYNOD

310 (1) A person is qualified for election as a Lay Synod Representative or substitutionary representative for a Parish if he or she

(a) is a person who regularly worships in that Parish; and

(b) is a communicant member of the Anglican Church of Australia (2) No person may be elected to represent more than one Parish.

311 *Clause 311 was deleted: Miscellaneous Amendments Ordinance 2010*

## NOTIFICATION TO REGISTRAR

312 A Parish Priest must inform the Registrar of the names, occupations and addresses of all lay representatives or substitutionary lay representatives for his or her Parish within one month of election and whenever there is a change of representatives.

## REPRESENTATION OF NEW PARISHES

313 (1) Upon the creation of a new Parish, the Bishop shall issue a mandate for a General Meeting to be held in the new Parish.

(2) The business of this meeting shall be the election of lay representatives to Synod in accordance with the provisions of this Ordinance so far as they are applicable.

(3) Lay representatives to Synod elected under this section will continue to serve until the next Annual Parish Meeting at which lay representatives are elected in accordance with section 304.

(4) This section does not apply and is deemed never to have applied where a Parish is constituted by the amalgamation of two or more Parishes.

## AMALGAMATION OF PARISHES

314 Where there has been an amalgamation of Parishes, lay representatives to Synod elected in each of the amalgamated Parishes continue to serve until the next Annual Parish Meeting of the combined Parish at which lay representatives are elected in accordance with section 304.

## DUTY OF MEMBERS OF SYNOD

315 All clergy and Lay representatives elected or appointed to the Synod are expected to attend all meetings of each session of that Synod unless otherwise excused by the Bishop.

## OFFICIAL MEMBERS OF SYNOD

316 Any Assistant Bishop, any Archdeacon, the Chancellor, and the Registrar by virtue of their respective offices be summoned to Synod. (Amended by Ordinance 2012 Amended 6-2018)

317 The following persons shall, by virtue of their respective offices, be summoned to Synod, unless already summoned in another capacity;

(a) Repealed 6-2018

(b) The Chair of Anglicare Western NSW

(c) The Chair of the Anglican Retirement and Community Housing Council

(d) Members of the Anglican Property Trust, Diocese of Bathurst,

(e) Repealed 6-2018

(f) The Chair of any other Diocesan organisation if approved by the Bishop



#### APPOINTED MEMBERS OF SYNOD

- 318 The Bishop may summon to the Synod any stipendiary or non stipendiary member of Clergy resident in the Diocese. (Amended 6-2018)
- 319 The Bishop may summon to Synod up to 10 laypeople who regularly attend worship at a church in the Diocese. (Amended 6-2018)
- 320 The qualification for an appointed member of Synod is the same as an elected member except that he or she need not regularly attend worship at a church in the Diocese.
- 321 The Bishop shall fill any casual vacancy in the appointed members of Synod.

#### RIGHTS OF OFFICIAL AND APPOINTED MEMBERS

- 322 Official and appointed members of Synod are entitled to the same rights in Synod as any other member.

#### RULES APPLICABLE DURING SESSIONS OF SYNOD

- 323 The rules applicable during sessions of Synod shall be those set out in Schedule B of this Ordinance.
- 324 Bishop-in-Council may direct the Registrar to reprint Schedule B as a documents separate to this Ordinance entitled "Rules of Synod".

#### DIOCESAN REPRESENTATIVES TO PROVINCIAL SYNOD

- 325 (1) At the first session of each Synod, the Synod shall elect the number of clerical and lay representatives to the Provincial Synod to which it is entitled under the constitution of the Province.
- (2) A person elected as a representative under this section holds office until the first session of the next Synod.

- 326 The qualifications for election as a clerical or lay member of the Provincial Synod shall be the same as for election as a member of the Diocesan Synod.

- 327 (1) Casual vacancies in the number of clerical or lay representatives to the Provincial Synod, including vacancies occurring as a result of an increase in the entitlement of the Diocese to representatives, shall be filled by election at the next session of Synod.

(2) Should a vacancy occur without sufficient time for the procedure set out in subsection (1) to be invoked, Bishop-in-Council, with the consent of the Bishop, may appoint a representative to fill the vacancy.

(3) A person appointed to fill a vacant position holds office until the next session of the Synod.

#### DIOCESAN REPRESENTATIVES TO GENERAL SYNOD

- 328 (1) At the first session of each Synod, the Synod shall elect the number of clerical and lay representatives to the General Synod to which it is entitled under the Constitution of the Anglican Church of Australia.

(2) A person elected as a representative under this section holds office until the first session of the next Synod.

329 The qualifications for election as a clerical or lay member of the General Synod shall be the same as for election as a member of the Diocesan Synod.

330 (1) Casual vacancies in the number of clerical or lay representatives to the General Synod, including vacancies occurring as a result of an increase in the entitlement of the Diocese to representatives, shall be filled by election at the next session of Synod.

(2) Should a vacancy occur without sufficient time for the procedure set out in subsection (1) to be invoked, Bishop-in-Council, with the consent of the Bishop, may appoint a representative to fill the vacancy.

(3) A person appointed to fill a vacant position holds office until the next session of the Synod.

## CHAPTER 4 – BISHOP IN COUNCIL

### BISHOP-IN-COUNCIL

400 There shall be a Council formed in accordance with this Ordinance to be the advisors to the Bishop. This Council together with the Bishop is hereafter referred to as “Bishop-in-Council”.

### MEMBERSHIP OF BISHOP-IN-COUNCIL

401 Bishop-in-Council shall consist of

- (a) The Bishop,
- (b) Any Assistant Bishop,
- (c) The Diocesan Archdeacon,
- (d) The Dean,
- (e) The Regional Archdeacons, (amended 6-2018)
- (f) repealed 6-2018
- (g) repealed 1 5/2014
- (h) 12 other members of whom 4 shall be clergy and 8 lay persons.

(Amended by Ordinance 2012)

402 (1) The Registrar may attend any meeting of Bishop in Council and speak on any issue

(2) The Chancellor may attend any meeting of Bishop in Council as an advisor to the Bishop and speak on any issue but neither vote nor participate in any decision-making process.

(3) repealed 6-2018 (4) repealed 6-2018

### ELECTION AND APPOINTMENT OF MEMBERS

403 (1) At the first Session of every Synod in and from 2006, the Synod shall elect from among its members 3 clergy and 6 lay persons to be members of Bishop-in-Council.

(2) The Bishop within one month of the elections by Synod shall appoint one clergy and two lay persons to be members of Bishop-in-Council.

(3) An elected or appointed member of Bishop-in-Council shall hold until the end of the first session of the next succeeding Synod.

### CASUAL VACANCIES

404 The Bishop shall fill all vacancies, however caused, in the number of his appointed members.

405 The Council must fill all vacancies, however caused, in the number of elected members from the same House as the person originally elected.

406 No vacancy or vacancies in the Council for any reason whatever will affect the validity of the proceedings of the Council.

#### ATTENDANCE AT MEETINGS OF BISHOP-IN-COUNCIL

407 Any elected or appointed member who is absent from three consecutive meetings of Bishop-in-Council shall be deemed to have resigned his or her office unless prior leave of absence was granted for such absence or unless the Council records that sufficient reason has been shown for such absence.

#### CONDUCT OF MEETINGS

408 (1) The Council must be convened by the Bishop or by the Registrar at the direction of the Bishop.

(2) Bishop-in-Council must meet at least three times in each calendar year.

(3) In each calendar year the Bishop-in-Council shall set the provisional dates for its meetings for the next calendar year.

#### QUORUM FOR MEETING

409 Ten members of the Council shall form a quorum of whom four shall be lay persons.

#### DUTIES OF BISHOP-IN-COUNCIL

410 The primary duty of Bishop-in-Council is to provide advice to the Bishop in the exercise of his responsibilities in the administration of the Diocese and to act as the Standing Committee of the Synod.

411 Bishop-in-Council has the following specific duties;

(a) To administer such funds as may from time to time be placed under its control by Ordinances of the Synod or otherwise and to submit to Synod a report upon such financial matters together with the report of the auditors.

(b) To prepare for each ordinary session of Synod estimates for the following financial year of:

(i) the amount required for meeting the cost of sittings of the Synod, the maintenance of the Diocesan Registry and the expenses of such other diocesan activities and committees as in its opinion should be supported;

(ii) the amount that in its opinion should be granted to organisations under the control of Synod or to other persons or organisations;

(iii) the amount of income available from sources other than Parishes for meeting the amounts referred to in (i) and (ii); and

(iv) the amount which will need to be raised by Parish contribution to meet the amounts referred to in (i) and (ii).

(c) To make arrangements for the sessions of the Synod of the Diocese; to prepare the business to be brought before the Synod; to propose such business as may be

necessary to bring before Synod and to report to each session of Synod the activities of Bishop-in-Council as the Standing Committee of the Synod during the intervening period.

(d) To report to each session of Synod the progress made by Parishes in the repayments of all loans obtained under security or under guarantee whether given by the Bishop or otherwise under the authority of Synod and the manner in which such loans have been applied. For the purpose of enabling the compilation of such reports each Parish Council must furnish accurate returns upon requisition by the Registrar.

(e) To publish if Bishop-in-Council in its absolute discretion decides a Diocesan Newspaper from time to time and issue a Year Book of the Diocese.

(f) To make elections to vacant offices as the Synod shall from time to time determine.

(g) On the recommendation of the Audit Committee, to appoint and fix from time to time the remuneration of the auditor whose duty it shall be to audit all diocesan funds and organisations.

(h) To discharge all duties specifically assigned to it from time to time by the Synod of the Diocese under Ordinances or resolutions and generally during the recess of Synod to guide and control the temporal affairs of the Diocese consistently with the constitutions of the Anglican Church of Australia and the Ordinances of Synod.

#### POWERS OF BISHOP-IN-COUNCIL

412 Bishop-in-Council may, during the recess of the Synod of the Diocese exercise in the place of the Synod all or any of the powers and functions and do and make all or any of the things referred to in sections 11, 12, 13, 14, 15, 16, 19, 23, 25, 26, 26A, 27, 27A, 32, 32A, 32B or 37 of the Anglican Church Trust Property Act 1917 as amended, sections 3, 5, 6, 7, 10 and 11 of the Anglican Church (Bodies Corporate) Act 1938 and subject to Article 7(2) of the 1902 Constitutions, articles 2(1) and 3 (2). (as amended by Ordinance 8/2011)

413 During the recess of the Synod, Bishop-in-Council may consider any proposed Ordinance notwithstanding that leave to introduce the proposed Ordinance has not been obtained from the Synod.

414 (1) Where Bishop-in-Council proposes to make an Ordinance under the powers conferred by section 32 of the Anglican Church Trust Property Act 1917, the Ordinance may be referred to the Synod at any stage before assent.

(2) An Ordinance referred to in subsection (1) must be referred to the Synod upon request of any five members of Bishop-in-Council and in that case the decision of Bishop-in-Council shall be deemed to have been made on the last day of the relevant session of Synod.

415 Bishop-in-Council may, if it considers it appropriate, frame by-laws for the conduct of its business or the regulations of any Division, Commission or Committee of Bishop-in-Council.

416 (1) Bishop-in-Council may, after the close of the Session of Synod in any year make any adjustment to the budget adopted by Synod as may be necessary in the light of factors occurring since the Session of Synod was held.

(2) Bishop-in-Council may not alter any matter of principle determined upon by the Synod.

#### DELEGATION AND REFERENCE TO SYNOD

417 (1) Any matter relating to this Ordinance which is before Bishop-in-Council must, if six members of Bishop-in-Council require it, be referred to the next session of Synod.

(2) If the matter to be referred to Synod concerns an Ordinance the decision of Bishop-in-Council is deemed to have been made on the last day of the relevant session of Synod.

418 Any member of Synod aggrieved by any decision of Bishop-in-Council under this Ordinance including advice given to the Bishop by Bishop-in-Council is at liberty to give notice of motion to the Synod to review such decision.

#### DUTIES OF THE REGISTRAR

419 The Registrar is responsible for and shall have in his or her custody all deeds oaths and declarations and other official documents relating to Church Trust Properties, licensed clergy and other Diocesan officers and generally all other matters committed to the management of Bishop-in-Council.

#### CHAIR AND SECRETARY OF BISHOP-IN-COUNCIL

420 The Bishop shall chair each meeting of Bishop-in-Council provided that the Bishop whether present or absent from the meeting may request a member of Bishop-in-Council to chair the meeting for the whole or part of its course.

421 The Registrar shall be secretary to Bishop-in-Council

#### STANDING COMMITTEE OF BISHOP-IN-COUNCIL

422 Bishop-in-Council may with the approval of the Bishop appoint a Standing Committee to consist of not less than five persons including the Bishop and may delegate to that Standing Committee by resolution, any portion of its powers and duties except those relating to acts and things done under the provisions of the Anglican Church Trust Property Act 1917.

#### ORGANISATIONS OF BISHOP-IN-COUNCIL

423 (1) Bishop-in-Council may, if it considers it appropriate, form divisions, committees or commissions to deal with particular classes of business.

(2) A person may be a member of a division of Bishop-in-Council even though he or she is not a member of Bishop-in-Council.

(3) The Bishop is a member of each division of Bishop-in-Council unless this Ordinance otherwise provides.

424 Repealed 10/2009

425 Repealed 10/2009

426 Repealed 10/2009

#### STIPENDS AND CLERGY WELFARE COMMISSION

427 There shall be a Stipends and Clergy Welfare Commission of Bishop-in-Council whose functions and duties are as follows

(a) to recommend the minimum stipend for the Bishop, any Assistant Bishop, the Diocesan Archdeacon, Parish Priests and other stipendiary clergy;

(b) to determine minimum allowances and emoluments for the persons referred to in sub paragraph (a);

(c) to recommend a car allowance to be paid to priests who provide their own car for Parish work, or an amount to be deposited as prescribed by section 724 in respect of Parish cars;

(d) to consider and recommend changes in conditions of service of clergy licensed within the Diocese;

(e) to consider and report to Bishop-in-Council in respect of any matter concerning clergy stipends, emoluments and allowances which is referred to it by Bishop-in-Council.

Amended by Ordinance 2007

#### APPOINTMENT TO THE STIPENDS AND CLERGY WELFARE COMMISSION

428 The Stipends and Clergy Welfare Commission is to consist of the Bishop, and the Registrar and up to two other nominees of the Bishop with relevant professional skills and the following persons appointed by Bishop-in-Council; (Amended by Ordinance 2012)

(a) two members of clergy

(b) two lay persons

429 The following guidelines are to be observed in the appointment of persons to the Commission unless Bishop-in-Council resolves that for special reasons the guidelines are not to apply;

(a) At least four members of the Commission must be members of Bishop-in-Council.

(b) At least one member must be a serving Parish Priest.

(c) One member must be the spouse of a serving member of clergy.

(d) One member must have qualifications or experience in personnel management and industrial relations.

Amended by Ordinance 2007

430 The members of the Stipends and Clergy Welfare Commission remain in office until their successors are appointed.

431 (1) An appointed member of the Stipends and Clergy Welfare Commission may resign in writing to Bishop-in-Council.

(2) Casual vacancies in appointed members must be filled by Bishop-in-Council.

#### CONDUCT OF THE STIPENDS AND CLERGY WELFARE COMMISSION

432 The Stipends and Clergy Welfare Commission must be convened by the Bishop and meet at least annually

433 The Bishop or his nominee shall chair the meeting. If neither such person is present the meeting may choose a person to chair that meeting.

#### RECOMMENDATIONS OF THE COMMISSION

434 The Commission must report its recommendations under section 427(a)-(c) to Bishop-in-Council by 30 September of each year.

435 Bishop-in-Council must, by 30 November in each year accept or otherwise determine upon the report of the Stipends and Clergy Welfare Commission and issue to the Registrar an instruction to enable the Registrar to promulgate to Parishes the information referred to in section 715.

436 (1) The Stipends and Clergy Welfare Commission may meet and report to Bishop-in-Council whenever it considers it appropriate to do so.

(2) Bishop-in-Council may accept, reject, act on or otherwise deal with any such report as it deems fit.

Amended by Ordinance 2007

#### AUDIT COMMITTEE

437 There shall be an Audit Committee of Bishop-in-Council whose functions are to assist Bishop-in-Council in determining, in respect of the Diocese, its organisations and Parishes;

(a) whether the systems of control established by management effectively safeguard the assets, real and intangible, of the Diocese;

(b) whether accounting records are properly maintained in accordance with statutory requirements; and

(c) whether financial information provided to Bishop-in-Council and the Synod is reliable and complete.

438 In carrying out its functions the Audit Committee shall;

(a) Provide an avenue of communication between the external Auditors and Bishop-in-Council;

(b) Confirm and assure the professional independence of the external Auditors;



- (c) Review and approve annually the external audit plan and Auditor's fee proposal;
- (d) Meet with the external Auditors at the completion of their annual examination and prior to the adoption of the audited accounts by Bishop-in-Council to;
  - (i) Review the form and content of the annual financial statements;
  - (ii) Review any changes that have arisen from the originally contemplated audit plan;
  - (iii) Review the external auditors evaluation of
    - the fairness of the presentation of the financial statements including the adequacy of disclosures made by Diocesan staff and organisations
    - the quality and accuracy of the record keeping, accounting and financial policies and procedures of the Diocese
    - the internal controls of the Diocese;
- (e) Provide Bishop-in-Council, after consultation with the General Manager, Diocesan Administrative Services, with an assessment of the performance of the external Auditor, and recommend to Bishop-in-Council any change in the auditors, or other action;

Amended by Ordinance 2007  
as amended by Miscellaneous Amendments Ordinance 2010

- (f) Consider the assessment of the Auditor of the Diocesan policies and procedures for accounting controls in reporting both to statutory bodies, to Bishop-in-Council and the Synod;
- (g) Review all financial reports issued to the Synod or to the public;
- (h) Review all financial reports issued by the external Auditors to the Diocese, government or the public;
- (i) Review Diocesan compliance with Governance issues including Occupational Health and Safety, Sexual Abuse and other specific policies adopted by the Diocese.

#### APPOINTMENT TO THE AUDIT COMMITTEE

439 (1) The Audit Committee is to consist of four persons, at least one of whom must be a member of Bishop-in-Council

(2) At least one member of the committee must have financial expertise and another must have knowledge of the legal framework of the Anglican Church of Australia and particularly of the Diocese.

(3) A member of the Audit Committee holds office for five years from the date of their appointment.

440 None of the following persons may be a member of the Audit Committee:

- (a) the Bishop;
- (b) any Assistant Bishop;
- (c) the Diocesan Archdeacon;
- (d) the Registrar;
- (e) any Diocesan Business Manager;
- (f) any Diocesan Treasurer;
- (g) the Chancellor or Deputy Chancellor;
- (h) Chairs, Chief Executive Officers or Treasurers of Diocesan organisations or corporations
- (i) any employee of the Diocese

441 The members of the Audit Committee remain in office until their successors are appointed.

442 (1) A member of the Audit Committee may resign in writing to Bishop-in-Council.

(2) Casual vacancies must be filled by Bishop-in-Council.

#### POWERS OF AUDIT COMMITTEE

443 The Audit Committee may consult with any member of the Diocesan staff and request any member of staff to attend a meeting of the Committee.

444 The Audit Committee may request any Diocesan organisation to provide any information requested by the Committee and the organisation must provide such information within a reasonable time after receiving such request.

445 The Audit Committee may report to Bishop-in-Council any failure by Diocesan staff or any Diocesan organisation to provide information requested by the Audit Committee.

## CHAPTER 5 - PARISHES AND SPECIAL MINISTRIES

500 (1) A Parish is a geographical area within the Diocese, within which is at least one licensed or consecrated church.

(2) The boundaries of a Parish are to be fixed in accordance with this Ordinance.

501 No new Parish may be created in the Diocese unless

(a) there is within it a duly licensed or consecrated church;

(b) there is available a Parish Residence for the free use of the person to be appointed as Parish Priest;

(c) the Bishop is satisfied that the resources available are sufficient to provide for the stipend, emoluments and allowances of the proposed Parish Priest whether full or part time.

### CHURCH BUILDINGS

502 (1) There may be one or more churches in a Parish. One of those churches must be designated the "principal church" of the Parish.

(2) The Bishop may declare that two churches in a Parish shall be joint principal churches of the Parish and any reference in this Ordinance to a "principal church" shall refer to both churches.

(3) In the absence of agreement between the Churchwardens of the churches in a Parish, the Bishop must nominate which church is to be the principal church of the Parish.

### SPECIAL MINISTRIES

503 (1) The Bishop may designate any particular ministry in the Diocese to be a Special Ministry.

(2) A Special Ministry may take place over a defined geographic area or be amongst persons who together possess special characteristics or who are united by ethnic origin, race. Thus an area of ministry may be created in respect of a sparsely populated area, or in respect of a school or university or in respect of Aboriginal People, or people of particular occupations or persons who are unemployed.

(3) The Bishop may make regulations regarding the application of this or any other Ordinance to a Special Ministry. In the absence of regulations to the contrary and except as otherwise provided, all the provisions of this or any other Ordinance of the Diocese apply to a Special Ministry.

### CHAPLAINS

504 (1) The Bishop has the cure of souls in a Special Ministry.

(2) The Bishop may licence a member of clergy or a lay person as a Chaplain in a Special Ministry.

(3) Unless the licence of a Chaplain otherwise provides, an appointment as a Chaplain is revocable at the will of the Bishop and expires after 5 years.

505 (1) An organisation seeking the appointment of a chaplain must present a proposal to Bishop-in-Council. A proposal must include an assurance of the willingness of the organisation to abide by the provisions of this Ordinance and to cooperate with any chaplaincy committee in the ministry of the chaplain.

(2) Bishop-in-Council must examine each proposal for the appointment of a chaplain and, if satisfied

(a) that the proposal has merit; and

(b) that funding is available for such work for at least 12 months;

may recommend to the Bishop that he appoint a chaplain to the Special Ministry.

(3) If the Bishop accepts the recommendation of Bishop-in-Council he must licence a suitable person for ministry as chaplain and appoint a chaplaincy committee in accordance with this Ordinance.

(4) The Bishop may summon a Ministry Appointment Board in accordance with section 512 of this Ordinance.

#### CHAPLAINCY COMMITTEES

506 (1) A chaplaincy committee shall consist of not more than five persons, the chair of this committee to be the Bishop or his nominee.

(2) The Bishop is an ex officio member of each chaplaincy committee and may chair any meeting of the committee.

507 The functions of a chaplaincy committee, subject to the powers and oversight of the Bishop, are;

(a) to supervise the work of a chaplaincy and to ensure that the ministry operates within any budget set by Synod;

(b) to care for and minister to the needs of the chaplain and his or her family;

(c) to prepare a budget no later than the 31st of March in each year for submission to Bishop-in-Council for the work of the chaplaincy for the following calendar year;

(d) to prepare a report to Bishop-in-Council each year as to the work of the chaplaincy;

(e) to report to the Bishop any matter of concern that the committee may have as to the work of the chaplaincy.

#### BOUNDARIES

508 (1) The boundaries of Parishes and such Special Ministries as have geographic areas shall be as they are designated in the written descriptions held by the Registrar as at the date of commencement of this Ordinance. Amended by Ordinance 8/2008

(2) Such boundaries may be changed by agreement between neighbouring Parishes and/or Special Ministries or pursuant to a pastoral scheme in accordance with section 509 or section 510 of this Ordinance.

#### ALTERATION OF BOUNDARIES

509 (1) Should the Parish Priest and Churchwardens of the principal church or churches of a Parish consider that it would be appropriate to alter the boundary between their Parish and an adjoining Parish, they shall consult with the Regional Ministry Coordinator and the Parish Priest of the neighbouring Parish.

(2) If it appears that the proposed alteration generally meets with favour then a new boundary shall be plotted on a map and presented to the Parish Councils of all the Parishes concerned. If each Parish Council and the Parish Priest of each Parish agree with the alteration and the Bishop likewise agrees then the Parish boundaries shall be adjusted accordingly.

(3) If there is not unanimous agreement between the Parishes, the Regional Ministry Coordinator shall forward a report to Bishop-in-Council and the decision of Bishop-in-Council on the question of alteration of the boundaries shall be conclusive.

#### NEW PARISHES AND PASTORAL SCHEMES

510 (1) Where Bishop-in-Council is of opinion that the ministry of the church would be advanced by the declaration of a new Special Ministry or the adjustment of Parish boundaries or the creation of a new Parish it may set up a commission for the purpose of preparing a pastoral scheme.

(2) Bishop-in-Council shall appoint at least five commissioners and the Diocesan Archdeacon shall be the chair of the Commission. The commissioners shall include persons who are members of Bishop-in-Council, persons who have familiarity with the area concerned and at least one Parish Priest. The commissioners shall report to Bishop-in-Council as to their recommendations within six months of their commission.

(3) Upon receipt of the report of the commissioners to a pastoral scheme, Bishop-in-Council shall recommend to the Bishop such alterations in Parishes or Special Ministries as will best carry out the mission of the church including the revocation in whole or in part of a Parish.

(4) As an interim measure, whilst a pastoral scheme is being considered by a commission, the Bishop may make such provision for ministry in the Diocese as seems appropriate.

511 A Parish Priest or any Churchwarden who considers that it would be appropriate for a pastoral scheme to be considered in respect of their area should make that suggestion in writing to the Registrar who shall place it before Bishop-in-Council for consideration.

#### MINISTRY APPOINTMENT BOARDS

512 (1) The Bishop may summons a Ministry appointment Board to assist him in the appointment of ministry positions, clerical or lay, within the Diocese.

(2) The Bishop may constitute a Ministry Appointment Board in the manner he determines most appropriate, but shall endeavour to ensure that such Board includes person intimately concerned in such ministry.

#### RIGHT TO PARTICIPATE IN CHOOSING OWN PARISH PRIEST

513 (1) The Parishioners of a Parish shall have the right to participate in the choice of the person who is to be Parish Priest of the Parish subject to the provisions of this Ordinance.

(2) A Parish may surrender its right of presentation either by resolution at an Annual Parish Meeting or by resolution at a meeting of the Parish convened by a Regional Ministry Coordinator for the purpose of considering such a resolution.

514 In cases where a Parish Appointment Board has been dispensed with pursuant to section 513 of this Ordinance, the Bishop shall of his own motion invite a person to become Parish Priest of the Parish and the Churchwardens of the Parish shall accept such person as their Parish Priest accordingly.

#### COMPOSITION OF PARISH APPOINTMENT BOARDS

515 (1) There shall be a Parish Appointment Board for each Parish.

(2) The Parish Appointment Board for a Parish shall consist of -

(a) the Bishop or his nominee;

(b) three persons in the Order of Priests elected by the Synod in the manner set out below; and

(c) three lay persons elected by the Annual Parish Meeting as set out below.

(3) The Bishop may invite the Regional Ministry Coordinator for the Region in which the Parish is located to attend meetings of the Parish Appointment Board, as a non voting member.

516 (1) At the first Session of every Synod, the Synod must elect by ballot six members of Synod in the Order of Priests to be members of the Parish Appointment Board of all Parishes. Of these six members, the three whose names are placed highest in the poll shall act in all cases. Should any of those three persons be unable or unwilling to act the Bishop shall summon in the place of such person the person obtaining the next highest number of votes who is able and willing to act.

(2) Casual vacancies must be filled by Bishop-in-Council, the person filling such vacancy occupying the lowest position on the Board. A Priest who has at any time in the last five years been a Parish Priest of the Parish concerned shall be deemed unable to act on the Parish Appointment Board for that Parish.

517 (1) Each Parish must, at the Annual Parish Meeting in 2006 and every three years thereafter, elect six persons as members of the Parish Appointment Board. At least three of those elected must be Churchwardens or members of Parish Council. The persons elected as members of the Parish Appointment Board hold office for the life of the Synod, subject to the rules as to casual vacancies set out below.

(2) The three persons who are placed highest in the poll sit on the Board, provided that should any of those three persons be unable or unwilling to act the person having the next highest number of votes able and willing to serve shall act in his or her stead.

(3) Casual vacancies must be filled by the Parish Council concerned, the person filling such vacancy occupying the lowest position on the Board.

(4) The Parish Priest must report the result of any election of Parish members of the Parish Appointment Board to the Registrar within fourteen days after the election; however failure to report does not invalidate any election.

#### FILLING A VACANT PARISH

518 Upon a Parish becoming vacant, the Bishop shall nominate a Priest to perform the duties of the Parish Priest during the time of vacancy and the Churchwardens shall pay to such person the amount fixed by the Bishop in writing as the appropriate stipend, emoluments and allowances.

519 (1) The Bishop shall summon the Parish Appointment Board at such place as the Bishop may determine as soon as practicable after the Parish Priest has given notice of resignation or the impending vacancy of the Parish has been notified to the Bishop.

(2) The Bishop or his nominee shall preside at each meeting of the Board but the President of the Board shall have a casting vote only. The quorum of a meeting of the Board shall be four provided that there shall be at least two Diocesan members and two Parish members present.

520 The Bishop or any other member of the Board may nominate the name or names of a Priest for consideration by the Board for appointment as Parish Priest of the Parish.

521 (1) After consideration of all persons nominated before the Board, the Board shall nominate a Priest to the Bishop for appointment as Parish Priest.

(2) The Bishop may decline to accept any nomination of the Board without being required to disclose any reasons for such action. If the Bishop does decline the nomination or if the person nominated declines to accept the Bishop's invitation to become Parish Priest of the Parish, the Board shall proceed to make a further nomination.

(3) A Board may, if it considers appropriate, nominate not more than three Priests in order of preference to the Bishop. If more than one Priest is nominated to the Bishop he shall, subject to his right of veto, invite the Priests concerned to accept the office of Parish Priest in order of preference.

522 A Parish Appointment Board shall not sit in relation to any Parish if

(a) the Parish has surrendered its rights of presentation to the Bishop; or

(b) the Parish Appointment Board has decided to surrender the rights of presentation to the Bishop; or

(c) six months have elapsed from the first meeting of the Parish Appointment Board without a nomination having been made; or

(d) three months have elapsed from the date of the Bishop notifying the members of the Board that he has declined to accept its nomination or that the person who has been nominated has declined to accept nomination, and the Board has not made any fresh nomination; or

(e) within two months, or such further time as agreed by the Bishop, from the previous Parish Priest giving notice of resignation, the Parish has not paid to the Diocese all Parish contributions authorised by Synod or all payments to or on behalf of the previous Parish Priest or suitable arrangement have not been made for the extinguishment of the debt.

#### BISHOP'S LICENCE TO OFFICIATE REQUIRED

523 (1) No person is permitted to celebrate Divine Service or preach any sermon in any church unless he or she has been licensed or approved by the Bishop.

(2) A Parish Priest may not permit any person to officiate or preach in any church in his or her Parish unless such Parish Priest has first made contact with the Bishop and obtained confirmation that the person concerned has been licensed by the Bishop, or has permission to officiate or that the person has the Bishop's goodwill.

(3) This section does not apply to a lay person preaching an occasional sermon in accordance with section 834 (e) of this Ordinance.

#### PARISHES IN FINANCIAL DIFFICULTY

524 Should it come to the attention of the Bishop that;

(a) a Parish Council has resolved not to pay to the Parish Priest part or all of his or her stipend, emoluments and allowances; or

(b) the stipend of the Parish Priest, emoluments and allowances are in arrears for at least one month; or

(c) the Parish contributions, or other amounts owing by a Parish to the Diocese are in arrears for three months or more the Bishop may request the Regional Ministry Coordinator and the Registrar to meet with the Parish Council with a view to resolving the financial problems of the Parish and report to Bishop-in-Council.

525 (1) Upon receipt of a report in respect of a Parish, Bishop-in-Council may adopt the report or make other provision as it considers appropriate, including appointing persons to collect and administer the funds of the Parish or recommending to the Bishop that he place the Parish under his Special Care.

(2) If Bishop-in-Council appoints a person to administer the funds of a Parish, the Churchwardens and Parish Council must provide all information and sign all documents necessary to facilitate the administration of its funds.



(3) The costs of any action under this section are to be met by the Parish concerned, unless Bishop-in-Council otherwise determines.

#### SPECIAL CARE OF PARISHES

526 Should it come to the attention of the Bishop that

(a) the Parish contributions, or other amounts owing by a Parish to the Diocese are in arrears for six months or more; or

(b) a Parish Council has resolved not to pay its Parish Priest the stipend due to that person; or

(c) the stipend of the Parish Priest, allowances and emoluments are in arrears for at least two months; or

(d) the Parish has refused or failed to conform with any of the provisions of any Ordinance of the Diocese; or

(e) the Parish Priest, a Churchwarden or a member of Parish Council has been charged with an offence punishable by 12 months imprisonment or greater; or

(f) an investigation by the Diocesan Professional Standards Committee has commenced against the Parish Priest, any assistant clergy, a Churchwarden or a member of Parish Council in respect of allegations of misconduct; or

(g) the Parish is otherwise in need of Special Care,

the Bishop may notify the Churchwardens of the principal church that the Parish is to be put under his Special Care for a period that he determines appropriate (being not more than 12 months) and the Parish shall come under the Special Care of the Bishop as and from the giving of such notification.

527 (1) Whether or not the Bishop places the Parish under his Special Care is a matter for his discretion.

(2) Where the Bishop places a Parish under his Special Care he must advise Bishop-in-Council of that action at the first opportunity.

528 (1) Whilst a Parish is in Special Care, the Bishop or his nominee is the Parish Priest of the Parish and all other clergy of such Parish are under the direction of the Bishop.

(2) Whilst a Parish is under Special Care, the former Parish Priest shall continue to be entitled to reside free of charge in the Parish Residence, provided he or she does not interfere in the administration of the Parish. If the former Parish Priest is a Rector, all of his or her rights are suspended while the Parish is in Special Care. Bishop-in-Council may resolve that this clause shall not apply in any particular case, provided that at least 28 days notice of the coming into effect of such resolution is given to the former Parish Priest.

(3) Bishop-in-Council must make arrangements with the Churchwardens as to the payment of the expenses of the Parish including, if appropriate, an allowance to the former Parish Priest.

529 (1) Bishop-in-Council may either extend the period under which a Parish is under Special Care, for not more than 12 months from the expiration of the initial period of Special Care declared by the Bishop or make such recommendation to the Bishop as to the future of the Parish as it considers appropriate.

(2) Failing such resolution of Bishop-in-Council or determination by the Bishop as to the future of the Parish, the Parish shall revert at the end of the period of Special Care to the status it had before the Special Care commenced.

#### CHURCHWARDENS AND PARISH COUNCIL DURING PERIODS OF SPECIAL CARE

530 (1) Upon a Parish entering into Special Care, the Bishop may, at any time during the period of Special Care and after consultation with Bishop-in-Council, remove from office all Churchwardens and Parish Councillors, whether elected or appointed, of the Parish.

(2) Until the Bishop exercises his powers under this section, the Churchwardens and Parish Councillors in office at the time of the declaration of Special Care retain their office and the provisions of this Ordinance continue to apply.

531 (1) If the Bishop removes from office the Churchwardens and Parish Council of a Parish the Bishop must appoint three Churchwardens, of whom at least two must be members of the Parish, who shall hold office for the duration of the period of Special Care.

(2) The Bishop may, after consultation with Bishop-in-Council, dispense with a Parish Council for the period of Special Care.

(3) At least one month prior to a Parish leaving a period of Special Care, the Bishop must convene a General Meeting of the Parish, the business of which will be the election of Parish Councillors and Churchwardens.

#### PARISH ROLL

532 (1) The Parish Priest, must keep or cause to be kept one or more rolls of Parishioners which shall be revised in consultation with the Churchwardens at least annually.

(2) The roll or rolls may be kept in written or electronic form.

(3) The Parish Priest and Churchwardens must upon request make available to the Bishop a copy of the roll or rolls.

#### CONTENTS OF PARISH ROLL

533 The Parish roll or rolls should endeavour to show at least the following information;

(a) which persons attended a church in the Parish on an average of at least once per month, and

(b) those persons residing within the Parish who are accustomed to calling themselves Anglican.

## PARISH REGISTERS

534 The Parish Priest must cause a register or registers to be maintained in each church in which he or she records or causes to be recorded

(a) in respect of each service of worship conducted in the church

- (i) the time, date and description of the service;
- (ii) the number of persons attending the service; and
- (iii) the name of the person, celebrating and/or preaching at the service;

(b) in respect of each baptism service conducted in the Parish whether or not in the church

- (i) the date on which the baptism service took place;
- (ii) the full name and address of the person baptised;
- (iii) the date of birth of the person baptised;
- (iv) if the person baptised was an infant, the full name, address and occupation of each parent of the person;
- (v) the names of the sponsors; and
- (vi) the name of the officiant;

(c) in respect of each confirmation service conducted in the church

- (i) the date on and place at which the confirmation service took place; and
- (ii) the full name and age of each person confirmed;
- (iii) the date and place of baptism of each person confirmed;
- (iv) the name of the person presenting each candidate; and
- (v) the name of the officiating Bishop. Amended by Ordinance 8/2008

(d) in respect of each marriage conducted in the church, the official certificate of marriage; and

(e) in respect of each funeral service conducted in or in association with the church

- (i) the date of the funeral service;
- (ii) the name, address and occupation of the deceased;
- (iii) the deceased's date of death;
- (iv) the place where the funeral service was conducted; and
- (v) the name of the officiating clergy or Licensed Lay Minister.
- (vi) where the remains were interred, scattered or immured.

Note: In the case of Funerals, the Register should ideally include details of the next of kin of the deceased, including name, address and contact details, so that appropriate pastoral care can take place. Amended by Ordinance 8/2008

535 (1) The Parish Priest is responsible for the safe custody of all church registers and records, other than current books of account. Such registers must be kept in a secure place within the church or in such other place as the Bishop may from time to time appoint in writing.

(2) The Bishop may direct in writing that all registers of a Parish not currently in use must be delivered to the Registrar for storage in the Diocesan Archives.

536 (1) The Parish Priest must make the church registers available on request for inspection by the Bishop, the Diocesan Archdeacon, Regional Ministry Coordinator or another person appointed by the Bishop in writing for that purpose and must make a search of the register and furnish an extract if requested by such person.

(2) The Parish Priest may on the application of any other person and on the payment of a reasonable fee make a search and furnish an extract from the register.

#### ANNUAL CHURCH MEETINGS

537 (1) An Annual Church Meeting for each licensed or consecrated church in a Parish must be convened and held prior to the Annual Parish Meeting unless combined with the Annual Parish Meeting under subsection (2). Amended by Ordinance 8/2008

(2) A church, with the agreement of the Parish Priest, may resolve at an Annual or General Church Meeting that its future Annual Church Meetings shall be held together with the Annual Parish Meeting. Where such a resolution is made, provisions in this Ordinance relating to the Annual Church Meeting apply to the Annual Parish Meeting.

(3) A resolution made under subsection (2) remains in force unless rescinded by an Annual or General Church Meeting. Inserted by Ordinance 8/2008

Note: Each 'branch' church in a Parish is entitled, if it wishes, to have an individual annual meeting. While this will be appropriate for some churches, many branch churches will not wish to do so and the branch church (with only the members of the branch church voting) may resolve under s537(2), not to have a separate annual meeting. In this case, matters concerning the branch church are incorporated within the Annual Parish Meeting. If a branch church maintains separate finances from the principal church, the financial statements for all accounts must be presented to the Annual Parish Meeting. A branch church may elect churchwardens regardless of whether a separate Annual Meeting is held (see notes to section 552 for more information on churchwardens).

#### ANNUAL PARISH MEETING

538 The Annual Parish Meeting, which includes the Annual Church Meeting of the Principal Church of the Parish, must be held each year no later than the second Sunday of March. Amended by Ordinance 8/2008

## CONVENING OF ANNUAL CHURCH AND ANNUAL PARISH MEETINGS

539 (1) Each Annual Church Meeting and the Annual Parish Meeting shall be summoned by the Parish Priest. At least eight clear days' notice of the time and place for each such meeting must be given.

(2) Notice must be given in writing signed by the Parish Priest or if there is no Parish Priest, the Regional Ministry Coordinator and must be posted in a prominent part of each relevant church.

(3) The Parish Priest and Churchwardens must also use their best endeavours to acquaint all Parishioners of the fact that such a meeting has been called.

## ADVANCE AVAILABILITY OF REPORTS

540 At least one week prior to the date selected for the Annual Church Meeting or Annual Parish Meeting, the Parish Priest and Churchwardens must make available copies of the relevant statements of accounts and reports to Parishioners.

## BUSINESS OF THE ANNUAL CHURCH MEETING

541 (1) The business of the Annual Church meeting shall be;

(a) Prayer;

(b) Report by the Parish Priest;

(c) Reports by the Churchwardens or from Parish Council where no Churchwardens are elected;

(d) Determination by resolution as to whether churchwardens shall be elected under this Ordinance;

Note: section 552 provides that a 'branch' church only has separate wardens if the church specifically resolves at an Annual Church Meeting to elect churchwardens for the church. See the notes to section 552 for more information.

(e) Election of Churchwardens and determination by election or resolution as to which of them shall be a member of the Parish Council; Note: If a church has determined to have separate wardens, section 562 (1) provides that one of the wardens becomes a member of Parish Council. The church meeting must resolve who shall be the member of council, but the resolution may go on to say that a second warden may attend Parish Council in the absence of the first.

(f) If necessary, to consider a resolution authorising Parish Council to fill casual vacancies in churchwardens;

Note: section 554(5) authorises an annual church meeting to allow Parish Council to fill any vacancy in elected churchwardens. If there is no such resolution, then any casual vacancy must be filled by calling a general meeting (see section 544(1)) of the church to elect a new warden.

(g) To consider any general business of which seven days' notice has been given in writing or which the meeting consents to consider. Amended by Ordinance 8/2008

#### BUSINESS OF THE ANNUAL PARISH MEETING

542 The business of the Annual Parish Meeting shall be;

- (a) Prayer;
- (b) Presentation of pastoral review and report by the Parish Priest;
- (c) Presentation of reports (if any) by Parish officers;
- (d) Presentation of the financial report and audited statement of accounts and estimates of income and expenditure for the ensuing year;
- (e) At the meeting of 2006 and each three years thereafter, election of
  - (i) Synod representatives;
  - (ii) Churchwardens for the Principal church of the Parish.

Note: If the Annual Church Meeting of a 'branch' church is combined with the Annual Parish Meeting, and the branch church is electing wardens, then that election will also need to take place and consequential resolutions passed (see section 541(d)-(g)). Although the meetings are combined, only members of the branch church may vote for those elections and resolutions and they may not vote for the wardens for the Principal Church. Where a branch church has decided not to elect separate wardens, then all parishioners attending the meeting may vote for the wardens of the Principal Parish.

In relation to all other matters, all parishioners attending an Annual Parish Meeting are entitled to vote in resolutions and elections.

Where a church has elected wardens at an earlier Annual Church Meeting, the Parish Priest should announce the names of the wardens at the Annual Parish Meeting.

(f) To determine the number of additional persons who will constitute a Parish Council for the ensuing three years;

Note: sections 561-5 62 provide for ex officio and additional members of Council. The additional members will number either three or six, with two thirds of them elected and one third appointed by the Parish Priest.

(g) Election of Parish Council;

Note: All members of the parish are entitled to vote in this election.

(h) Election of Parish members of the Parish Appointment Board;

Note: section 517 provides for the election of parish members of the Appointments Board. Six persons must be elected, of which three must be churchwardens or members of parish council. The election of churchwardens and parish councillors

should therefore take place early in the meeting with results counted and announced during the course of the meeting. The newly elected wardens (including the wardens of any branch church) and parish councillors then form the pool from which at least three members of the Appointments Board must be elected. The other three members may be wardens/parish councillors or they can be drawn from the wider parish community.

(i) Appointment of one or more persons (who may be remunerated) to audit the books of account of the Parish, any church which maintains separate books of account and any Parish organisation;

(j) Making recommendations to the incoming church officers concerning Parish policy and programme for the current year in respect of any matter for which the Parish Council is responsible;

(k) To consider a resolution authorising Parish Council to fill casual vacancies in elected churchwardens and elected parish councillor positions;

Note: section 554(5) authorises an annual church meeting to allow Parish Council to fill any vacancy in churchwardens, while section 565 does the same in respect of Parish Councillors. Sections 577-578 set out the procedure, including time limits, for the filling of casual vacancies.

(l) To consider any general business of which seven days' notice has been given in writing or which the meeting consents to consider. Amended by Ordinance 8/2008

## MINUTES

543 Accurate minutes are to be taken of the proceedings of an Annual Church Meeting or an Annual Parish Meeting. Such minutes must be confirmed by the Parish Council at their next regular meeting.

## GENERAL MEETINGS

544 (1) Whenever he or she considers it appropriate, and whenever requested to do so by the Bishop, the Diocesan Archdeacon or a Regional Ministry Coordinator, the Parish Priest must convene a General Parish Meeting, or a general meeting of Parishioners attending a particular church in his or her Parish to deal with such matters as are specified in the notice convening such a meeting.

(2) If so required by the Bishop, a Parish building must be made available for the purpose of any meeting which may be called under this Ordinance by the Bishop or a person appointed by the Bishop.

(3) The provisions of this Ordinance with respect to Annual Meetings shall, subject to such changes as are necessary to suit the circumstances apply to each meeting of Parishioners.

## ELIGIBILITY TO PARTICIPATE IN MEETINGS

545 While all are welcome to attend the Services of this Church, only those who are communicant members of the Anglican Church of Australia are eligible to participate in an Annual or General Meeting.

546 (1) A person other than the Parish Priest is not entitled to take part in or be counted for the purposes of a quorum or vote at a General Meeting unless that person has first subscribed the following declaration:-

“I am a communicant member of the Anglican Church of Australia.

I have usually during three months within the past 12 months attended Divine Service at the Church of at. I do not claim to be a Parishioner of any other Church of the Anglican Church of Australia.”

(2) In the case of an Annual Meeting , the following additional material is to be added to the declaration:-

“I have not voted at a general meeting of any other Church of the Anglican Church of Australia within the past three months and I do not intend to vote at a general meeting of any other Church of the Anglican Church of Australian within the next three months.”

## QUORUM FOR GENERAL AND ANNUAL MEETINGS

547 (1) Ten persons who have signed the declaration referred to in the preceding clause or the Parish Priest and nine such persons constitute a quorum at any General or Annual Meeting, unless the meeting resolves otherwise.

(2) If no quorum is present within half an hour after the time appointed for the meeting, it shall be adjourned for seven days with the time and place for the adjourned meeting being the same as those appointed for the first meeting.

(3) If a quorum is not present within half an hour of the time appointed for the adjourned meeting the meeting is dissolved and the Bishop or a person appointed by him may deal as he thinks fit with all the business that could have been dealt with at that meeting had a quorum been present.

## CHAIR OF GENERAL AND ANNUAL MEETINGS

548 The Parish Priest, if present, is entitled to chair a General or Annual Meeting. However, the Parish Priest may, if he or she chooses, authorise another person entitled to take part in the meeting to chair the meeting and may revoke such authorisation at any time. If no other provision has been made, the meeting may elect its own chair.

## QUALIFICATION FOR OFFICE

549 A person is not qualified to hold office in a Parish unless the person

(a) is a communicant member of the Anglican Church of Australia, and

(b) has been accustomed to attend a church in that Parish for at least six months, regardless of whether that person resides within the boundaries of the Parish.



## DISQUALIFICATION

550 No person in the Order of Priests or Deacons, no spouse of a Parish Priest or assisting clergy and no person who is engaged on a full or part time paid basis in a Parish shall be elected or appointed a Churchwarden or member of Parish Council, unless the Parish Priest has first obtained permission from the Bishop.

## DECLARATIONS BY OFFICE HOLDERS

551 At the earliest opportunity after election or appointment as an officer of a Parish or Special Ministry, the persons elected must make and sign a declaration in or to the following effect;

“I, having been elected or appointed a in the Parish of declare that I am duly qualified to hold such office and that I will faithfully perform all the duties of my office and conform to the Ordinances of the Synod of the Diocese of Bathurst relating thereto.”

## CHURCHWARDENS

552 (1) Each church in a Parish is to elect two Churchwardens for that church.

(2) A church, other than a principal church of a Parish, may resolve at an Annual Church Meeting that no churchwardens shall be elected for that church, either unless rescinded at a General Meeting of the Church or for the life of the Synod then sitting (being a period of not more than 3 years).

Note: sections 554 provides for the election of churchwardens who hold office for three years. Churchwardens can be dispensed with permanently, or until the next election cycle, at which time the branch church will have to reconsider whether to elect wardens. Each branch church is entitled (and expected) to elect wardens, unless a resolution is passed under this section.

(3) A resolution under subsection (2) to dispense with churchwardens for a church has no effect unless approved by the Bishop and may be set aside by a further resolution of an Annual or General Church Meeting.

(4) If the appointment of churchwardens is dispensed with under this section all of the duties and responsibilities of the Churchwardens in respect of that church shall be discharged by the Parish Council. Amended by Ordinance 8/2008

## CHURCHWARDENS TO SPECIAL MINISTRIES

553 (1) The Bishop may authorise a Special Ministry to elect or appoint Churchwardens notwithstanding that there is no church building within that Special Ministry.

(2) The Bishop must, by regulation, determine the procedure for the election or appointment of such Churchwardens, including the extent to which the provisions of section 554-560 of this Ordinance apply to such Churchwardens.

## ELECTION AND APPOINTMENT OF CHURCHWARDENS

554 (1) In 2006, and each three years thereafter, the Annual Church Meeting must, unless section 552 of this Ordinance applies, elect two qualified persons as Churchwardens for each church by a majority of the votes of the eligible persons present and voting.

(2) Where an Annual Church Meeting is combined with an Annual Parish Meeting, the election of the Churchwardens, if any, for each church (other than the principal church) shall be decided only on the votes of the eligible voting members of the church concerned.

(3) In 2006 and every three years thereafter, the Annual Church Meeting must, unless section 552 of this Ordinance applies, elect two qualified persons as Churchwardens for each church by a majority of the votes of the eligible persons present and voting.

(4) The Parish Priest shall immediately before each election, or within one month thereafter, appoint one qualified person to be a Churchwarden for each Church. This section does not apply to any church which has resolved to dispense with the churchwardens, either permanently or for a limited period.

(5) An Annual Church Meeting or the Annual Parish Meeting as the case may be, may authorise the Parish Council to fill any vacancy in the office of elected Churchwarden.

Note: Where a church elects Churchwardens, they must pass a vacancy resolution, either in their separate Church Meeting or as a subpart of the Annual Parish Meeting.

Amended by Ordinance 8/2008

## TERM OF OFFICE OF CHURCHWARDENS

555 (1) A churchwarden elected or appointed in 2006 and each three years thereafter, holds office for the life of the Synod;

(2) A Churchwarden elected or appointed to fill a casual vacancy holds office for the remaining life of the Synod;

Note: Wardens are appointed on three years cycles, which coincide with Synod cycles. A warden who fills a casual vacancy holds office only until the next election.

(3) Churchwardens continue to hold office despite the destruction or delicensing of their church, but those Churchwardens cease to hold office seven days after the Bishop signs a notice to the Registrar and to those Churchwardens that they are to cease to hold office.

Amended by Ordinance 8/2008

## CHURCHWARDENS OF NEW CHURCHES

556 When a new church is ready for holding services, but the time for holding its first Annual Meeting is not due the Parish Priest must appoint three persons to act as Churchwardens until the first Annual Meeting is held.

## FUNCTIONS AND AUTHORITY OF CHURCHWARDENS

557 The functions of a Churchwarden are;

(a) to act as confidential advisers to the Parish Priest, provided that the Parish Priest is not bound to accept the advice of the Churchwardens in respect of any matter.

(b) subject to the authority of the Bishop, to have the care of the Parish Priest and his or her family;

(c) to collect, or cause to have collected all money payable to the Parish, to cause the offerings of money and collections taken in connection with services in the church to be counted and to record the amounts of those offerings in the Parish Register;

(d) to have the care of the church grounds, external monuments and vacant land associated with the church, its furniture and other things related to the celebration of divine service and to see that everything is fit and in proper order for the due performance of divine service;

(e) in the case of Churchwardens of the principal or only church of the Parish, to pay to the Parish Priest and other persons entitled to receive them, all such stipends and other amounts as are authorised by Parish Council to be paid in accordance with this Ordinance.

(f) to report to the Bishop any grave irregularities in the performance of divine service and any wilful neglect of duty or any flagrant misconduct on the part of the Parish Priest or any other member of clergy officiating in the Parish.

(g) in the case of Churchwardens of the principal church in a Parish, to act with the Parish Priest to make any decision on behalf of the Parish that must be made between meetings of the Parish Council.

(h) to exercise any functions or powers conferred on Churchwardens by this or any other Ordinance after consultation with the Parish Priest and the approval of Parish Council.

558 In the absence of the Parish Priest and any assistant Priest or Deacon, the Churchwardens have the following additional functions;

(a) to ensure that the church building is open in accordance with the provisions of this Ordinance and the direction of the Bishop;

(b) to retain custody of the Parish Registers and undertake all the functions of the Parish Priest under sections 532-53 6 of this Ordinance;

(c) to retain custody of the Parish Roll;

(d) to convene meetings of the Parish Council in accordance with this Ordinance; (e) to ensure payment of all monies payable by the Parish;

559 An act done by any two Churchwardens is to be taken to be the act of the Churchwardens of that church, provided that all reasonable efforts have been taken to first consult the third Churchwarden at the time the act is done.

## RETIREMENT OF CHURCHWARDENS

560 (1) At or within seven days after the Annual Church Meeting at which new Churchwardens are elected, the Churchwardens of a church must deliver to their successors all duplicate keys, church papers, books of account, vouchers for payment and the balance of funds shown by the books of account as being in their hands.

(2) On a casual vacancy arising in the office of a Churchwarden, all duplicate keys, church papers, books of account, vouchers for payment and funds of the church in the hands of the person who has vacated office –

(a) must be delivered to the remaining Churchwarden or Churchwardens by that person or his or her representative within seven days after the vacancy occurs; or

(b) if personal delivery is impracticable, must be recovered by the remaining Churchwardens as soon as possible.

(3) Delivery of the keys, documents and funds referred to in subsections (1) and (2) constitute a constructive delivery of any interests at law in all the furniture and fittings of the church.

## PARISH COUNCIL

561 (1) There shall be a Parish Council for each Parish.

(2) A Parish Council shall consist of :

(a) the Parish Priest;

(b) the Churchwardens of the principal church of the Parish;

(c) unless section 552 applies, one Churchwarden from each of the other churches of the Parish;

(d) the two lay representatives of the Parish to the Diocesan Synod;

(e) the representative of the Parish to the District Ministry Council;

(f) nil or three or six other members

Note: Churchwardens may hold any of the roles in paragraphs (d) and (e) within the Parish. The minimum number of ex officio positions is therefore 4 (the parish priest plus three wardens)."

(3) The Annual Parish Meeting of 2009, and each three years thereafter, must declare by resolution whether, under subsection (2)(f), nil, three or six additional persons constitute the Parish Council.

Note: this subsection provides that each Parish Council shall have nil, three or six other members, apart from the ex officio positions. The resolution must be passed every three years and should take place after the election of Churchwardens and synod representatives. The Parish can then consider the ideal size of a Council for them, taking into consideration the number of persons who are 'doubling up' in positions and the

availability of people willing to serve; there is no point having six additional members of Council, if none or only three are available.

(4) This section does not apply to All Saints' Cathedral Parish.

Note: The election of Parish Council for the Cathedral is governed by the Bathurst Cathedral Ordinance.

Amended by Ordinance 8/2008

562 (1) At the Annual Parish Meeting in 2009 and each three years thereafter, two thirds of the number of councillors designated under s561 (2)(f) are to be elected by a majority of the eligible parishioners present and actually voting..

(2) One third of the remaining councillors are to be appointed by the Parish Priest.

Note: If the Parish determines to have 3 additional councillors, two will be elected and one appointed. If the Council has six additional members, four will be elected and two appointed.

Amended by Ordinance 8/2008

563 The Annual Parish Meeting may authorise the Parish Council to fill any vacancy in the elected membership of the Council.

#### CHAIRING PARISH COUNCIL MEETINGS

564 (1) The Bishop as President may chair any meeting of a Parish Council;

(2) The Bishop may appoint a person to chair one or more meetings of a Parish Council;

(3) In any other instance, the Parish Priest may chair Parish Council.

(4) The Parish Priest may appoint in writing another member of the Parish Council to chair one or more meetings. Such appointment may be revoked by the Parish Priest in writing;

(5) If there is no person designated to chair a meeting, Parish Council may choose a member to chair that meeting.

Inserted by Ordinance 8/2008

565 -

#### TERM OF OFFICE OF MEMBERS OF PARISH COUNCIL

566 (1) A Parish Councillor elected or appointed in 2006 and each three years thereafter, holds office for the life of the Synod.

(2) A Parish Councillor elected or appointed to fill a casual vacancy holds office for the remaining life of the Synod.

Note: Parish Council is appointed on three years cycles, which coincide with Synod cycles. A Councillor who fills a casual vacancy holds office only until the next election.

Amended by Ordinance 8/2008

#### VARIATION IN COMPOSITION OF PARISH COUNCIL

567 (1) The Churchwardens of any church or a Parish Council may apply to Bishop-in-Council to vary the structure of a Parish Council.

(2) Except where it appears that the Churchwardens of all churches in the Parish agree to the variation, Bishop-in-Council shall not exercise power under this Clause without first giving the Churchwardens of each church in the Parish 21 days notice of the proposed change of structure and considering any representations which may be put forward following such notification.

#### DUTY OF PARISH OFFICERS

568 It is the duty of the Parish Priest, the Churchwardens and Parish Council to work together in the administration of the temporal life and the promotion of the spiritual life of the Parish.

#### FUNCTIONS OF PARISH COUNCIL

569 The functions of the Parish Council are;

(1) (a) to support the Parish Priest in the initiation, conduct and development of church work including the spiritual welfare of the Parish;

(b) to consult (on its own motion or on reference from a meeting of Parishioners, from the Bishop, any Assistant Bishop, the Diocesan or other Archdeacon, Regional Ministry Coordinator or Parish Priest or in accordance with the provisions of any Act or Ordinance) on any measure or project affecting or likely to affect the interest of the Parish generally and to take proper action in accordance with the functions conferred on it by this or any other Ordinance;

(c) to have the charge and administration of all money and other property of the Parish (except money or other property excluded from that charge and administration by this Ordinance or the trusts under which it is held);

(d) in the case of a Parish having more than one church, the Churchwardens of the principal church and the Parish Council have the charge and administration of all money and other property of or payable to the Parish or collected or held in connection with matters affecting the Parish (except money or other property excluded from that charge and administration by this Ordinance or trusts under which it is held);

(e) to keep books of account of all money received and expended by them;

(f) to prepare budgets and financial reports to plan the financial care of the Parish and its buildings and grounds;

(g) to receive and consider at least quarterly financial reports prepared by the Treasurer or other person appointed to prepare such reports of Parish Council and all Parish organisations;

(h) to keep order in the church and its grounds;

(i) to repair the church and its grounds, fittings, fixtures and furniture and the Parish Residence, halls and all other buildings and so much of their contents as are the property of the church in accordance with this Ordinance.

(j) to determine the stipend, emoluments and allowances of the Parish Priest subject to Chapter 7 of this Ordinance;

(k) with the consent of the Parish Priest, to fix the stipend or salary of any assistant Priest or lay worker in accordance with Chapter 7 of this Ordinance;

(l) to report promptly to the Registrar of the Diocese the names, addresses and occupations of all persons elected or appointed to be trustees, Churchwardens, members of Parish Council or church committees;

(m) to insure such persons as may be required by law to be insured for any purpose, and to effect the insurances in accordance with any regulations which may be made from time to time by Bishop-in-Council;

(n) to provide the Parish Priest with sufficient means for the safe custody of all church registers and records; and

(o) to cause minutes to be kept of its proceedings.

Amended by Ordinance 8/2008

(2) to prepare financial statements and reports of a Parish in accordance with regulations prescribed by Bishop-in-Council.

Inserted by Ordinance 8/2008

(3)(a) to open and operate accounts as it considered appropriate for the purposes of the Parish with the Anglican Managed Investments Fund or the Bank appointed by the Anglican Property Trust Diocese of Bathurst and endorsed by Bishop-in-Council to provide banking services to parishes and organisations of the Diocese. With the permission of Bishop-in-Council, upon cause shown, accounts may be opened with another financial institution.

Inserted by Ordinance 8/2008; amended by Ordinance 8/2010

(b) The Parish Priest shall be among the signatories for every bank account and other financial institution account of the parish and its organisations; this shall include electronic access where it is in operation. In this sub-clause, "Parish Priest" shall include clergy in residence in a parish who are licensed by the Bishop as Bishop's Deacon, Bishop's Priest or Deacon-in-Charge.

Inserted by Ordinance 8/20 10

## ACCOUNTABILITY

570 (1) The Bishop may call on any Churchwardens or members of a Parish Council for an account of their dealings with any Church trust property, including the production of the financial statements and books of account of the Parish.

(2) The Bishop may submit any such accounts to the General Manager, Diocesan Administrative Services or auditors appointed by the Bishop for review and any fees of the auditor must be paid by the Churchwardens and Parish Council.

Amended by Ordinance 2007 as amended by Miscellaneous Amendments Ordinance  
2010

(3) The Bishop must report any action taken under this section to the next meeting of Bishop-in-Council.

## MEETINGS OF PARISH COUNCIL

571 (1) The first meeting of the Parish Council must be held within one month of the Annual Parish meeting.

(2) A Parish Council must meet at least 10 times per year and the Parish Priest in consultation with the Churchwardens must convene all meetings.

(3) The Bishop or the Bishop's nominee may convene any such meeting at any time that he or she sees fit.

## QUORUM FOR PARISH COUNCIL MEETINGS

572 (1) At the first meeting of the Parish Council after an Annual Parish Meeting, the meeting must determine its quorum being not less than one half of the members of the Council.

(2) If the Parish Council does not fix a quorum, any subsequent meeting may fix it and, in the interim, the quorum shall be the whole number nearest one half of the members of the Council.

## PARISH SECRETARY

573 A Parish Council may appoint one of its members to act as Parish Secretary or may, with the consent of the Parish Priest, appoint any other person to act as Secretary and may remove any such person from office at any time. If such a person is not a member of the Council, they are not entitled to vote at any meeting of the Council.

## PARISH TREASURER

574 (1) A Parish Council may appoint one of its members to act as Parish Treasurer or may, with the consent of the Parish Priest, appoint any other person to act as treasurer, accountant or bookkeeper and may remove any such person from office at any time. If such a person is not a member of the Council, they are not entitled to vote at any meeting of the Council.



(2) The appointment of a treasurer does not remove from the Churchwardens and each member of the Parish Council his or her responsibility for the charge and administration of any funds or property of the church.

#### LEAVE OF ABSENCE OF CHURCHWARDENS AND MEMBERS OF PARISH COUNCIL

575 The Parish Priest or the Parish Council may grant leave of absence to Churchwardens and members of the Parish Council

#### VACATION OF OFFICE OF CHURCHWARDEN OR MEMBER OF PARISH COUNCIL

576 (1) A Churchwarden or member of the Parish Council whether elected or appointed shall cease to hold office;

(a) if he or she is absent from three consecutive meetings without the leave of the meeting or the Parish Priest;

(b) if he or she ceases to attend the services of the Anglican Church in that Parish or joins or becomes a member of some other religious denomination;

(c) if he or she dies;

(d) if he or she resigns;

(e) if he or she is declared by a court or tribunal as being incompetent to manage his or her affairs or property;

(f) if he or she is removed by Bishop-in-Council in writing after due inquiry on a complaint by the Bishop, the Parish Priest or not less than half the Parish Council or after an investigation by the Diocesan Professional Standards Committee;

(g) if he or she ceases to be eligible to hold that office; or

(h) immediately before the election or appointment of a successor.

(2) A vacancy occurs when the Parish Priest first receives the resignation or formal notice of the other fact or circumstance causing the vacancy.

#### APPOINTMENT TO VACANT POSITIONS

577 A vacancy in the office of Churchwarden is to be filled;

(a) if the Churchwarden was an elected member and the Annual Parish Meeting has not given the Parish Council authority to fill casual vacancies, at a General Church Meeting held within three months after the vacancy occurred; or

(b) if the Churchwarden was an elected member and the Annual Parish Meeting has given the Parish Council authority to fill casual vacancies, at a meeting of the Council held within three months after the vacancy occurred; or

(c) if the Churchwarden was an appointed member, by an appointment by the Parish Priest within two months after the vacancy occurred.

578 A vacancy in the office of a member of a Parish Council is to be filled

(a) if the member was an elected member and the Annual Parish Meeting has not given the Parish Council authority to fill casual vacancies, at a General Parish meeting held within three months after the vacancy occurred; or

(b) if the member was an elected member and the Annual Parish Meeting has given the Parish Council authority to fill casual vacancies, at a meeting of the Council held within three months after the vacancy occurred; or

(c) if the member was an appointed member, by an appointment by the Parish Priest within two months after the vacancy occurred.

#### APPOINTMENT OF MUSICIANS

579 An organist, choirmaster and the members of a choir or liturgical musicians of a church may, from time to time, be appointed or removed by the Parish Priest and exercise their ministry under the direction and oversight of the Parish Priest.

#### APPOINTMENT OF SERVERS

580 The Parish Priest may appoint one or more servers, crucifers, thurifers or other attendants and the Parish Priest may remove any of these persons from office at any time.

#### APPOINTMENT OF VERGER AND OTHER STAFF

581 The Churchwardens of a church may, with the agreement of the Parish Priest, appoint, with or without payment, a verger, cleaner, gardener or other person to perform duties in or about the church, hall or other building used in connection with the church and may, with the agreement of the Parish Priest, remove any such person from office at any time.

#### PARISH ORGANISATIONS

582 Every organisation formed by members of the Anglican church within a Parish exists for the furtherance of the work of the Parish, any church within the Parish, the Diocese or the missionary and other work of the Anglican Church of Australia or any of its organisations and may raise funds only for such purposes and for its own internal expenses.

583 (1) Subject to the powers of the Bishop, the Parish Priest has control of the policy, organisation and affairs of any Sunday school, Bible class, study group, youth fellowship, guild, choir, musicians, servers or other organisation of the Parish, the Parish branch of any Diocesan organisation or any church of the Parish.

(2) The Parish Priest may appoint and remove any superintendents, teachers, leaders or other officers as he or she thinks fit. The Parish Priest may delegate all or any of the powers conferred by this section.

#### DUTIES OF TREASURERS OF PARISH ORGANISATIONS

584 The treasurer or other officer acting for the time being as treasurer of each such Parish organisation must, in addition to his or her general duties

(1) (a) prepare a statement of receipts and payments of the organisation for each financial year.

(b) prepare statements of the assets and liabilities as at the last day of that financial year.

(c) Present the statements for audit to the auditor appointed or approved by the Parish Council or provide unaudited accounts to the Parish Council for arrangements to be made for auditing by the Parish auditor.

(d) Present the statements duly audited to the Parish Priest and Parish Council in time for them to be presented to the Annual Parish Meeting of the organisation.

(2) Financial statements and reports of a Parish organisation must be prepared in accordance with regulations prescribed by Bishop-in-Council.

Amended by Ordinance 8/2008

#### DEFUNCT ORGANISATIONS

585 If any such organisation ceases to exist for any reason, its remaining funds and property (not being the subject of any trust) become the property of the church or Parish, and its books and records must be given to the Parish Priest within three months and thereafter shall remain in the custody of the Parish Priest.

#### EXERCISE OF POWER

586 Any rights or authority conferred by this or any other Ordinance upon any Parish Priest, Churchwarden or other church officer, are to be taken to be conferred in order that they may be enjoyed and exercised for the benefit of the Anglican Church of Australia in the Parish or Diocese and not otherwise. This clause does not apply to the rights given to a member of clergy or stipendiary lay worker to the free use of the Parish Residence or other house for domestic purposes.

#### VISITATION OF THE ARCHDEACON

587 (1) An Archdeacon or Regional Ministry Coordinator or a person authorised for that purpose by the Bishop may from time to time make an official visit to the Parish Priest and Churchwardens of a church or Parish within his or her area for the purpose of being satisfied that

(a) services are being duly and properly conducted in each church in the Parish substantially in accordance with the Book of Common Prayer or another authorised Prayer Book or any variations as are lawful in that place;

(b) any buildings or property held upon trust for the Parish are being properly maintained and repaired;

(c) the Parish is being otherwise properly administered; and

(d) records are being maintained in accordance with this Ordinance and the law of the Church.

(2) The Diocesan Archdeacon, a Regional Ministry Coordinator or any other person authorised under this section, may, with the approval of Bishop-in-Council, request the Parish Priest, Parish Council or the Churchwardens of a church or Parish within his or her area to furnish any return as to any matter, act or thing occurring within the Parish and the Parish Priest, Parish Council or Churchwardens as the case may be must use their best endeavours to comply with such request.

## AUDIT

588 All accounts of a Parish must be audited by an accountant who is a member of a recognised professional accounting body or who is a registered company auditor.

Amended by Ordinance 2007 and Miscellaneous Amendments Ordinance 2010

## INVESTMENT OF FUNDS

589 (1) All funds collected, subscribed or raised for the erection, renovation or alteration of Parish buildings, the purchase of furniture, fittings and fixtures or a Parish car must, until such time as those sums are required, be paid to the Anglican Church Property Trust Diocese of Bathurst (the Property Trust) together with an explicit statement of the purpose or purposes for which such monies were collected, subscribed or raised.

(2) Unless the Property Trust otherwise decides, all monies received in accordance with this section must be invested in the Anglican Managed Investments Fund (Diocese of Bathurst) and appropriate measures taken to identify the monies and the purpose for which they are held.

590 (1) Parish Council may resolve to apply any invested funds to the purpose for which they were originally collected and they may apply to the Bishop for release of those funds. An application must be signed by each of the Churchwardens, be countersigned by the Parish Priest and be accompanied by a certified copy of the resolution of Parish Council approving the expenditure.

(2) If the Bishop is satisfied that such application is in order he must give a certificate to that effect to the Property Trust which must forthwith pay the funds to the person or persons named in the certificate.

(3) If the Bishop is not satisfied he must refer the matter back to the Parish for any explanation he may request and upon receiving a response from the Parish, reconsider the issue of a certificate.

## PARISH BORROWINGS

591 (1) A Parish shall not borrow any monies with security;

(a) other than in compliance with the provisions of the Bathurst Church Finance Ordinance 1959-1999 (including such rules and regulations made for the purpose of administering that Ordinance) and

(b) other than from a bank or financial institution.

(2) A Parish shall not borrow any monies without security from a Parishioner, unless

(a) the Bishop has given his approval after receiving a report from the Parish Council as to the purpose of the loan and why no other finance is available; and

(b) the borrowing is recorded in writing, including details of the amount of the loan, the term of the loan and any interest payable, is signed by the lender and at least two of the Churchwardens; and

(c) a copy of the writing is lodged with the Registrar within one month of the receipt of the loan.

## BEQUESTS

592 Should it come to the attention of the Churchwardens of any church that a deceased person has devised or bequeathed to the church any money or other property they must immediately advise the Registrar.

## GIFTS FOR SPECIFIC PURPOSES

593 (1) Any monies received by the Churchwardens of any church in respect of a bequest of monies or a gift of money in excess of the prescribed amount for a particular purpose within the Parish or a particular church within the Parish must within one month of receipt, be paid into the Anglican Managed Investments Fund (Diocese of Bathurst).

(2) The Churchwardens must notify the Registrar of the terms and conditions in respect of such bequest or gift and of the purpose for which it was bequeathed or given.

(3) The provisions of section 590 with respect to the application for payment out of the Fund and as to the Bishop's certificate shall, apply to monies paid into the Fund in accordance with this section.

(4) This section does not apply to any monies which, at the time of their receipt, are bona fide intended by the Parish to be used within 12 months of receipt, provided that if at any time within those 12 months it is clear that they will not be used they must immediately be paid into the Anglican Managed Investments Fund (Diocese of Bathurst) in accordance with subsection (1).

(5) The prescribed amount is \$1,000 or such greater amount as is from time to time prescribed by resolution of Bishop-in Council.

## VESTING OF PROPERTY

594 Where any church or Parish benefits from a devise of real estate, the Churchwardens and Parish Priest must as soon as practicable, unless exempted from this requirement by Ordinance, ensure that the land concerned is vested in the Property Trust to be held on the trusts declared by the testator making the devise.

595 The Parish Priest and Churchwardens of a church or Parish must advise the Registrar of any personal property bequeathed to the Parish or any church, and, subject to the trusts which affect such personal property, follow the directions of the Property Trust in respect that property.

596 Pursuant to section 19 of the Anglican Church of Australia Trust Property Act, 1917 the Synod of the Diocese of Bathurst hereby consents to all church trust property for the Diocese of Bathurst which may at the time of passing the Ordinance belong to or be vested in any trustee or trustees being vested by virtue of such section in the Property Trust.

#### USE OF PARISH FUNDS

597 (1) Funds of a Parish shall be held on trust for the purposes of the Anglican Church of Australia in that Parish and for such other Diocesan and missionary purposes as may be specified by Ordinance.

(2) Parish funds may be expended for Parish purposes or in accordance with the Ordinances and budgets passed by the Synod.

(3) On the revocation of a Parish, its funds shall be directed to such purposes of the Diocese or of a Parish, Parishes or Special Ministry or otherwise as Synod resolves is appropriate.

This section does not apply to moneys of a Parish held pursuant to specific trusts insofar as those trusts are inconsistent with this clause.

#### PARISH WEB SITES

598 Any Parish contemplating a web site must before proceeding to establish the site, inform the Registrar and abide by the guidelines issued by Bishop-in-Council

## CHAPTER 6 - CHURCH BUILDINGS AND GROUNDS

### CHURCH TRUST PROPERTY

600 (1) All grounds and buildings of the Diocese of Bathurst or of a Parish or organisation of the Diocese are generally owned at law by the Anglican Church Property Trust Diocese of Bathurst on trust for the purposes of the Anglican Church of Australia in this Diocese

(2) Such trust may be for Diocesan, Parish or other use as recited in the relevant declaration of trust.

601 No person may alter any Church property including felling trees, establishing gardens or memorials in the grounds, refurbishing or redecorating any building without first obtaining the appropriate authority under this Ordinance.

### GIFTS OF LAND AND BUILDINGS

602 Should any person give or devise any land or buildings to the Diocese, a Parish or Church organisation, the persons receiving notice of the gift must notify the Property Trust of the terms of the gift and must arrange for the gift to vest in the Property Trust.

603 (1) A person who wishes to provide land or an existing building to a Parish for any purpose must obtain the approval of the Bishop and the Property Trust and thereafter transfer the land to the Property Trust.

(2) This clause does not apply to a person who wants to provide land or buildings by will.

### RESPONSIBILITY FOR PARISH BUILDINGS AND GROUNDS

604 It is the responsibility of the Churchwardens of each Church in the Parish and the Parish Council in co-operation with the Parish Priest to look after and administer all Parish property.

605 In order to fulfil their obligation in section 604 the Churchwardens must

(a) Cause an annual inspection to be made of all Church buildings;

(b) Present a report of that inspection to the Parish Council;

(c) Advise the Parish Council what provision should be made in the Parish budget for repairs;

(d) Carry out necessary repairs in a good and workmanlike manner, provided that funds are available to do so and provided that they do not change the fabric of the building;

(e) Promptly advise the Registrar of;

(i) any problem that may have a bearing on the insurance of buildings in the Parish; and

(ii) any necessary repairs which cannot be funded by the Parish;

(f) Make and maintain a list of the state of repair of all Parish buildings and grounds and an inventory of the fittings, furniture and equipment within the Parish;

(g) Immediately before the Annual Parish Meeting prepare for distribution with other reports required under Chapter 5 of this Ordinance a report of the state of the Parish buildings, fittings, furniture and equipment.

606 Each Parish Council must at its first meeting after the Annual Parish Meeting appoint a sub-committee of no more than five people to keep the Church buildings, grounds, fittings, furniture and equipment under constant observation and to report regularly to the Parish Council.

607 (1) By 30 December 2004 and every five years thereafter the Churchwardens must obtain advice from a suitably qualified person recommended by the Bishop's Architectural Panel established in accordance with section 612 of this Ordinance, as to what works are necessary to maintain the Parish buildings and the priority of each recommended item and the approximate cost.

(2) A copy of the advice must be sent to the Registrar within one month of its receipt by the Parish.

608 Churchwardens and Parish Council must endeavour to make adequate provision for the maintenance of Parish buildings when formulating Parish budgets.

#### ALTERATION OF CHURCH OR PARISH BUILDINGS

609 (1) A Parish Priest, Parish Council, Churchwarden or any other person wishing to erect or effect alterations or refurbishments to Amended by Ordinance 8/2008

(i) a building intended for use as a Church, hall or worship centre; or

(ii) a house for the use of clergy, stipendiary lay workers or employees of the Parish; or

(iii) any building for commercial or investment purposes; or

(iv) any retirement or community housing; or

(v) any infrastructure or other improvements to the grounds on which any of the foregoing buildings are erected or proposed to be erected;

must first obtain approval for the proposed works from the Bishop and the Property Trust.

(2) If an approval is given subject to conditions the works may be executed only if there is strict compliance with such conditions.

#### WORK ON OR USE OF VACANT LAND

610 (1) No cutting of trees, redevelopment or application to rezone land which constitutes Church Trust Property may be carried out or made without the approval of the Bishop and the Property Trust.



(2) Such approval may only be given following the application of the Parish Priest and Parish Council in accordance with this Chapter.

#### APPLICATIONS FOR APPROVAL

611 (1) An application to the Bishop and the Property Trust for approval of works under section 609 or 610 must; Amended by Ordinance 8/2008

(a) be first approved by a specific resolution of a duly convened meeting of the Parish Council of the Parish in which the relevant land or building will be or is situated; and

(b) be signed by the Parish Priest and all of the Churchwardens; and

(c) be accompanied by a copy of the resolution of the Parish Council certified by the Parish Priest; and

(d) be accompanied by written statements from any member of Parish Council or of any member of the Parish who objects to the proposal, detailing the nature of the objection; and

(e) be accompanied, where applicable, with site plans, building plans and specifications in relation to the proposed works, draft contracts and copies of three tenders to undertake the proposed works by an appropriately qualified and licensed contractor; and

(f) where applicable, contain information sufficient to satisfy the Bishop's Architectural Panel that arrangements will be made for the proper and adequate supervision of the proposed works; and

(g) where applicable, contain a business plan, financial feasibility study, copies of audited financial statements of the Parish for the previous three years and management financial statements for the period to the month ending immediately prior to the meeting of the Parish Council at which the resolution was adopted.

(2) The form of the resolution of the Parish Council should be agreed with the Registrar or his or her nominee prior to the meeting of Parish Council and the preparation of the application.

(3) All site plans, building plans and specifications for any such works must be prepared by a suitably qualified person in accordance with any guidelines laid down by the Architectural Panel of the Bishop.

(4) No building work may commence until an approval under this section has been given to the works in addition to any necessary approval from any relevant statutory authority.

#### ARCHITECTURAL PANEL

612 (1) There shall be an Architectural Panel for the Diocese.

(2) Appointments to the Panel shall be made by the Bishop and he may revoke appointments to that panel at his discretion. The Bishop shall endeavour to appoint to such a panel qualified architects, town planners and other persons whose qualifications or experience confer expertise in the matter of how the Church's trust property can best be presented and preserved.

#### ALTERATION OF CHURCHES OR CONSECRATED GROUND - FACULTIES

613 (1) Unless exempted by regulation of the Bishop on the advice of Bishop-in-Council no one shall;

(a) alter, add to or take away from the fabric, utensils, ornaments or furniture of a Church; or

(b) place any monument, memorial or tablet in or upon any part of a Church or lands comprising Church Trust Property; or

(c) erect any wall or establish any gardens on Church Trust Property in which to inter the ashes of any deceased person or use any such wall or garden for that purpose

except with the approval of the Bishop by a faculty or other form of permit.

(2) This section shall not prevent a Parish Council permitting any minor alteration, repair or addition to an existing monument, memorial or tablet in a burial ground.

614 An application for a faculty must be submitted to the Bishop by the Parish Priest and Parish Council. The Bishop on the advice of Bishop-in-Council may from time to time make regulations relating to the practice, procedure, forms and fees to be paid in respect of all faculty matters.

#### CHURCHES

615 No building intended to be used regularly for the celebration of Divine Service is to be used for that purpose unless the building has been licensed or consecrated by the Bishop as a Church.

616 (1) An application for licence or consecration must be addressed to the Bishop and made by the Parish Priest of the Parish in which the building is situated.

(2) No building shall be licensed or consecrated as a Church until the land on which the building is erected has been vested in the Property Trust or a trustee approved by the Bishop-in-Council and the building has been provided with such things as may be requisite according to the law and usage of the Anglican Church of Australia within the Diocese of Bathurst.

#### NAME OF THE CHURCH

617 (1) The name of a Church is as specified in the Bishop's licence or sentence of consecration.

(2) That name may only be changed by the Bishop on the basis of a request of the Parish Priest and Churchwardens and after consultation with the members of the Parish.

## TEMPORARY CHURCHES

618 (1) Where a building erected on Church Trust Property in a Parish is licensed or consecrated as a Church, the Bishop may license any other building in that Parish to be used temporarily or from time to time as a Church if requested to do so by the Parish Priest and Parish Council.

(2) A temporary licence is only valid for the period specified in the licence and any such building is a Church of the Parish concerned for the purposes of this Ordinance only during that period.

## USE OF CHURCHES

619 A Church may only be used for the following purposes;

(a) The celebration of Divine Service;

(b) The giving of religious instruction;

(c) The conduct of a meeting of Parishioners or a prayer meeting;

(d) Such other purposes as the Bishop may approve in writing from time to time, provided such purposes do not contravene any zoning or environmental law and provided that in an emergency or for a temporary period the approval of the Parish Priest shall be sufficient.

## CHURCHES TO BE OPEN

620 The Parish Priest must ensure that whenever practicable all Churches in his or her Parish are open.

621 A person may not use a Church for a purpose permitted under this Ordinance other than for private devotions except in accordance with the provisions of section 619, and then with the consent of the Parish Priest or in the absence of the Parish Priest, with the consent of the Bishop.

## WORSHIP CENTRES OTHER THAN CHURCHES

622 A Regional Ministry Coordinator may, after consultation with the Bishop, authorise the use of any land or building whether Church Trust Property within the Diocese or otherwise to be used for such worship purposes as he or she considers appropriate.

The provisions of this Ordinance apply insofar as they are reasonably applicable to any worship centre.

## CLOSURE OF CHURCHES

624 Should the Parish Priest or Churchwardens of a Church, an Archdeacon or a Regional Ministry Coordinator come to the view that a Church should be closed, he, she or they must;

(a) discuss the proposal with the Bishop; and

(b) discuss the proposal with the Parish Council of the relevant Parish;

(c) unless the person initiating the proposal is a Regional Ministry Coordinator, consult with the Regional Ministry Coordinator and obtain his or her views; and

(d) convene a General Meeting of the Parish to ascertain the views of Parishioners, including inviting written objections to the proposed closure;

and, having done all these things, recommend in writing to the Bishop that services be discontinued and the Church be closed.

625 (1) Any recommendation under section 624 must contain -

(a) the reasons for the proposed closure;

(b) an assurance that there is no

(i) disagreement over the proposal, or,

(ii) alternatively, details of any disagreement;

(c) a declaration from the Churchwardens of another Church in the relevant Parish or an adjacent Parish that they will assume responsibility for the payment of rates and other outgoings and the care of the property, buildings and furniture of the Church being so closed;

(d) a report on any funds for which the Churchwardens of the other Church and Parish council are to become responsible;

(e) a list of any valuable items and details of where they will be stored;

(f) details of arrangements made for the removal of any memorials and their storage;

(g) an indication of a possible future use of the property including if it is proposed that the property is to be sold, leased or developed, the likely sales proceeds or lease income and the proportion and amount to be contributed from those proceeds to the Diocesan Ministry Fund.

(2) After receipt of such recommendation the Bishop may revoke the licence of the Church.

#### ACTIVITIES ON PARISH PROPERTY

626 Subject to section 627 and prior agreement in writing by the Registrar or his or her nominee that relevant insurance arrangements are satisfactory, the Parish Priest, Churchwardens and Parish Council may agree to the use of Parish property for such community activities as they consider proper.

627 No long day care centre, pre-school, kindergarten, school or college or similar educational activity requiring governmental registration, licence or authorisation is to be commenced or be conducted by any priest, Churchwarden, Parish Council on any Church Trust Property unless

(a) Bishop-in-Council has given written consent; and

(b) any lease or license to occupy, where appropriate, is duly granted by the Property Trust; and

(c) all insurance arrangements are agreed by the Property Trust and the Registrar.

628 (1) The Parish Priest, Churchwardens and Parish Council may, with the consent of the Bishop on the advice of Bishop-in-Council use Parish property for commercial activities.

(2) In cases where an Ordinance is required under the Anglican Church Trust Property Act 1917 or otherwise, a draft of the appropriate Ordinance must be submitted to Bishop-in-Council when such consent is sought.

#### INFORMATION FROM TRUSTEES

629 Where any real or personal property is held upon trust for a Parish or any organisation within a Parish or for any Diocesan organisation or for the Diocese by trustees other than the Property Trust, Bishop-in-Council may require such trustees to furnish to it within one month of the request or such other time as may be stipulated in the request, any information which Bishop-in-Council considers it should have with respect to the trust and such trustees must comply promptly with the request.

#### BURIAL GROUNDS

630 (1) Where a burial ground which is Church Trust Property is under the administration of the Parish Priest or Churchwardens of a Parish, such land must not be used for any purpose other than the burial of the dead, according to the rites and ceremonies of the Anglican Church of Australia.

(2) The Bishop may, after application from the Parish Priest, approve in writing the burial of the dead after rites and ceremonies of denominations other than the Anglican Church of Australia.

(3) The Bishop may make regulations for the implementation of subsection (2) including the persons who may exercise the authority of the Bishop under that subsection.

(4) The Bishop, together with the trustees of the burial ground, may make and from time to time alter rules regulations and scales of fees for the management of the burial ground, for interments therein for the enclosure of land in the burial ground by kerbing or otherwise, and for any other matters.

## CHAPTER 7 - CLERGY RIGHTS AND DUTIES

### QUALIFICATIONS OF CLERGY

700 No person may be licensed to officiate as a member of clergy in the Diocese of Bathurst unless the Registrar has first received,

- (a) Evidence of Ordination;
- (b) Evidence of nomination to a position in the Diocese; and
- (c) Evidence that that person is in good standing in the Anglican Church of Australia.

701 No person may be appointed a Priest or Deacon in the Diocese until after that person has sworn an oath of canonical obedience to the Bishop and made a declaration of submission to the Synod of the Diocese in a form as approved by Bishop-in-Council.

702 (1) Section 700 is satisfied if it is complied with once, either after Ordination or on taking up ministry in the Diocese.

(2) Section 700 does not apply to a person invited by the Bishop, or by a Parish Priest with the agreement of the Bishop, to take part in a particular service of worship in the Diocese.

### CELEBRATION OF MARRIAGE

703 (1) Under the provisions of the Marriage Act, 1961, the Bishop may request the Deputy Registrar of Ministers of Religion in the State of New South Wales to register a member of clergy to solemnise marriages.

(2) The Bishop may, for any cause he deems to be sufficient, request that the name of any member of clergy be removed from that list.

(3) The Bishop may make regulations as to the celebration of marriages in the Diocese.

### JOINT PARISH MINISTRY

704 (1) The Bishop may appoint two or more persons in the order of Priests to be Joint Parish Priests of a Parish or to exercise any other function customarily discharged by one person in Holy Orders.

(2) An appointment as Joint Parish Priest ends on the death, resignation or retirement of any one of the Priests or upon the suspension from duty of any one of them by the Bishop under the Clergy Discipline Ordinance 1965-1993.

### TEAM MINISTRY

705 (1) The Bishop may appoint a team of clergy or partly of clergy and partly of lay persons licensed as Licensed Lay Ministers, to exercise a team ministry in any Parish or Special Ministry.

(2) The Bishop may designate one or more members of a team in Priests orders to be "Team Leader", in which case the Team Leader or Leaders are for the purposes of any

Ordinance the Parish Priest or Joint Parish Priests. Where no Team Leader is appointed, the Bishop is the Parish Priest.

#### EXERCISE OF AUTHORITY IN JOINT AND TEAM MINISTRIES

706 A Joint Parish Priest or Team Leader may sign any document or do any act on behalf of the Parish or Special Ministry, with the consent of the other Joint Parish Priest or Team Leader.

#### LICENSING OF CLERGY

707 All Priests and Deacons must hold a current licence from the Bishop before officiating in a Parish.

#### REVOCAION OF LICENCES

708 Subject to the Anglican Church Constitution Act, 1902 and the Constitutions of that Act, all licences to clergy are revocable by the Bishop without the need to assign cause, on two months notice to the holder.

In the Diocese of Bathurst, the powers, provisions and protections of Constitution 21 of the Constitutions for the management and good government of the Church of England in New South Wales shall be read as applying to male and female members of the clergy.

Note: Constitution 21, in the Schedule to the Anglican Church of Australia Constitutions Act 1902 (NSW Parliament), headed 'Clergyman's Licence when to be withdrawn' reads: "The Synod of each Diocese shall have power to determine by ordinance in what cases the licence of a clergyman licensed within the Diocese may be suspended or revoked. Such licence may be suspended or revoked by the Bishop of the Diocese at a clergyman's own request, or (after opportunity given to him to show cause) in such of the cases as the Synod shall by ordinance determine. Save as aforesaid, the licence shall not be suspended or revoked, except as a consequence of a judgment or finding of the tribunal or of some other court of competent jurisdiction.

#### RESIGNATION OF CLERGY

709 (1) A member of clergy may resign his or her charge by notice to the Bishop. Such resignation shall become effective on acceptance by the Bishop.

(2) The Bishop may require the person submitting the resignation to discharge the duties of his or her office for up to a further two months, during which period, the person shall be entitled to receive the same stipend, emoluments and allowances as he or she received immediately prior to their resignation.

#### SUSPENSION FROM OFFICE FOR DISCIPLINARY OFFENCES

710 In addition to the matters contained in this Ordinance, a member of clergy ceases to hold office pursuant to a sentence or order made pursuant to the Clergy Discipline Ordinance, 1965-1993.

#### EXCHANGE OF PARISHES

711 (1) Should any two Parish Priests wish to effect an exchange of Parishes they must consult the Bishop and obtain his approval in principle.

(2) If such approval is granted, and the majority of the members of the Parish Appointment Board for each Parish agree in writing, the Bishop must revoke the then current licence of each Parish Priest and issue a fresh licence in respect of the Parish to which he or she is to move.

#### PARISH PRIEST'S RIGHT TO USE PARISH PROPERTY

712 The Parish Priest shall have free access and admission into any church building or grounds within and held on trust for the Parish and may freely exercise his or her spiritual functions within those buildings or grounds without hindrance.

713 The Parish Priest is entitled to keys to all Parish grounds, buildings and storage areas.

714 No gathering of people may be held on the grounds of or in any building in the Parish without the full knowledge and consent of the Parish Priest.

#### STIPENDS, EMOLUMENTS AND ALLOWANCES

715 (1) A Parish Council must pay to the Parish Priest and to each other stipendiary Priest or Deacon the minimum stipend, emoluments and allowances fixed by Bishop-in-Council.

(2) A Parish Council may pay a higher amount than the minimum provided that there is compliance with the provisions of section 716.

(3) A Parish complies with this section if, pursuant to a centralised clergy payment scheme adopted by Bishop-in-Council, a Parish pays to the Registry a single amount to cover the stipend, emoluments and allowances of the Parish Priest and each other stipendiary Priest or Deacon.

716 Except where the minimum amount fixed by Bishop-in-Council is being paid, the stipend, emoluments and allowances of the Parish Priest and each other stipendiary Priest or Deacon are not to be altered without the joint consent of the Parish Council, the Parish Priest, any other Stipendiary Priest or Deacon affected by the proposed change and the Bishop.

#### CLERGY HOUSING AND HOUSING EXPENSES

717 Each Parish must provide an adequate Parish Residence and accommodation for other full time members of clergy on its staff in accordance with this Ordinance and any regulations.

718 The Bishop must make regulations as to the minimum standards of residences for clergy in the Diocese and the Registrar must make available a copy of the current regulations without charge to any person reasonably requiring a copy of them.

719 The Parish Priest must, unless the Bishop and Parish Council approves otherwise, reside in the Parish Residence and is entitled to the free use of the home for domestic purposes.

720 Each Parish must provide an allowance, in respect of the Parish Residence and other clergy accommodation being not less than fifty per cent of all energy costs.



## PARISH VEHICLES

721 Each Parish must provide a car for use by the Parish Priest, unless the provisions of section 723 of this Ordinance apply.

722 (1) Bishop-in-Council may from time to time make regulations for Parish cars and any car provided by a Parish must comply with these regulations

(2) The car must be maintained in good and serviceable condition by the Parish.

723 A Parish Priest may elect to provide his or her own car, in which case in lieu of providing and maintaining a car, the Parish Council must pay the Parish Priest the monthly car allowance at the rate from time to time fixed by Bishop-in-Council.

## DEPRECIATION OF PARISH VEHICLES

724 (1) Each Parish must set aside a monthly amount towards depreciation of the Parish car as set from time to time by Bishop-in-Council. This amount must be placed in the Anglican Managed Investments Fund (Diocese of Bathurst) in a separate account styled, "Parish of Car Depreciation Account."

(2) Subsection (1) does not apply to a Parish where the Parish Priest has provided his or her own car.

(3) Where a Parish Priest supplies his or her own car, Bishop-in-Council may require a Parish to establish a fund to provide for the possibility that a subsequent Parish Priest requires a Parish car.

(4) Sub-section (1) shall not apply where the Parish leases the vehicle.

Sub-clause (4) was added by Ordinance 8/2009

## RIGHT TO USE OF VEHICLE BY PARISH PRIEST

725 A Parish Priest must be allowed reasonable personal use of the Parish car including use during annual leave at his or her own expense as to the cost of fuel.

726 A member of Clergy having use of a Parish car must treat that car with as much care as if it were his or her own property.

## ANNUAL LEAVE

727 Each member of clergy is entitled to annual leave for a period of 4 working weeks in each calendar year. A working week means the number of days each week that a clergyperson is remunerated for. A standard working week is 6 days.

Amended by Ordinance 4/08

728 (1) Annual leave must not include more than four Sundays.

(2) At least 2 working weeks of leave must be taken in a consecutive period.

Amended by Ordinance 4/08

729 (1) Each Parish Priest must notify the Bishop and the Parish Council no later than 1 January each year of his or her proposed leave arrangements for that year.

(2) Each Priest or Deacon must notify his or her Parish Priest and Parish Council no later than 1 January each year of his or her proposed leave arrangements for that year.

(3) A Leave Notification Form for Parish Clergy is to be completed appropriately by all Clergy each time leave arrangements are finalised.

Inserted by Ordinance 4/08

#### ACCRUAL OF ANNUAL LEAVE

730 (1) Annual leave cannot be accrued beyond six weeks, that is to say, four weeks for the current year and two weeks for the previous year.

Amended by Ordinance 4/08

(2) Any leave entitlement accrued above this limit is forfeited unless the Bishop determines otherwise by certificate addressed to the Parish Council and leave is taken in accordance with that certificate.

731 (1) The Bishop may authorise a member of clergy to take all or part of his or her annual leave before that member of clergy has become entitled to it.

(2) The Bishop must first consult with the Parish Council before granting such authorisation.

#### STUDY LEAVE

731A (1) Study leave provides clergy with one working week's leave each year for spiritual growth, development of professional skills and knowledge. (Study leave does not include the annual Clergy Conference and Retreat.)

(2) The approval of the Bishop is required for study leave.

(3) Study leave cannot be accrued.

Inserted by Ordinance 4/08

#### PARENTAL LEAVE

732 A member of clergy or a salaried lay employee of the Diocese may take Parental Leave in accordance with the regulations for Parental Leave in force from time to time in the Diocese.

Amended by Ordinance 15/2014

#### SHORT TERM LEAVE

733 Each member of clergy who will be absent from his or her Parish for any period exceeding 48 hours must inform the Bishop and the Regional Ministry Coordinator of that absence.

## WEEKLY LEAVE

734 (1) Each member of clergy shall ensure that he or she has one day per week, other than a Sunday, completely free of duty.

(2) However, where, as a result of circumstances, this is not possible in any week, a maximum of five such days (not to include a Sunday) may be accumulated. Any such "rostered days off" not taken under this clause shall lapse and shall not be the subject of compensation.

735 Each member of clergy must nominate to the Parish Council his or her chosen rostered day off and the Parish Council must ensure as much as possible that the member of clergy is not approached on Parish business on that day.

736 Where a public holiday falls on the rostered day off of a member of clergy, where practicable, another day may be taken as well as the public holiday within the two following weeks.

## PAYMENT OF STIPEND DURING LEAVE

737 A member of clergy must be paid the ordinary stipend, emoluments and allowances to which he or she may be entitled for any period of annual leave, immediately prior to the commencement of such leave.

738 Except as provided in this Chapter, a member of clergy must not be paid any stipend, emoluments or allowances in respect of any leave entitlement not utilised.

## LEAVE ENTITLEMENTS UPON DEATH OF CLERGY

739 If a member of clergy dies and there is outstanding leave due to the member of clergy as at the date of death, his or her legal representative must be paid a sum equal to the ordinary stipend, emoluments and allowances for such member of clergy for the period of such leave entitlement.

## PARISH ARRANGEMENTS DURING LEAVE

740 (1) It is the responsibility of the Parish Priest to make all necessary provision for ministry during the period of any leave.

(2) In the case of short-term leave, the Parish Priest must make appropriate arrangements for urgent unforeseen matters to be dealt with should they arise in his or her absence.

741 (1) If the Parish Priest considers that a locum needs to be engaged he or she must first discuss this need and any prospective names with the Bishop prior to approaching any prospective locum.

(2) The details of the proposed arrangement with the locum must then be the subject of consultation between the Churchwardens and the Parish Priest.

(3) The Bishop must be advised of the proposed arrangements and if he approves may grant permission for the proposed locum to officiate in the relevant Parish

742 (1) Should unforeseen circumstances occur in which the Parish Priest is absent from the Parish through leave, illness or otherwise, it is the duty of the Parish Council and the churchwardens of the principal church in the Parish to ensure that ministry in the Parish continues until the Parish Priest returns.

(2) The churchwardens in the absence of the Parish Priest have responsibility for the business matters of the Parish and must arrange with clergy of the Diocese, particularly those in neighbouring Parishes, to deal with matters which require to be dealt with by a member of clergy.

(3) All arrangements made by the churchwardens under this section must be notified to the Regional Ministry Coordinator as soon as practicable. In such circumstances the Regional Ministry Coordinator is the Parish Priest for the purposes of any Ordinance.

#### UNAUTHORISED LEAVE

743 If any Parish Priest is absent from the Parish for a period exceeding 28 consecutive days without leave of absence having been first obtained from the Bishop or in accordance with this Ordinance, the Bishop may declare the Parish to be vacant and take steps to fill the vacancy in accordance with this Ordinance.

#### MOVEMENT OF CLERGY AND ENTITLEMENTS

744 The following shall apply when a member of clergy moves from one Parish (the former Parish) to another (the new Parish);

(a) All stipend, emoluments and allowances due to the member of clergy are the responsibility of the former Parish until the date the resignation takes effect;

(b) Annual or other leave due from the former Parish should normally be taken before commencing duties in the new Parish;

(c) If Annual or other leave is due but not taken and

(i) the member of clergy is moving within the Diocese, the Treasurer of the former Parish must send to the Diocesan Registry or the treasurer of the new Parish as the case may be, an amount to represent the stipend, emoluments and allowances due in respect of the leave due but not taken; or

(ii) the member of clergy is moving outside the Diocese, the sum should be paid to that member before he or she leaves the former Parish.

745 At the first meeting of each Parish Appointment Board, the Parish is to provide details regarding any leave due but not taken by the previous Parish Priest and indicate whether or not the stipend, emoluments and allowances due to that Priest in respect of any untaken leave have been paid.

746 The Parish Council must ensure that the Parish Priest abides by the requirements of this Chapter as to the taking of leave and days off duty.

747 The Parish Council may, after first obtaining the permission of the Bishop, vary the provisions of this Chapter with respect to leave after consultation with the Parish Priest including, in remote areas, provision for days off to be accumulated.

#### LONG SERVICE LEAVE

748 Additional leave may be taken in accordance with the Long Service Leave Canon 1992-2001 of General Synod.

749 Leave may be taken outside the provisions of this Ordinance only with the written permission of the Bishop. This provision shall not, however, apply to an absence of a member of clergy as a result of illness or for urgent compassionate reasons.

#### SUPERANNUATION

750 Every licensed stipendiary member of the clergy of the Diocese of Bathurst shall make provision for his or her superannuation by becoming a member of an approved superannuation fund. Inserted by Ordinance 4/2008

751 (a) There shall be paid into their nominated Superannuation Fund in each year in respect of each clergyperson, the sum equivalent to 15 per cent of the annual stipend or such other percentage as Bishop-in-Council may from time to time determine.

(b) The Parish Council of any Parish to which the subscriber is licensed shall from the resources of that Parish pay two thirds of the amount specified in (a).

(c) Should a member not be licensed to a Parish, then the organisation or corporation to which this person is licensed shall make the contribution referred to in (b), and if there is a dispute as to which is the organisation within the meaning of this sub-paragraph, the ruling of Bishop-in-Council on such question shall be final.

(d) The member shall pay one-third of the sum specified in (a).

(e) In respect of the Bishop, any Assistant Bishop and any clergy holding a special or general licence not being responsible to a Diocesan Organisation, the Diocese shall be deemed the organisation for the purposes of sub-paragraph (c) hereof unless Bishop-in-Council otherwise determines that some other person or entity is the appropriate organisation to make such contribution.

(f) Nothing in this clause shall prevent a parish, organisation or clergyperson from paying more than the amount referred to in (a).

Inserted by Ordinance 4/2008

752 (a) On or before the first day of each month, the Treasurer of each Parish and each organisation to whom clause 751 applies shall remit to the Diocesan Business Manager one twelfth of the sum referred to in paragraph 751(b) or 751(c) as the case may be.

(b) For the purpose of making a payment on behalf of a member pursuant to paragraph (a) hereof the Payroll Officer shall deduct the appropriate amount by instalments from the stipend paid to such member.

(c) The Diocesan Business Manager shall pay to the appropriate officer of the relevant fund which the member has joined monthly, but no less than quarterly, the full amount of the premium on account of each member as provided in this ordinance.

Inserted by Ordinance 4/2008

#### RETIREMENT OF CLERGY

753 The Retirement Date for all clergy, whether stipendiary or non-stipendiary, is the 15th day of January which coincides with or next follows his or her 68th birthday.

754 The Bishop must retire in accordance with the provisions of the Bishop's Election Ordinance of this Diocese.

755 All clergy who hold the Bishop's licence within the Diocese must, subject to the provisions of sections 753-755, retire on or before his or her Retirement Date.

756 (1) If not already retired, three months prior to the Retirement Date of each member of clergy, the Registrar must notify that person of their Retirement Date.

(2) Not later than one month before their Retirement Date the member of clergy must;

(a) advise the Bishop of his or her willingness to surrender his or her licence on his or her Retirement Date or some earlier date; or

(b) show cause why his or her licence should not be revoked.

757 Unless cause is shown to the contrary, the Bishop must revoke the licence of each member of clergy on his or her Retirement Date.

758 (1) If the Bishop considers the member of clergy has shown cause why his or her licence should not be revoked, the Retirement Date for that person will be advanced by up to one year.

(2) The provisions of sections 753 and 754 apply to a Retirement Date extended in accordance with this section.

#### LICENSING OF CLERGY OVER RETIREMENT AGE

759 Notwithstanding the provisions of sections 750-755, but subject to section 753 a member of clergy over the age of 68 years may be licensed to any position in the Diocese that the Bishop may determine (including locum tenens of a Parish or Special Ministry) but may not be licensed as a Parish Priest.

#### LONG SERVICE LEAVE UPON RETIREMENT

760 Upon a member of clergy terminating his or her qualifying service as a member of clergy within the meaning of the Long Service Leave Canon 1992-2001 of General Synod and continuing in stipendiary ministry, then the Parish or the Diocese as the case may be must pay to the member of clergy the amount that would have been paid on his or her behalf to the Long Service Leave Fund to the date of his or her Retirement.

## TRANSITIONAL RETIREMENT ARRANGEMENTS

761 A member of clergy who, under the repealed Ordinance was to retire in January 2004, 2005 or 2006, may by writing to the Bishop prior to 31 December 2003 elect to retire on the Retirement Date applicable under the previous Ordinance, rather than the date fixed under section 750 of this Ordinance.

## CHAPTER 8 - LAY MINISTRY

800 The Authorised Lay Ministry Canon 1992 of the General Synod reprinted in Schedule C is adopted by this Diocese.

### LICENSED LAY MINISTERS

801 The Bishop may appoint a person to be a Licensed Lay Minister within a Parish, a Special Ministry, a Region or a District.

### FUNCTIONS OF LICENSED LAY MINISTERS

802 The function of a Licensed Lay Minister is to exercise a ministry of service and encouragement and specifically is to work alongside the Parish Priest of the Parish or Special Ministry in that priest's ministry of Word, Sacrament, Pastoral Care and Pastoral Oversight.

### QUALIFICATIONS OF LICENSED LAY MINISTERS

803 (1) A Licensed Lay Minister must

(a) show evidence of Christian maturity; and

(b) be a communicant member of the Anglican Church; (c) have demonstrated leadership within the Church.

(2) If a Licensed Lay Minister is to hold a licence to Preach he or she must, in addition to the requirements of subsection (1), have completed study in theology and scripture which have been approved by the Bishop.

804 (1) Ages shall not of itself be a determinant in the consideration of a person as a Licensed Lay Minister. Amended by Ordinance 2016

(2) The renewal of any Lay Minister's Licence upon expiry of its term (Section 824) be subject to written review by the Parish Priest to the Bishop, with the general form of that review to be set out in the Bishop's Regulations concerning Licensed Lay Ministry.

Amended by Ordinance 2016

(3) Following the appointment of a Parish Priest to a Parish or Special Ministry, that Parish Priest shall, within nine months of the appointment taking effect, make written recommendation to the Bishop concerning the continuation or termination of every relevant Lay Ministry Licence, with any recommendation continuation being only for the remaining period of that licence up to the date of its scheduled expiry.

Amended by Ordinance 2016

### APPOINTMENT OF LICENSED LAY MINISTERS TO A PARISH

805 (1) The Parish Priest shall consult with the Bishop prior to nominating a person proposed to be appointed as a Licensed Lay Minister.

(2) The Parish Priest must then nominate to Parish Council the name of a person proposed to be appointed as a Licensed Lay Minister and the nomination must be approved by a simply majority of the Council.



(3) If the Parish Council approves the nomination, the name of the person must be read and announced for three successive Sundays at all services within the Parish.

806 (1) All persons who object to the nomination of the person as a Licensed Lay Minister within the Parish must state their objection in writing to the Parish Priest, the Ministry Development Officer or the Bishop within 14 days of the last of the Sundays referred to in subsection (3).

(2) The Ministry Development Officer must forward a copy of any objections received to the Bishop and, unless the Bishop directs otherwise, to the Parish Priest for presentation to Parish Council.

(3) The Parish Priest must forward a copy of any objections received to the Bishop and, unless the Bishop directs otherwise, make a copy of those objections available to the Parish Council.

807 (1) After compliance with the terms of sections 805 and 806, the nomination must then be proposed again to Parish Council, together with any objections received.

(2) If the nomination is accepted by at least three quarters of the Parish Council, the Parish Priest must forward the nomination to the Bishop together with any objections received.

#### APPOINTMENT OF LICENSED LAY MINISTERS TO A SPECIAL MINISTRY

808 The Parish Priest of a Special Ministry may propose the name of a person to be appointed as a Licensed Lay Minister to the Special Ministry to the Parish Priest of the Parish in which the person ordinarily worships (the “home Parish”).

809 (1) The Parish Priests of the Parish and the Special Ministry shall consult with the Bishop and the Regional Ministry Co-ordinator prior to nominating a person proposed to be appointed as a Licensed Lay Minister to a Special Ministry.

(2) The Parish Priest must nominate to the Parish Council of the home Parish the name of the person to be appointed as a Licensed Lay Minister to the Special Ministry and the nomination must be approved by a simple majority of the Council.

(3) In proposing the nomination to the Parish Council, the distinct ministry to which the person is proposed to be licensed must be outlined to the Council.

(4) If the Parish Council approves the nomination, the name of the person must be read and announced for three successive Sundays at all services within the home Parish.

(5) The announcement in the home Parish on each Sunday must specify the distinct ministry to which it is proposed the person will be licensed.

810 (1) All persons who object to the nomination of the person as a Licensed Lay Minister to the Special Ministry must state their objection in writing to the Parish Priest, the Ministry Development Officer or the Bishop within 14 days of the last of the Sundays referred to in subsection (3).

(2) The Ministry Development Officer must forward a copy of any objections received to the Bishop and the Parish Priest of the Special Ministry and, unless the Bishop directs otherwise, to the Parish Priest for presentation to Parish Council of the home Parish.

(3) The Parish Priest of the home Parish must forward a copy of any objections received to the Bishop and the Parish Priest of the Special Ministry and, unless the Bishop directs otherwise, make a copy of those objections available to the Parish Council of the home Parish.

811 (1) After compliance with the terms of sections 809 and 810, the nomination must then be proposed again to Parish Council of the home Parish together with any objections received.

(2) If the nomination is accepted by at least three quarters of the Parish Council, the Parish Priest must forward the nomination to the Bishop together with any objections received.

#### APPOINTMENT OF LICENSED LAY MINISTERS TO A REGIONAL MINISTRY

812 The Parish Priests of a region may, after unanimous agreement between them and consultation with the Regional Ministry Coordinator, propose the name of a person to be appointed as a Licensed Lay Minister to a region, to the Parish Priest of the Parish in which the person ordinarily worships (the “home Parish”).

813 (1) The Parish Priest must nominate to the Parish Council of the home Parish the name of the person to be appointed as a Licensed Lay Minister to the Region and the nomination must be approved by a simple majority of the Council.

(2) In proposing the nomination to the Parish Council, the distinct and regional nature of the ministry to which the person is proposed to be licensed must be outlined to the Council.

(3) If the Parish Council approves the nomination, the name of the person must be read and announced for three successive Sunday’s at all services within each Parish in the region.

(4) The announcement in each Parish on each Sunday must specify the distinct and regional nature of the ministry to which it is proposed the person will be licensed.

814 (1) All persons who object to the nomination of the person as a Licensed Lay Minister to a Region or District must state their objection in writing to their Parish Priest, the Ministry Development Officer, the Regional Ministry Coordinator or the Bishop within 14 days of the last of the Sundays referred to in subsection (2).

(2) The Ministry Development Officer and/or the Regional Ministry Coordinator must forward a copy of any objections received to the Bishop and to the Regional Ministry Coordinator.

(3) The Parish Priest of a Parish must forward a copy of any objections received to the Bishop and the Regional Ministry Coordinator.

815 (1) After compliance with the terms of sections 813 and 814, the nomination must then be proposed to the District Ministry Council of the region in which the proposed Lay Ministry will be exercised.

(2) If the nomination is accepted by at least three quarters of the District Ministry Council, the Regional Ministry Coordinator must forward the nomination to the Bishop together with any objections received.

816 If the area in which the Licensed Lay Minister will exercise their ministry encompasses more than one District, or is within more than one Region, references in sections 812-815 should be read as referring to each District Ministry Council or each Regional Ministry Coordinator, as the case may be.

#### CONSULTATION WITH MINISTRY DEVELOPMENT OFFICER

817 Before approving any nomination of a person as a Licensed Lay Minister, the Bishop must consult with the Ministry Development Officer as to the suitability of the person nominated.

#### COMPLIANCE WITH DIOCESAN PROTOCOLS

818 All persons nominated to the Bishop for appointment as a Licensed Lay Minister must, as a condition of the approval of their nomination, attend an interview with the Ministry Development Officer.

819 (1) All persons nominated to the Bishop for appointment as a Licensed Lay Minister must, as a condition of the approval of their nomination, comply with all protocols and Ordinances of the Diocese together with the conditions of any relevant legislation as to sexual abuse and misconduct and child sexual abuse.

(2) All persons nominated to the Bishop for appointment as a Licensed Lay Minister must, as a condition of the approval of their nomination, consent to and sign all documents necessary to allow the Diocese to conduct a police check of their criminal antecedents.

#### DUTIES OF LICENSED LAY MINISTERS

820 A Licensed Lay Minister may perform, according to his or her spiritual gifts, some or all of the following ministries;

(a) under the oversight of the Parish Priest, have pastoral oversight of a branch church within the Parish or Region;

(b) lead worship including Morning and Evening Prayer and Extended Holy Communion, using the prescribed forms, but always excluding the absolution, blessing and prayer of consecration;

(c) baptise only in emergency or conditions of extremity subject to the approval of the Parish Priest or the Regional Ministry Coordinator;

(d) Assist with the distribution of Holy Communion;

(e) Subject to the approval of the Parish Priest, or in his or her absence the Regional Ministry Coordinator, conduct funerals;

(f) with the permission of the Bishop, as expressed in the terms of the Licence, conduct extended Holy Communion;

(g) Conduct pastoral visits for and on behalf of the Church, including hospital visits, visits to the sick, elderly and bereaved;

(h) Prepare or assist with the preparation of parents and candidates for baptism, admission to communion and confirmation;

(i) with the permission of the Bishop, as expressed in the terms of the Licence, and if appropriately qualified, conduct sessions of marriage preparation for those proposing to be married within the Parish;

(j) with the permission of the Bishop, as expressed in the terms of the Licence and subject to the provisions of this Ordinance, preach sermons;

(k) to give pastoral support and encouragement to other leaders within the Parish community;

(l) to perform any other ministry as shall from time to time be agreed with the Parish Priest and approved by the Bishop;

(m) during a vacancy in the incumbency of the Parish, at the request of the Regional Ministry Coordinator, to perform any or all of the above ministries and to take such action in association with the Churchwardens and Parish Council as will ensure continuity of ministry within the Parish.

#### OVERSIGHT OF LICENSED LAY MINISTERS

821 (1) In the exercise of their ministry, a Licensed Lay Minister is subject always to the oversight and direction of the Bishop.

(2) A Licensed Lay Minister is subject also to the oversight and direction of;

(a) in the case of a Lay Minister licensed to a Parish, the Parish Priest of that Parish and such other assisting clergy as are licensed to that Parish;

(b) in the case of a Lay Minister licensed to a Special Ministry, the Parish Priest of that Special Ministry;

(c) in the case of a Lay Minister licensed to a region, the Regional Ministry Coordinator, unless some other arrangement is approved by the Bishop and expressed in the terms of the Licence.

822 A Licensed Lay Minister must meet regularly, and at least once per month, with the Parish Priest exercising supervision over their ministry to discuss the ministry of the Parish, Special Ministry or Region and for mutual support, prayer and encouragement.

## APPLICATION OF CLERGY CODE OF PROFESSIONAL CONDUCT

823 All Licensed Lay Ministers are bound by the terms of the Clergy Code of Professional Conduct, in force from time to time in the Diocese.

## TERM OF APPOINTMENT AND REMOVAL OF LICENSED LAY MINISTERS

824 A licence as a Licensed Lay Minister is for a term of three years, unless a shorter period is expressed in the terms of the licence.

825 A Licensed Lay Minister may resign their licence at any time in writing directed to the Bishop.

826 (1) The Bishop may revoke the licence of a person as a Licensed Lay Minister at any time, in writing directed to the Lay Minister.

(2) The Bishop must notify the Parish Priest exercising supervision over the Licensed Lay Minister of the revocation of the licence of the Lay Minister.

827 (1) The Bishop may suspend the licence of a Licensed Lay Minister in writing directed to the Lay Minister pending an investigation by the Diocesan Professional Standards Committee.

(2) The Bishop must notify the Parish Priest exercising supervision over the Licensed Lay Minister of the suspension of the licence of the Lay Minister.

(3) The reinstatement of a licence at the conclusion of an investigation by the Diocesan Professional Standards Committee is at the absolute discretion of the Bishop.

## COMMISSIONING OF LICENSED LAY MINISTERS

828 (1) Using a form approved by the Bishop, the Parish of the Priest of the Lay Minister's home Parish must commission the Lay Minister at a normal Sunday Service.

(2) Where a Licensed Lay Minister will exercise a ministry in a Special Ministry or a Region, the Bishop may approve such further acts of commissioning as he considers appropriate to the particular circumstances.

829 Each Licensed Lay Minister must, at the time of their commissioning, be provided with the following documents;

- (a) their licence, duly executed by the Bishop; and
- (b) a copy of this Ordinance; and
- (c) a copy of the Clergy Code of Professional Ethics; and
- (d) a copy of the Licensed Lay Ministry Regulations;

## ATTENDANCE AT CONFERENCES

830 All Licensed Lay Ministers must attend one annual weekend conference conducted by the Ministry Development Officer and if a Lay Minister does not attend may be asked by the Bishop to show cause why his or her licence should not be revoked.

831 All Licensed Lay Ministers whose licence includes an authority to preach, must attend an annual preaching school conducted by the Bishop or the Ministry Development Officer and if a Lay Minister does not attend may be asked by the Bishop to show cause why his or her authority to preach should not be revoked.

#### VESTMENTS

832 (1) As a symbol of their particular ministry and office when leading or assisting at worship services Licensed Lay Ministers must wear an alb or cassock and surplice or some other form of robes approved by the Bishop.

(2) It shall not be required of a Licensed Lay Minister that they should robe in the above manner when assisting with the distribution of communion is their sole function.

#### EXERCISE OF LAY MINISTRY WITHOUT LICENCE

833 Nothing in this Ordinance is to be interpreted as excluding members of the Church from exercising their own ministries in the Church for which no licence is required. 834 A licence is not required for any ministry not contained within section 820 and in particular for the following ministries;

- (a) reading the scriptures;
- (b) leading the prayers;
- (c) distributing the elements of the Eucharist;
- (d) giving a personal testimony;
- (e) preaching an occasional sermon (not more than once per year)
- (f) delivering a eulogy at a funeral service
- (g) acting as thurifer, crucifer, server or acolyte during a worship service

## CHAPTER 9 - MISCELLANEOUS

### NOTICES

900 Any notice or document requiring to be served under this Ordinance shall be deemed to be duly served by being delivered personally or sent through the post by registered mail addressed to the person for whom it is intended at his or her usual or last known place of residence.

### VALIDITY OF PROCEEDINGS

901 (1) No proceeding at a meeting of churchwardens or Parish Council shall be invalidated or become illegal in consequence of there being any vacancy therein at the time of such proceeding whether arising from failure to elect or appoint the whole number of churchwardens or Parish councillors or because of the invalidity of any election or the presence of any unqualified person or from any other cause whatsoever.

(2) Any person claiming to hold office in the Diocese shall be deemed to hold that office, notwithstanding any defect in appointment, provided that he or she can produce a certificate from the Bishop within 14 days of any challenge to the right to hold office.

### DISPUTES CONCERNING INTERPRETATION

902 Any dispute arising concerning the interpretation of this Ordinance shall be referred to the Bishop whose decision shall be final.

### TERM OF OFFICE

903 A person appointed to any office is, unless this Ordinance otherwise provides, taken to have been appointed for a period of 12 months unless, at the time when the appointment is made, some other period is specified in writing by the person or persons making the appointment.

### FINANCIAL YEAR

904 The financial year for each Parish or Special Ministry and each organisation of the Diocese, shall be from the first day of January to the thirty-first day of December in each year.

### MISCELLANEOUS MATTERS CONCERNING THE BISHOP

905 The Bishop may delegate any function conferred on the Bishop under this Ordinance other than any function which under the law or custom of the Church is only to be exercised by a person in Bishop's orders. The delegate may or may not be granted a commission under section 204(4) of this Ordinance.

906 The Bishop may, should the Bishop consider that the literal compliance with any provision of this Ordinance would not assist the ministry of the Diocese or the Parish, dispense in writing with strict compliance with any provision of this Ordinance.

907 The Bishop may from time to time make such regulations as are necessary for the administration of the Diocese in any situation where such power is not committed to Bishop-in-Council, the Property Trust or some other person or body under any Ordinance.

908 Whenever by this Ordinance the Bishop is the Parish Priest of a Parish or Special Ministry, no duty shall devolve on the Bishop and the obligation of the Parish Priest shall be delegated to a nominee of the Bishop.

909 Wherever any power or authority is given to the Bishop or to Bishop-in-Council under this Ordinance, such power or authority may be delegated to a person, persons or committee. Provided always that this section shall not apply to any authority which by law or custom of the Church is to be exercised only by a person in Bishop's orders.



## SCHEDULE A - FUNDAMENTAL DECLARATIONS AND RULING PRINCIPLES

Extract from THE CONSTITUTION OF THE ANGLICAN CHURCH OF AUSTRALIA<sup>1</sup>

### PART I

#### CHAPTER I. - FUNDAMENTAL DECLARATIONS

1. The Anglican Church of Australia<sup>2</sup>, being a part of the One Holy Catholic and Apostolic Church of Christ, holds the Christian Faith as professed by the Church of Christ from primitive times and in particular as set forth in the creeds known as the Nicene Creed and the Apostles' Creed.
2. This Church receives all the canonical scriptures of the Old and New Testaments as being the ultimate rule and standard of faith given by inspiration of God and containing all things necessary for salvation.
3. This Church will ever obey the commands of Christ, teach His doctrine, administer His sacraments of Holy Baptism and Holy Communion, follow and uphold His discipline and preserve the three orders of bishops, priests and deacons in the sacred ministry.

#### CHAPTER II. - RULING PRINCIPLES

4. This Church, being derived from the Church of England, retains and approves the doctrine and principles of the Church of England embodied in the Book of Common Prayer together with the Form and Manner of Making Ordaining and Consecrating of Bishops, Priests and Deacons and in the Articles of Religion sometimes called the Thirty-nine Articles but has plenary authority at its own discretion to make statements as to the faith ritual ceremonial or discipline of this Church and to order its forms of worship and rules of discipline and to alter or revise such statements, forms and rules, provided that all such statements, forms, rules or alteration or revision thereof are consistent with the Fundamental Declarations contained herein and are made as prescribed by this Constitution. Provided, and it is hereby further declared, that the above-named Book of Common Prayer, together with the Thirty-nine Articles, be regarded as the authorised standard of worship and doctrine in this Church, and no alteration in or permitted variations from the services or Articles therein contained shall contravene any principle of doctrine or worship laid down in such standard.

Provided further that until other order be taken by canon made in accordance with this Constitution, a bishop of a diocese may, at his discretion, permit such deviations from the existing order of service, not contravening any principle of doctrine or worship as aforesaid, as shall be submitted to him by the incumbent and churchwardens of a parish.

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<sup>1</sup> The change of name from Church of England in Australia was made by Canon 16, 1966 which came into effect on 24 August 1981, following enactments by the Parliaments of all States and Territories.

<sup>2</sup> See Note 1 above.

Provided also that no such request shall be preferred to the bishop of a diocese until the incumbent and a majority of the parishioners present and voting at a meeting of parishioners, duly convened for the purpose, shall signify assent to such proposed deviations. Such meeting shall be duly convened by writing, placed in a prominent position at each entrance to the church and by announcement at the morning and evening services, or at the service if only one, at least two Sundays before such meeting, stating the time and place of such meeting, and giving full particulars of the nature of the proposed deviation.

5. Subject to the Fundamental Declarations and the provisions of this chapter this Church has plenary authority and power to make canons, ordinances and rules for the order and good government of the Church, and to administer the affairs thereof. Such authority and power may be exercised by the several synods and tribunals in accordance with the provisions of this Constitution.
6. This Church will remain and be in communion with the Church of England in England and with churches in communion therewith so long as communion is consistent with the Fundamental Declarations contained in this Constitution.

## SCHEDULE B – RULES OF SYNOD

### PART 1 PRELIMINARY AND DICTIONARY

These rules are divided into the following Parts

PART 1 Preliminary and Dictionary

PART 2 Meetings of Synod

PART 3 Order of Business in Synod

PART 4 Elections

PART 5 Select Committees

PART 6 Rules of Debate

PART 7 Committee of the Whole

PART 8 Ordinances

#### DICTIONARY

101 In these Rules unless the contrary intention appears;

“Secretary” means a secretary of Synod;

“session” means a meeting of Synod convened by the Bishop;

“sitting” means a meeting of the Synod of the day on which Synod is convened or on any subsequent day of the Synod;

“the Chair” means the Chair of Committees;

“the President” means the President of the Synod;

“the Property Trust” means the Anglican Property Trust Diocese of Bathurst;

“the Registrar” means the person holding the office or performing the duties of the office of Registrar of the Diocese of Bathurst.

#### CALLING OF SYNOD

102 The Bishop must convene all meetings of the Synod by his mandate requiring the attendance of all persons elected or appointed in accordance with Chapter 3 of the Diocese of Bathurst Administration Ordinance 2003.

### PART 2 - MEETINGS OF SYNOD

#### HOURS OF SITTING

103 (1) The time and place of the first sitting of each Session of Synod shall be fixed by the Bishop in consultation with the Bishop-in-Council. The hours of meeting for the remainder of the sittings shall be fixed by Synod on the recommendation of the Steering Committee.

(2) If at the end 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 no quorum present half an hour after the time fixed for the sitting the President must adjourn the Synod to another date within the following three months.

#### QUORUM

104 (1) The President together with one quarter of the members of each House shall form a quorum of the Synod.

(2) If as a result of a division or of a count held at the request of a member or at any time during a sitting of Synod it appears that there is not a quorum present the President shall adjourn the Synod for a period fixed by him and if within the time a quorum is not present, he must adjourn the Synod under the clause that is so applicable.

#### SUSPENSION OF SITTINGS

105 Unless the Synod otherwise directs by motion the President may without motion suspend a sitting of the Synod for such a period as he thinks fit.

#### DURATION OF SESSION

106 Each Synod continues for a period of three years and must be summoned by the bishop to meet at least once in every calendar year.

#### MEETINGS OF SYNOD

107 The President and the two houses of clergy and laity shall meet in one chamber.

108 (1) A meeting of Synod must, subject to this section, be open to the public.

(2) The President may at any time and, if requested by five members at any time, must order all persons who are not members of Synod to withdraw.

(3) When non-members have been ordered to withdraw, they must be readmitted when the motion before the Synod at the time non-members were ordered to withdraw has been disposed of or adjourned.

#### OFFICERS OF SYNOD

109 The officers of Synod are -

(a) The President who shall be the bishop,

(b) The Chair and the Deputy Chair of Committees, and

(c) Two Secretaries of Synod one of whom shall be a member who is a priest and the other a layperson.

#### ELECTION OF OFFICERS OF SYNOD

110 (1) All officers of Synod except the Bishop must be elected by a simple majority of the whole Synod at the commencement of the first session of each Synod.

(2) Officers of Synod, except the bishop, hold office until the first session of the next Synod unless the person concerned resigns his or her office by notice in writing to the President or ceases to be a member of the Synod.

(3) Where an officer resigns or ceases to be a member of Synod the Synod must then or at its next sitting elect a member to fill the vacancy.

#### DUTIES OF THE SECRETARIES OF SYNOD

111 The duties of the Secretaries of Synod are:

(a) to take minutes of the Synod except when in Committee of the Whole; and

(b) to record all Ordinances and motions passed by the Synod and all reports and other papers laid on the table of Synod; and

(c) prepare the notice paper for each sitting other than the first day of a session of each Synod.

112 The Secretaries must use a separate portion of the Minute Book to record motions and Ordinances that are defeated but such matters shall not be part of the minutes of Synod.

#### DUTIES OF THE REGISTRAR

113 The Registrar shall have custody of the books papers minutes and records of the Synod.

#### ACTING PRESIDENT

114 (1) The President may at any time without motion being made request a member to take the chair as Acting President of the Synod during his temporary absence from the sitting.

(2) An Acting President shall have all the powers and shall exercise all the functions of the President under these Rules during the absence of the President from the sitting.

#### STEERING COMMITTEE

115 (1) A Steering Committee must be appointed by Bishop-in-Council prior to the first session of a Synod and shall hold office until the last sitting of a session of Synod.

(2) The function of the Steering Committee is to plan the Order of the Day for each sitting of Synod and to exercise any other function specified by the Anglican Diocese of Bathurst Administration Ordinance 2003, these Rules, Bishop-in-Council or the Synod.

#### MEMBERS RECORD OF ATTENDANCE

116 (1) A lay representative must present his or her certificate of election or appointment to one of the secretaries at the first session of a Synod at which he or she is present unless this certificate had been previously presented to the Registrar.

(2) Each lay representative present at a session of Synod must record his or her attendance by signing his or her name in a book provided for the purpose.

## MINUTES

117 (1) The Secretaries of Synod must read over the minutes for each day's sitting and certify in writing as to their correctness.

(2) The President must countersign the minutes and report to the next sitting of the Synod that the minutes have been duly certified as being a correct record of the proceedings of Synod

(3) Where the minutes have been certified by the President and the Secretaries they shall be taken to be confirmed by Synod.

## PART 3 ORDER OF BUSINESS IN SYNOD

### NOTICE OF MEETING OF SYNOD

118 When the Bishop convenes a session of the Synod the Registrar must forward to each member of Synod a copy of the Bishop's Mandate to attend not less than fourteen (14) days before the first sitting day of the Session together with:

(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 any Ordinance, these Rules or resolution of the Synod to be presented to the Synod;

(d) a copy of any other report that has been furnished to the Registrar for laying before Synod;

(e) notice of or, where practicable, a copy of each proposed Ordinance included on the Agenda;

(f) a copy of all motions to be moved at Synod which have been received by the Registrar not less than twenty-one (21) days before the date of the first session of Synod;

(g) notice of any proposed elections; and

(h) the estimates determined by Bishop-in-Council.

### REPORTS AND ACCOUNTS TO BE LAID BEFORE THE SYNOD

119 The following reports and accounts shall be laid before the Synod during each annual session:

(a) a report of the work of Bishop-in-Council since the last annual session of the Synod;

(b) a report of the Bishop-in-Council concerning its exercise since the last annual session of Synod of the delegated powers conferred on it;

(c) a report of the work of the Property Trust since its last report to Synod;

(d) all the accounts of each fund under the control of the Synod, Bishop-in-Council and the Property Trust; and

(e) the estimates determined by Bishop-in-Council.

#### NOTICES OF MOTION

120 A notice of motion must not be included on the agenda for the first day of a session unless the Registrar receives notice of the motion in writing not less than twenty-eight (28) days before the first sitting day of the session. (Amended by Ordinance 2009)

121 (1) A notice of motion must not be included on the agenda for the second or subsequent sitting day of a session of Synod unless notice of the motion is given in writing at the appropriate time during the previous day's sitting or unless Synod gives leave.

(2) Notices of motion given on the second or subsequent days of a session must be dealt with as if they were included on the agenda for that day.

122 A notice of motion must be submitted in writing in duplicate and be signed by the Mover.

#### NOTICES OF ORDINANCES

123 A motion for leave to introduce an Ordinance may not be moved during a session unless the provisions of section 120 of these Rules have been complied with.

#### ORDER OF BUSINESS FIRST DAY OF MEETING

124 The Order of Business for the first sitting day of a session is, subject to the recommendation of the Steering Committee, as follows:

- (a) Prayers;
- (b) President's Address;
- (c) Election of Secretaries;
- (d) Election of Chair and Deputy Chair of Committees;
- (e) Election of Committee of Elections and Qualifications;
- (f) Questions of which previous notice has been given to be answered;
- (g) Presentation of reports and accounts;
- (h) Notices of motion to be given;
- (i) Notices of question to be given;
- (j) Decision as to which notices shall be formal;
- (k) Ordinances and any matters brought forward by Bishop-in-Council;
- (l) Motions of which notice has been given;
- (m) Questions of which notice has been given.

125 A matter may be declared by the President or the Synod an “Order of the Day” and if so declared is placed on the Business Paper for attention on a particular day of sitting.

126 Where the Synod directs that any matter be taken at a particular time or following a specified matter the matter must be listed on the order of business accordingly.

#### FORMAL MOTIONS

127 (1) When the President reaches (j) on the Order of Business for the first sitting day he must read over the notices of motions on the Business Paper.

(2) Any motion on the Business Papers must be taken as a formal motion unless objection is taken by any member of Synod saying “Object”.

(3) No member of Synod may say “Object” to a motion unless they personally intend to seek clarification of the motion or to speak against it.

(4) When a motion is not objected to it must be put forthwith without debate.

## PART 4 - ELECTIONS

### APPLICATION

128 This Part does not apply to the election of the Officers of the Synod, the Committee of Elections and Qualifications, members of a Select Committee or the Steering Committee.

### NOTICE OF ELECTION

129 The Registrar must forward to each member of Synod at the same time as the Mandate convening a session of Synod, notice of each election to be held during the session.

### NOMINATIONS

130 (1) Any two or more members of Synod may by writing nominate for election a person or persons not exceeding the number of persons required to be elected

(2) Any person nominated must be qualified to be elected to the office.

(3) A nomination must:

(a) in respect of each person nominated for election, have the consent of the person nominated written on it and signed by the person so nominate or bear a certificate signed by one of the nominators certifying that the person has consented to be nominated for the election; and

(b) be delivered to the Registrar not less than seven (7) days before the first sitting day of the session unless Synod gives leave; and

(c) be accompanied by a dossier of each nominee.

(4) If the number of persons nominated is not sufficient the President may call for further nominations.



(5) If the number of persons nominated is less than or the same as the number to be elected the President must declare the persons nominated to be elected.

(6) If the number of persons nominated is more than the number to be elected the President must cause a ballot to be held.

131 The Registrar is the Returning Officer for any election.

132 (1) The method of voting shall be determined by the Returning Officer with the approval of the President.

(2) Any 12 members of Synod may request that a ballot be conducted by way of secret ballot and if so requested the President must declare that the ballot will be conducted in this manner.

133 The Registrar must circulate to members of Synod the names of the persons nominated and the dossiers provided by the nominees.

134 (1) Unless Synod otherwise directs voting shall take place on the first day of the Session at times set by the Steering Committee;

(2) The Registrar must issue ballot papers to all members of Synod and maintain a record of the persons to whom ballot papers were issued.

(3) A voter to whom a ballot paper has been issued is not be entitled to receive another ballot paper for that election unless first surrendering the previous ballot paper issued to them.

#### COUNTING OF VOTES

135 The President must appoint scrutineers for elections.

136 (1) At the close of the poll the scrutineers shall remove the ballot papers from the box in which they were placed and scrutinise each ballot paper.

(2) The scrutineers must reject as informal a ballot paper

(a) which does not appear to have been validly issued;

(b) which records votes for a greater number of persons than the number required to be elected; or

(c) that is not marked in accordance with this Section.

(3) The scrutineers must then count the number of votes duly cast for each candidate and report the result to the President.

(4) If two or more candidates receive the same amount of votes but there are vacancies for only some of those candidates a new ballot to fill such vacancies shall be held of the candidates who received the equal votes.

(5) The President must report the result of all ballots to the Synod.

## TERM OF OFFICE OF ELECTED PERSON

137 All persons elected remain in office until their successors have been appointed.

## APPOINTMENTS TO VACANT POSITIONS

138 Where the number of persons declared by the President as elected to any office is less than the number of positions available, vacant positions must be filled by Bishop-in-Council.

## DELEGATION OF POWERS OF ELECTION

139 (1) Synod may by resolution delegate its powers of election other than election to Bishop-in-Council itself to Bishop-in-Council.

(2) Additional nominations for the vacant positions may be made to Bishop-in-Council at any time prior to its meeting.

## PART 5 SELECT COMMITTEES

### APPOINTMENT OF SELECT COMMITTEES

140 (1) The Synod may by motion appoint a Select Committee

(2) Where a motion for the appointment of a Select Committee had been passed, the Synod may resolve by motion without notice-

(a) that the members of the Committee shall be elected by ballot; or

(b) that specified persons, including the mover shall be the members of the Committee.

(3) A motion referred to in subsection (2) shall not be open for debate.

### QUORUM FOR SELECT COMMITTEE

141 One half of the members of a Select Committee shall form a quorum of the Committee.

### CHAIR OF SELECT COMMITTEE

142 (1) A Select Committee must elect one of its members to be its chair.

(2) The chair or in his absence a member elected to act as chair during such absence must preside at meetings of the Committee.

(3) The chair or in his absence a member elected by the Committee to do so must furnish the Committee's report to the Synod.

(4) The chair shall have a deliberative but not a casting vote.

### POWERS OF A SELECT COMMITTEE

143 (1) A Select Committee has power to sit during an adjournment of Synod and unless otherwise directed by the Synod to report to the next succeeding session of the Synod.

(2) A Select Committee may subject to this Part regulate its business as it thinks fit.

## PART 6 RULES OF DEBATE

### MEMBERS TO STAND

144 A member must stand when speaking and address the President.

### PRESIDENTS PRIVILEGE

145 (1) The President may take part in debate without leaving the Chair.

(2) When the President rises in his place a member speaking must resume his or her seat and all members other than the President must remain seated until the President resumes his seat.

### QUESTIONS OF ORDER

146 (1) A question of order shall be determined by the President and his determination shall be final unless the Synod acts in accordance with subsection (2)

(2) the Synod may decide upon a question of order upon a motion moved without notice immediately after the determination by the President.

(3) A member may speak to a point of order.

### LENGTH OF SPEECHES

147 (1) Unless Synod otherwise declares the following time limits apply to the length of speeches in the Synod:

(a) In the case of a procedural motion no speaker may speak for more than three (3) minutes; and

(b) In any other case the mover may speak for not more than ten (10) minutes, other speakers for not more than five (5) minutes and the mover may speak in reply for not more than five (5) minutes.

(2) The Synod may on motion put without notice or debate extend the time allowed to a speaker.

### LIMITATION ON DEBATE

148 (1) At any time during a debate on a question, but not so as to interrupt a speaker, a member who has not spoken may ask the President without notice "Whether in the opinion of the President the question has been sufficiently debated."

(2) If upon being asked the question in subsection (1) or at any other time the President is of the opinion that the question has been sufficiently debated he must inform Synod.

(3) When the President informs the Synod that in his opinion the Synod has sufficiently debated the question a member who has not spoken may move without notice "that the question be now put."

(4) Upon the motion in subsection (3) being moved and seconded the President must put the motion without debate.

(5) If the motion “that the question be now put” is carried the President must afford the mover of the motion to which the question relates an opportunity to reply or if he does not wish to do so shall forthwith put the question to the vote.

#### SPEECHES TO DEAL ONLY WITH THE QUESTION UNDER DEBATE

149 The President must call to order any member who in the opinion of the President is digressing from the subject matter of the motion under discussion or who makes personal reflections on or imputes improper motives to another member or who speaks without proper Christian love and charity.

#### INTERRUPTIONS

150 A member must not interrupt a speaker except to raise a point of order or when expressly permitted to do so by these Rules.

#### DISORDERLY CONDUCT

151 (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 must report the member to the Synod which may suspend the member for part or the remainder of the session.

(2) The President may not report a member of the Synod for disorderly conduct until that member has been afforded an opportunity to withdraw any improper remarks or otherwise apologise and has refused to do so.

#### ADJOURNMENT OF DEBATE TO ORDER OF THE DAY

152 When 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 precedence over all or any motions or other Orders of the Day for that sitting.

#### RIGHT OF REPLY

153 (1) A member must not speak more than once in respect of a motion where with the permission of the President a personal explanation is made.

(2) Where an amendment has been moved to a motion a member who spoke on the motion prior to the amendment being moved may speak once only to the amendment.

(3) A member who has not previously spoken may, after an amendment has been moved, speak once only to both the original motion and the amendment.

(4) The mover of a motion who is not the mover of an amendment to the motion may speak a second time but only in reply and before the amendment is put.

(5) When the mover of a motion has spoken in reply the question must be put without further debate.

## ORDER OF MOTIONS

154 (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 by the Steering Committee for that day.

(2) If a motion is not moved or is not adjourned by leave of the Synod when it is due to be moved the motion shall be deemed to have lapsed.

## MOTIONS

155 (1) When a motion has been moved and seconded the President must propose to the Synod the question "that the motion be agreed to".

(2) Any member before the close of the debate may move an amendment to the motion.

156 The mover of a motion must phrase the motion concisely and in plain English.

157 (1) Any motion involving any financial liability must specify the method by which that liability is to be met.

(2) Any motion seeking that something be done must specify the names of the persons who are to carry out that task or assist in carrying out that task.

## AMENDMENTS TO MOTIONS

158 An amendment may not be put unless it has been seconded and two copies of the proposed amendment has been given to the Secretaries.

159 An amendment must be in one of the following forms:

(a) if the purpose of the amendment is to substitute a new motion for the motion moved must be stated "that all words after the word 'that' in the motion be omitted and the following words substituted "; or

(b) if the purpose of the amendment is to alter the motion by deleting certain words and inserting other words instead the amendment must state "that the word or words be deleted and the following word inserted in their place "; or

(c) if the purpose of the amendment is to alter the motion by deleting certain words only the amendment must state "that the words be deleted"; or

(d) if the purpose of the amendment is to alter the motion by inserting or adding certain words to it the amendment must state "that the words be inserted after the word or added at the end".

160 (1) If an amendment has been moved and seconded the question to be proposed by the President must be

(a) if the amendment is that certain words be deleted and other words substituted instead, first "that the words proposed be deleted" and if that question is passed Synod, second "that the proposed words be inserted"; or

(b) in any other case “that the proposed words be deleted” or “that the proposed words be inserted or added” as the case requires.

(2) If a motion that certain words be inserted or added is not passed a motion may be moved for the insertion or addition of other words.

161 -

162 An amendment to a motion must be disposed of before another amendment to the motion may be moved.

163 An amendment (the second amendment) may be moved to an amendment (the first amendment) as if the first amendment were an original motion.

164 Upon a proposed amendment being passed by the Synod, the motion to which it relates is varied in accordance with the terms of the amendment.

#### CERTAIN AMENDMENTS NOT IN ORDER

165 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 the amendment would result in the amended motion being the opposite of the original motion.

#### MOTION TO MOVE TO NEXT ITEM OF BUSINESS

166 (1) If a member wishes to avoid or postpone a decision on a motion, he or she may move without notice “that the Synod proceed to the next item of Business”.

(2) If moved the motion must, immediately after it has been seconded, be put without debate and if PASSED the Synod must proceed forthwith to the next item of business.

(3) No member of Synod who has spoken on the motion may move the motion referred in subsection (1).

#### RESOLUTION OF MOTIONS BY VOICES OR SHOW OF HANDS

167 (1) Subject to this section a motion must be resolved on the voices or by show of hands according to whether in the President’s opinion there is a majority voting “yes” or “no”.

(2) If eight or more members standing in their places require a division on a motion the motion must then be decided according to the result of the division.

#### RESOLUTION OF MOTIONS BY DIVISION

168 If a division is held

(a) The President must put the question and must direct the “yeses” to stand in their places and after being counted the “noes” must do the same;

(b) The President must appoint tellers for each side

(c) The tellers must count the votes for each side either collectively or by houses as the case requires and report the count to the President; and

(d) The President must declare the result of the division including the number voting for or against the motion.

169 Unless a vote by “houses” is required by these Rules the result of a division must be declared according to the votes of all members collectively.

#### DIVISION BY HOUSES

170 (1) Eight members of a House may stand in their places and request that a division take place by way of Houses.

(2) Where a vote by Houses is required the motion is not resolved in the affirmative unless a majority of the members voting in each House vote in favour of the question.

#### MOVEMENT DURING DIVISIONS

171 When a division is held

(a) no member may enter or leave the chamber after the President has directed that the count be commenced; and

(b) after the President has appointed the tellers no member other than a teller shall be entitled to change places.

#### WITHDRAWAL OF MOTION

172 A motion may with the leave of the Synod be withdrawn by the mover with the consent of the seconder.

#### MOTION PREVIOUSLY DEALT WITH

173 A matter that has been dealt with by the Synod at a particular session may not be the subject of a further motion during the session unless Synod resolves otherwise.

#### MOTION TO ADJOURN DEBATE OR SYNOD

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

#### VOTING BY PRESIDENT

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

#### SUSPENSION OF RULES OF SYNOD

176 A matter or thing may be done by or in the Synod notwithstanding the provisions of these Rules if

(a) it is done with the leave of Synod without any member dissenting; or

(b) the operation of these Rules is suspended upon motion moved with notice or a motion without notice passed by at least two thirds of the members present.

#### RIGHT TO SPEAK IN SYNOD

177 (1) Where there is no question before Synod a member may not speak unless they intend to move a motion

(2) Any member rising to move a motion of which notice has not been given must when called upon by the President state what motion the speaker intends to move.

## PART 7 COMMITTEE OF THE WHOLE

### COMMITTEE OF THE WHOLE

178 The Synod shall sit as a Committee of the Whole as provided by these rules or upon a motion moved without notice and passed by the Synod.

### CHAIR

179 When the Synod is sitting as a Committee of the Whole

(a) The Chair of Committees shall preside and

(b) The Chair shall have a casting but not a deliberative vote. ACTING CHAIR

180 (1) If the Chair is unable to attend a sitting of the Synod the Deputy Chair of Committees shall preside.

(2) The Chair or the Deputy Chair may at any time during a sitting of the Committee without notice request a member to act as Chair during the Chair's or Deputy Chair's temporary absence from the sitting.

(3) An Acting Chair shall have all the powers and shall exercise all the functions of the Chair and Deputy Chair as the case may be.

### QUORUM

181 (1) The quorum in a Committee of the Whole shall be the same as that of the Synod.

(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 accordingly to the President.

### MOTIONS IN COMMITTEE

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

### SPEAKING IN COMMITTEE

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

### LENGTH OF SPEECHES

184 Unless the Committee otherwise orders, a member shall not speak more than five (5) minutes on the first occasion of speaking before the Committee of the Whole on a particular matter and shall not speak for more than three (3) minutes in any subsequent speech on the same question.

### ORDINANCES

185 (1) Unless the contrary intention appears a reference to a section of an Ordinance shall be read as including a reference to any schedule preamble and title to the Ordinance.



(2) When a proposed Ordinance is being considered by the Committee of the Whole the Chair without motion must put with respect to each section or subsection "the question is that sections shall stand part of the Ordinance".

(3) The question in subsection (2) may be put by leave of the Committee of the Whole concerning all or some sections together rather than each section separately.

(4) Where a schedule to a proposed Ordinance is divided into paragraphs each paragraph may be considered in Committee of the Whole as if it were a separate section of the Ordinance.

(5) The section providing for the short title to the Ordinance and the Title must be considered after every other clause and schedule and any preambles have been considered, after which the Chair shall put the question "that the Chair do leave the Chair and report to the President the Ordinance with or without amendment".

(6) Where the question referred to in subsection (2) of this section has been proposed amendments to the section may be moved as if the section were a motion.

(7) Where a section is amended the Chair must without motion propose the further question "that the section as amended stand part of the Ordinance".

(8) A motion for the inclusion of a new section must be moved before the section that is to follow has been dealt with by the Committee of the Whole.

(9) Where a section is omitted from or inserted in a proposed Ordinance it shall not be necessary for any consequential renumbering or altering of references to be put and agreed by the Committee of the Whole and such alteration is to be made by the Secretaries and certified by the Chair.

(10) Grammatical and typographical errors may be corrected by the Secretaries and certified by the Chair.

186 (1) Part 3 of these Rules applies to proceedings in Committee of the Whole as if references to the President were references to the Chair and references to the Synod be read as references to the Committee.

(2) The Committee may not suspend a member or members but the Chair may report to the President any such recommendation.

## PART 8 ORDINANCES

### BISHOP-IN-COUNCIL SPONSORED ORDINANCES

187 An Ordinance sponsored by Bishop-in-Council must be printed as part of the Orders for the Day for the first sitting day of the Synod

### PRIVATE MEMBER'S ORDINANCES

188 (1) A member of Synod wishing to present a private member's Ordinance must present it to the Registrar at least twenty-one (21) days before the Synod convenes

(2) The proposed Ordinance must be signed by at least six members of the Synod and sufficient copies must be provided for each member of the Synod.

#### LEAVE TO BE GIVEN

189 No proposed Ordinance may be considered by Synod unless the Synod gives leave to introduce the proposed Ordinance.

#### PROCEDURE FOR CONSIDERING ORDINANCES BY SYNOD

190 Ordinances must be considered in Synod and the Committee of the Whole in accordance with the following procedure-

(a) When Synod grants leave to introduce a proposed Ordinance the member in charge of the proposed Ordinance must move without notice "that the Ordinance be considered" or "that consideration of the proposed Ordinance be an Order of the Day for"

(b) Once the motion "that the Ordinance be considered" is moved the general principles of the proposed Ordinance may be debated.

(c) When the Synod has agreed to consider a proposed Ordinance Synod may

(i) consider the Ordinance immediately; or

(ii) resolve to discuss the Ordinance in a Committee of the Whole; or

(iii) fix another time for further consideration of the proposed Ordinance.

(d) When the Chair of Committees reports to the President that the proposed Ordinance has been agreed to either with or without amendments the President without motion must put the question "that the report be adopted".

(e) The motion referred to in subsection (d) may be amended for the purpose of having the proposed Ordinance reconsidered by the Committee of the Whole but may not otherwise be amended.

(f) When the Chair's report concerning a proposed Ordinance is adopted the member in charge of the Ordinance must move either "that the Ordinance do now pass" or "that further consideration of the Ordinance be an Order of the Day for a future time".

(g) When the Synod has agreed to pass the Ordinance it must be presented to the Bishop for his assent after which it shall become law.

191 (1) In all matters which are not provided for in these Rules a ruling from the President must be sought and each such ruling shall have the same force as a Rule of Synod unless the Synod determines otherwise.

(2) The Secretaries must record each ruling from the President under this section.

## SCHEDULE C

### Canon No. 17, 1992

A canon concerning authorised lay ministry

Whereas ministry is of the essence of the life of the whole body of Christ:

and whereas all baptised persons are called to minister in the Church and in the world:

and whereas certain persons are called to a public and representative lay ministry within and on behalf of this Church:

and whereas it is desirable for the sake of decency and good order within this Church to recognise and regulate certain of those public and representative ministries:

now therefore the General Synod prescribes as follows:

#### SHORT TITLE

1. This canon may be cited as the Authorised Lay Ministry Canon 1992

#### DEFINITION

2. In this canon, "lay ministry" means a lay ministry referred to in section 3 but does not include any function required by the discipline or doctrine of this Church to be exercised or performed only by a deacon, priest or bishop.

#### AUTHORITY

3. (1) A lay person who is a communicant member of this Church may be authorised by the bishop of a diocese to exercise within and for this Church in that diocese one or more of the following lay ministries:
  - (a) the reading and conduct of authorised services of this Church;
  - (b) the preaching of sermons;
  - (c) assistance to the priest in the ministration and distribution of the Holy Communion;
  - (d) any other lay ministry declared by the bishop of the diocese to be an authorised lay ministry for the purposes of this canon.
- (2) An authority under sub-section (1) may be limited by reference to all or any of the following:
  - (a) the nature of the functions authorised to be performed;
  - (b) the person or persons at whose request or by whose authority the functions may be performed;
  - (c) the place at which and the period during which the functions may be performed.
- (3) The bishop of a diocese may revoke an authority given under this section.

#### DIOCESAN BISHOP MAY PRESCRIBE CERTAIN RULES

4. Except as otherwise provided by the synod of the diocese, the bishop of a diocese may prescribe -

- (a) the qualifications of persons who may be authorised to exercise a particular lay ministry;
- (b) the procedure for authorising persons to exercise a particular lay ministry;
- (c) the form of an authority to exercise a particular lay ministry;
- (d) the duties and functions which may be performed under an authority to exercise a particular lay ministry;
- (e) the manner in which the duties and functions of a particular lay ministry are to be performed; and
- (f) the vesture to be worn by persons performing any particular function in accordance with an authority to exercise a particular lay ministry.

#### AUTHORITY OF BISHOP

5. The provisions of this canon shall not operate to restrict any authority of the bishop or synod of a diocese or to preclude any practice in a diocese relating to a particular lay ministry.

#### REPEAL

6. The Lay Assistants at Holy Communion Canon 1973 ceases to have effect in a diocese that adopts this canon by ordinance of the synod of the diocese.

#### COMING INTO FORCE BY ADOPTION

7. The provisions of this canon affect the order and good government of this Church within a diocese and shall not come into force in a diocese unless and until the diocese, by ordinance, adopts it.

## SCHEDULE D - PARISH ACCOUNTING AND REPORTING REGULATIONS 2005

(Refer Sections 569 and 584)

1 It shall be a function of the Treasurer and the Churchwardens of a principal church in a parish -

A Before the annual meeting, to prepare financial statements of the Parish using the form of statements prescribed by Bishop-in-Council or a form of statement providing similar information including -

(i) a statement of all money received and expended during the previous financial year .

(ii) a statement of the assets of the parish at the close of the financial year (in which the value of any lands and buildings may be shown as the cost price, Valuer General's current valuation, the estimates provided on behalf of the Property Trust to the parish for the replacement and reinstatement cost calculated in accordance with the terms and conditions of the current insurance policy, or a valuation by an independent qualified valuer).

(iii) a statement of the liabilities of the parish at the close of the financial year, including amounts due for payment to the Diocese as Parish contributions to the Synod Management Fund and reimbursement of amounts paid by the Diocese on behalf of the Parish including Long Service Leave, Superannuation, Stipend Continuance Insurance premiums for clergy, and insurances and for other charges levied by the Synod.

(iv) where separate accounts are kept by them or by other persons appointed or approved by them or by the Parish Council of money collected, expended or held in connection with specific matters and these accounts are not aggregated in the statements referred to in clauses 1A(i), (ii) and (iii) separate financial statements with regard to such money.

The accounts referred to in this sub-section include but are not limited to all parish accounts and reports including those relating to Cattle and Wheat Schemes, Retirement Villages, Parish Anglicare operations, AWA and MU accounts, parish funds administered by the Anglican Property Trust (AMIF or otherwise) and any accounts of Branch Churches.

(v) a statement in such form as is from time to time prescribed by resolution of Bishop-in-Council setting out full particulars of all current insurance effected by them but only to the extent that such insurances have not been taken out by the Anglican Property Trust Diocese of Bathurst;

(vi) an interim statement showing all money received and expended by them after the termination of the previous financial year (including payment of stipends, salaries, wages and other expenses).

(vii) a statement of outstanding accounts as at the last day of the month immediately preceding the vestry meeting including amounts due for payment to the Diocese.

(viii) a budget for the current financial year, and

(ix) for “prescribed parishes” and “prescribed segments of parishes” such additional financial statements and information as may be required by or pursuant to the Accounts and Reporting (Organisations and Corporations Ordinance) 2004 (refer clause 1(1)(a), 1(1)(b), 3(1) and 3(3) of the Ordinance).

B Before the annual meeting to report on the statements prepared by them pursuant to sub-paragraphs 1A(i) to (vii) and to state in that report –

whether the statements, in their opinion have been prepared in compliance with Schedule D of the Anglican Diocese of Bathurst Administration Ordinance and have been properly drawn up so as to present fairly the assets and liabilities and moneys received and expended by the Parish, and

(2) where financial information of parish organisations is not included in the foregoing statements, that separate financial statements of those organisations will be attached to the accounts to be distributed to parishioners for adoption at the parish annual meeting.”

C Before the annual meeting, call on the auditor or auditors duly appointed to report on the statements prepared by them pursuant to sub-paragraphs (i), (ii), (iii), (iv) and (ix) of paragraph (A) and on the accounting records kept by them and to state in that report -

(i) whether the statements, in the opinion of the auditor or auditors, are properly drawn up so as to give a true and fair view of the assets, liabilities and money received and expended,

(ii) whether the statements, in the opinion of the auditor or auditors, comply with the provisions of this prescription and of any provisions in or regulations made pursuant to the Anglican Diocese of Bathurst Administration Ordinance, and

(iii) where not so satisfied, the reasons for not being so satisfied;

D on at least one Sunday before the annual meeting, being a Sunday on which at least one service is conducted, to make copies of those statements and reports available for inspection or distribution (or both) at or near each main entrance to the principle church and wherever possible any branch church, in such quantities and manner as the parish priest and churchwardens may reasonably determine, and to cause an announcement to be made at such service (but if more than one service is conducted on that Sunday, then at all such services) to the effect that those statements and reports are so available;

E at the annual meeting to produce those statements and reports;

F within 7 days after the annual meeting, to forward copies of the statements referred to in paragraph A and the reports referred to in paragraph B to the Bishop's Registrar.

- 2 The churchwardens may arrange for a person or persons to perform any one or more of the functions referred to above from time to time on behalf of the churchwardens. An arrangement made under this sub-clause does not limit the powers or the delegations of the churchwardens nor does it have the effect of removing from the churchwardens or any of them, their, his or her responsibility for the charge and administration of any funds or property of the church.