

BATHURST
DIOCESE
Sharing Jesus for Life



ADMINISTRATION ORDINANCE

2023

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ADMINISTRATION ORDINANCE 2003-2014

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- 5 The rules ordering the administration of the Church in this Diocese having become unwieldy, in some cases outdated and in others unworkable, this Diocese has resolved at this time to consider afresh all matters relating to the administration of the Diocese.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 2023.

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 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

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.
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.
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 most 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 Bishop's 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 and ratified by Bishop-in-Council. (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.)

COOPERATION WITH OTHER BODIES

- 219 The Bishop must bring before Bishop-in-Council for approval any proposal to form a partnership with another diocese or organisation involving the commitment of financial or other material resources.

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 once published, whether 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 The copy of an Ordinance (whether in an amended form or not) certified by the Registrar and published on the website of the Diocese 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 benefits and allowances of the Bishop and the benefits 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.
- (4) The Bishop may summon up to two lay persons being at least 18 years of age, but not more than 30 years of age at the time of his or her appointment who are qualified to be a member of Synod.

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.

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 alternate 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 alternate 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 alternate 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 alternate Lay Representative is unable or unwilling to act, the Parish Priest must notify the remaining alternate 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 alternate Lay Synod Representatives, Parish Council may elect one person as such representative.
- 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, they must:
- (a) notify the Bishop and the Parish Priest of their inability to attend as soon as practicable, and
 - (b) on receipt of notification the vacancy must be filled by the alternate Lay Synod Representative.
- (2) This section does not apply if the event giving rise to the inability occurs less than one week 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 alternate 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 Deleted by the Miscellaneous Amendments Ordinance 2010.

NOTIFICATION TO REGISTRAR

- 312 A Parish Priest must inform the Registrar of the names and contact information of all lay representatives or alternate 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 Bishop's 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) Members of the Anglican Property Trust, Diocese of Bathurst;
 - (b) 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 document 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.
- (e) To publish if Bishop-in-Council in its absolute discretion decides a Diocesan Newspaper from time to time and issue a Yearbook 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 COMMITTEE

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

- (a) to recommend to Bishop-in-Council the minimum stipend (and rate of superannuation on that stipend) for the Bishop, any Assistant Bishop, the Diocesan Archdeacon, Parish Priests, other stipendiary clergy and lay stipendiary workers;
- (b) to recommend minimum benefits, allowances and reimbursements for the persons referred to in sub paragraph (a);
- (c) to recommend minimum fees and allowances for services conducted by licenced clergy not referred to in sub paragraph (a);
- (d) to consider and recommend changes in conditions of service of clergy and lay stipendiary workers licensed within the Diocese;
- (e) to consider and report to Bishop-in-Council in respect of any matter concerning stipends, benefits and allowances which is referred to it by Bishop-in-Council.

APPOINTMENT TO THE STIPENDS AND CLERGY WELFARE COMMITTEE

428 The Stipends and Clergy Welfare Committee 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:

- (a) two members of the clergy; and
- (b) two lay persons.

Amended by Ordinance 2012.

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

- (a) At least four members of the Committee 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; and
- (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 Committee remain in office until their successors are appointed.

431 (1) An appointed member of the Stipends and Clergy Welfare Committee 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 COMMITTEE

- 432 The Stipends and Clergy Welfare Committee 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 COMMITTEE

- 434 The Committee 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 Committee 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 Committee 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 appointed by 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) recommend to Bishop-in-Council an external auditor (or auditors);
 - (b) provide an avenue of communication between the auditors and Bishop-in-Council;
 - (c) confirm and assure the professional independence of the auditors;
 - (d) review and approve annually the audit plan and auditors' fee proposal;
 - (e) meet with the 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 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; and
 - the internal controls of the Diocese;
- (f) provide Bishop-in-Council, after consultation with the Diocesan Business Manager, with an assessment of the performance of the external auditors, 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

- (g) consider the assessment of the auditors of the Diocesan policies and procedures for accounting controls in reporting both to statutory bodies, and to Bishop-in-Council and the Synod;
- (h) review all financial reports issued to the Synod or to the public;
- (i) review all financial reports issued by the auditors to the Diocese, government, or the public;
- (j) 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 be professionally qualified in accounting and another must be professionally qualified in law and 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; and
- (i) any employee of the Bishop's Registry.

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 in the Audit Committee 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 – MISCELLANEOUS

NOTICES

- 500 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

- 501 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

- 502 Any dispute arising concerning the interpretation of this Ordinance shall be referred to the Bishop whose decision shall be final.

TERM OF OFFICE

- 503 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

- 504 The financial year for 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

- 505 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.
- 506 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, dispense in writing with strict compliance with any provision of this Ordinance.
- 507 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.
- 508 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 AUSTRALIA¹

PART I

CHAPTER I. – FUNDAMENTAL DECLARATIONS

1. The Anglican Church of Australia², 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.

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

¹ 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.

² See Note 1 above.

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.
- 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 section 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.