



Anglican Diocese
of Adelaide

2021

SYNOD PAPERS



FOR THE THIRD SESSION OF
THE 44TH TRIENNIAL SYNOD

167TH ANNUAL SESSION

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Synod

Almighty and everliving God,
give wisdom and understanding,
to the members of the Synod of this Diocese of Adelaide.
Teach us in all things
to seek first your honour and glory.
May we perceive what is right
have courage to pursue it
and grace to accomplish it,
through Jesus Christ our Lord. **Amen.**

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Anglican Diocese
of Adelaide



Welcome to St Peter's College for the Annual Session of Synod 2021

Welcome to the Annual Session of Synod 2021, in what has been a challenging year due to COVID-19. A special welcome is extended to any new members of Synod.

Location

The 2021 session of Synod will occur in Memorial Hall, located at the centre of the St Peter's College campus. **Please find a map overleaf.**

Parking

Synod attendees are requested to park in the Hackney Road Car Park. This is the main car park with 110 spaces. It is located immediately inside the Hackney Road entrance, to the right.

Further parking spaces are available via Pembroke Street, North Terrace and Trinity Street entrances.

Covid-19

This year's Synod will be conducted to comply with relevant SA Government Emergency Declarations and Directions in force at the time, including the requirement to wear face masks.

Catering

Lunch, Morning and Afternoon Tea will be provided on Saturday. Afternoon Tea will be provided on Sunday, if necessary.

Please note that catering arrangements have been arranged in order to comply with Covid-safe recommendations.

Gluten Free and Vegetarian options will be available for lunch and for the morning/afternoon tea on the day, and do not need to be pre-ordered. Please ask at the counter in the Da Costa Dining Hall if you require assistance relating to gluten free and vegetarian options.

Space for Prayer & Reflection

The Chapel, adjacent to Memorial Hall, will be open for use by Synod members during Synod until 5.00 pm on Sunday.

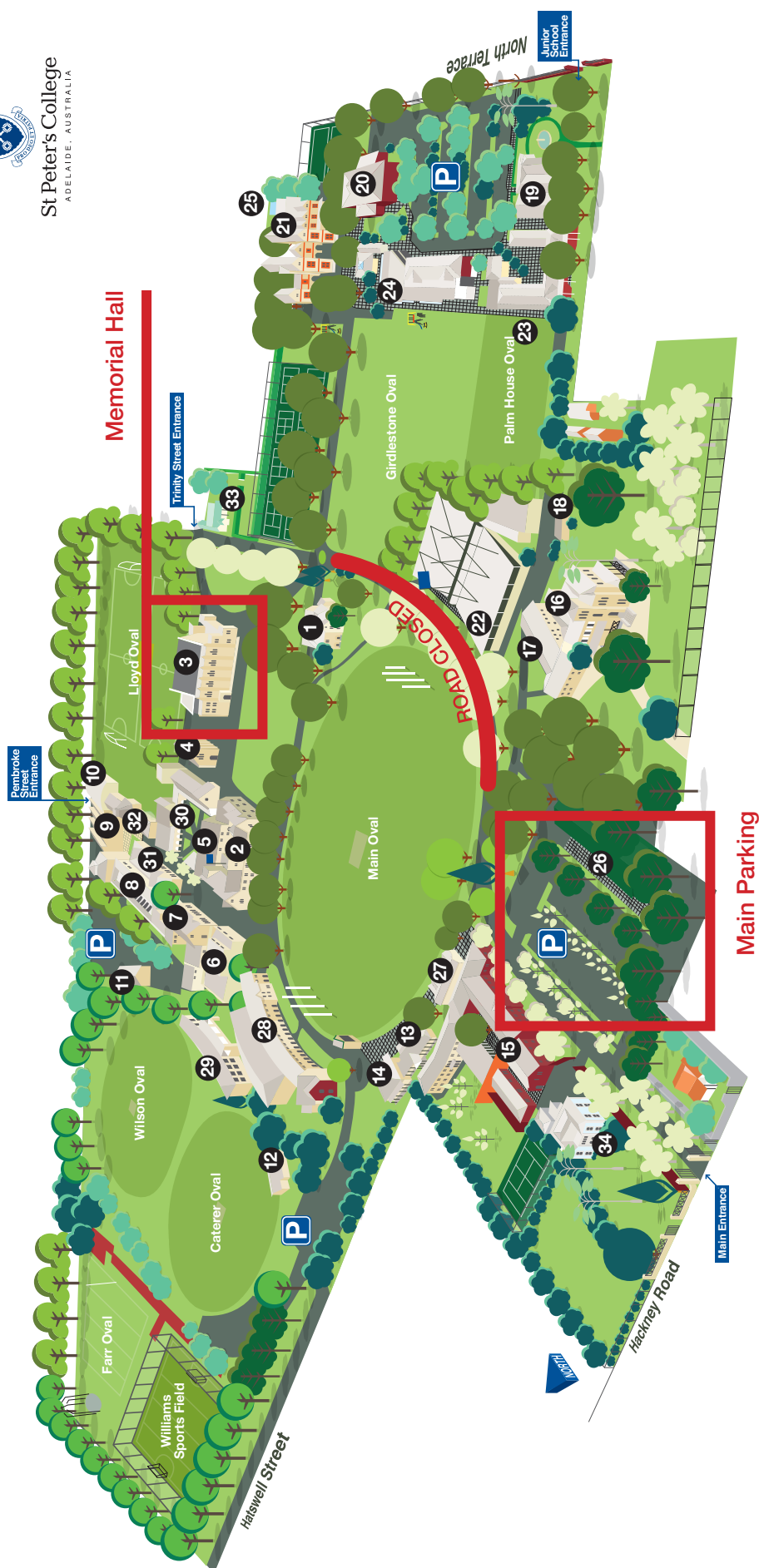
Information

While attending Synod, if you have any questions about the site, please speak to the staff at the Registration Desk in Memorial Hall.

If you have specific queries in relation to Synod 2021, please do not hesitate to contact the Secretary of Synod on 8305 9357 or synod@adelaideanglicans.com

Joe Thorp

Secretary of Synod



St Peters, Adelaide, Australia. 5069

stpeters.sa.edu.au

@SPC_Adelaide

- | | | | | | | | |
|----|---|-----|-----------------------------------|-----|--|-----|-----------------------------------|
| 1. | Oval House (visitors and enquiries) | 9. | Art and Technology | 18. | Uniform Shop | 27. | Nitschke Pavilion |
| 2. | Old School House / Headmaster's Office (Senior School administration) | 10. | Drama | 19. | Old Palm House (Early Learning Centre) | 28. | Pentreath Building (Middle Years) |
| 3. | Memorial Hall | 11. | Maintenance and Grounds Workshops | 20. | Junior School Hall | 29. | Pond Building |
| 4. | Chapel | 12. | Brookman Pavilion | 21. | Shinkfield Building | 30. | Big Quad |
| 5. | Big School Room | 13. | Health Centre | 22. | Burchall Sports Centre | 31. | Information Technology |
| 6. | Miller Library | 14. | Tuck Shop | 23. | New Palm House | 32. | Senior School Changerooms |
| 7. | Da Costa Dining Hall and Kitchen | 15. | Boarding House | 24. | Bickersteth (Junior School administration) | 33. | College House |
| 8. | Florey Science Centre | 16. | Athelney House | 25. | Junior School Pool | 34. | Allen House |
| | Florey Science Centre | 17. | Hill Wing Music Centre | 26. | Goat Paddock Shed | | |

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Friday 15 October – Sunday 17 October 2021

The Third Annual Session of the Forty Fourth Triennial Synod

167th Annual Session

The Synod of the Diocese of Adelaide of the Anglican Church of Australia Inc.

Please note that the order of the Notice Paper will not be varied by the President, The Most Rev'd Geoffrey Smith without good reason.

If a matter is not concluded when the President declares a break, that matter will be resumed after the break.

| | | |
|---------------------------------|-------------------|---|
| FRIDAY, 15 OCTOBER | 7:00pm | Synod Eucharist, St Augustine's of Canterbury, Unley |
| SATURDAY, 16 OCTOBER | | St Peter's College, Memorial Hall, Hackney Road, Hackney |
| | 8:30am | Registration |
| | 9:00am | Morning Prayer followed by the President's Address to the Diocese |
| | 9:30am | Business Session – <ul style="list-style-type: none">• Welcome and Procedural Motions• Petitions & Questions• Motions without Notice (including motions arising from the President's Address) |
| | 10.30am | Morning Tea |
| | 11.00 am | Business Session – including Finance Report & Legislation |
| | 12:45pm | Lunch |
| | 1.30pm– 5.00pm | Open Space Discussion on Marriage, Same Sex Marriage and the Anglican Church of Australia |
| | 5.00 pm | AnglicareSA Ltd Annual General Meeting |
| | 5.50 pm | Evening Prayer |
| | 6:00pm | Synod adjourns |

**SUNDAY,
17 OCTOBER**

12.30 pm

1.00pm

1.20pm

3.30 pm

4.00 pm

5.50 pm

6.00 pm

St Peter's College, Memorial Hall,
Hackney Road, Hackney

Registration Opens

Open Session

Business Session

Afternoon Tea

Business Session

Evening Prayer

Synod close

1. Welcome and introductory remarks by the President, The Most Rev'd Geoffrey Smith – Archbishop of Adelaide.

2. **PROCEDURAL MOTION**

Moved by Mr Joe Thorp, Secretary of Synod

Seconded by The Rev'd Canon Jenny Wilson

That this Synod welcomes:

- The Observers from the Diocese of Willochra (Mrs Rosemary O'Leary, The Rev'd David Thompson & Mr Gavin Tyndale) and the Diocese of The Murray (The Rev'd Wayne Corker, Dr Edward Sandercock & Ms Donna Jones);
- Sudanese Missional Congregations;
 - The Pastor and Observers from the Dinka Sudanese Anglican (Episcopal) Missional Congregation at Playford;
 - The Pastor and Observers from The Lakes Province of Sudan (Episcopal) Missional Congregation at St Luke's Whitmore Square;
 - The Pastor and Observers from the Sudanese Anglican (Episcopal) Congregation at Church of the Holy Redeemer, Ingle Farm;
- Emmanuel Tamil Community, Parish of Lockleys
- The Observer from the Congregation of St Barnabas' Croydon;
- The Observers from MarThoma Church, Adelaide;
- Ms Susan Arnold, Diocesan Finance Manager;
- Mr Blaine Fitzgerald, Head Anglican Funds South Australia (AFSA);
- Ms Paula Davies, Professional Standards Director;
- Prof Lorna Hallahan, Convenor, Professional Standards Committee;
- Mrs Susan McLeod, Senior Chaplain;
- Ms Sharon Lockwood, Survivor Advocate;
- Members of the Property, Finance and Resource Committee (PFRC) who are not members of Synod;
- Ministry Unit Members who are not members of Synod;
- Members of the Diocesan Risk & Audit Committee who are not members of Synod;
- Directors of the Board of AnglicareSA Ltd who are not members of Synod;
- ABM SA Reconciliation, Advocacy & Education Missioner, Mr Brad Chapman;
- Cathedral Chapter Canons who are not members of Synod; and
- Ordinands;

and accords them a seat on the floor of Synod with the right to speak but not to vote or move or second motions.

3. **PROCEDURAL MOTION**

Moved by Mr Joe Thorp, Secretary of Synod

Seconded by The Rev'd Canon Jenny Wilson

That so much of Standing Orders be suspended to allow for the timetable of Synod to be as outlined on the Notice Paper noting several orders of the day.

4. **PROCEDURAL MOTION**

Moved by Mr Joe Thorp, Secretary of Synod

Seconded by The Rev'd Canon Jenny Wilson

That this Synod suspend so much of Standing Orders as is necessary to:

Allow for the use of electronic voting, in accordance with the memorandum circulated to members of Synod, at this Session of Synod as and when the President shall determine.

5. The President announces the appointment of the Synod Minutes Secretaries and Scrutineers.
6. The President tables the register of members of the Synod, announces the procedure for recording attendance, and welcomes members new to this session.
7. The President tables the names of those members whom he has excused from attendance and tables the register of alternate lay members of Synod.
8. The Secretary of Synod explains matters of procedure and personal comfort.
9. The President tables the parochial statistics and "Reports and Accounts for Synod 2021", containing the following Annual and Special Reports and Accounts, previously distributed.

| | |
|---------------------------|---|
| Members of Synod | Clergy Representatives |
| | Lay Representatives |
| Diocesan Reports | Secretary of Synod Report |
| | Diocesan Council Report to Synod |
| | Diocesan Risk and Audit Committee |
| | Property Finance & Resource Committee |
| | Children & Youth Ministry Unit |
| | Leadership & Education Ministry Unit |
| | Community Engagement Ministry Unit |
| | Professional Standards Committee |
| | Anglican Funds – South Australia |
| | St Barnabas College |
| | Discernment & Ministry Formation |
| | Chaplaincy |
| | Financial Operations |
| | ACNC – Annual Information Statement |
| Parish Ministry | St Peter's Cathedral |
| | Adelaide Area Deanery |
| | Eastern Area Deanery |
| | Gawler Area Deanery |
| | South Eastern Area Deanery |
| | South Western Area Deanery |
| | Western Suburbs Area Deanery |
| Anglican Societies | Evangelical Fellowship in the Anglican Communion SA |
| | Girls' Friendly Society in SA Inc |
| | Mothers' Union Australia – Diocese of Adelaide |
| Anglican Entities | AnglicareSA Ltd |

| | |
|------------------------------|--|
| | AnglicareSA Housing Ltd |
| | St Mark's College |
| | Leigh Trust |
| Anglican Networks | Anglicans for Makarrata |
| | Anglican Ecumenical Network |
| | Anglican Creation Care Network |
| | Movement for the Ordination of Women |
| Anglican Schools | Schools Liaison Officer's Message |
| | Pedare Christian College |
| | Pulteney Grammar School |
| | St Andrew's School |
| | St Columba College |
| | Walford Anglican School for Girls |
| Partner Organisations | Anglican Board of Mission |
| | Australian Fellowship of Evangelical Students |
| | Churches Together SA (formerly SA Council of Churches) |
| | Bush Church Aid Society |
| | Schools Ministry Group |
| | Church Missionary Society SA/NT |
| | Engage Work Faith |
| | Converge International |
| | SparkLit |

10. Petitions and Questions may be presented.

11. **APPOINTMENT TO CHAIR OF COMMITTEES**

Moved by Mr Joe Thorp, Secretary of Synod

Seconded by The Rev'd Canon Jenny Wilson

That Mr Grant Chapman be appointed Chair of Committees for this session of Synod.

12. **VOTE OF THANKS to the President for his Address to the Diocese**

Moved by Ms Sandy Mitchell

Seconded by Mr Ian Gray

That a Vote of Thanks be accorded to the President for his Pastoral Address to the Synod.

13. Motions without Notice.

14. The President calls over the Notice Paper.

Any members of Synod (except the member in whose name the motion stands) may call "Object" if he or she wishes the matter to be debated. In the absence of any such objection, the motion will be regarded as formal and will be put forthwith without amendment or debate.

15. FINANCE (p 19)

A presentation by Ms Susan Arnold, Finance Manager & Mr Joe Thorp, Registrar and Secretary of Synod.

(Leave will be sought from Synod for Ms Susan Arnold to present.)

15.1 **Moved by Mr Kevin Stracey**

Seconded by Mr Joe Thorp, Secretary of Synod

That Synod receives the Financial Statement for the year ended 30 June 2021 and the Synod Operations Finance Report for the year ended 2021 as dispatched with the Notice Paper.

15.2 **Moved by Mr Kevin Stracey**

Seconded by Mr Joe Thorp, Secretary of Synod

That Synod adopts the Synod Operations budget for the year ended 30 June 2021 as dispatched with the Notice Paper.

ASSESSMENT

15.3 **Moved by Mr Kevin Stracey**

Seconded by Mr Joe Thorp, Secretary of Synod

That Synod adopts the estimate of Diocesan Expenses for the 2022 year and the rate of assessment of 16.00% of assessable income for the 2022 year and encourages Diocesan Council to continue to investigate the feasibility of reducing the rate of assessment.

LEGISLATION

16. RETIREMENT ORDINANCE 1988

Moved by Mr Joe Thorp, Secretary of Synod

Seconded by The Rev'd Michael Lane

That this Synod agrees in principle to a Measure to amend the Retirement Ordinance 1988.

17. CONTINUING MINISTRY EDUCATION ORDINANCE 2003

Moved by The Right Rev'd Denise Ferguson

Seconded by The Rev'd Canon Jenny Wilson

That this Synod agrees in principle to a Measure to repeal the Continuing Ministry Development Ordinance 2003.

18. ST BARNABAS THEOLOGICAL COLLEGE ORDINANCE 2010

Moved by The Right Rev'd Denise Ferguson

Seconded by The Rev'd Canon Jenny Wilson

That this Synod agrees in principle to a Measure to amend the St Barnabas Theological College Ordinance 2010.

19. ASSESSMENT ORDINANCE 1985
Moved by Mr Kevin Stracey
Seconded by Ms Emma Riggs
That this Synod agrees in principle to a Measure to amend the Assessment Ordinance 1985.
20. LONG SERVICE LEAVE ORDINANCE 1992
Moved by Mr Kevin Stracey
Seconded by Ms Emma Riggs
That this Synod agrees in principle to a Measure to repeal the Long Service Leave Ordinance 1992.
21. INSURANCE OF PROPERTY ORDINANCE 1984
Moved by Mr Kevin Stracey
Seconded by Ms Emma Riggs
That this Synod agrees in principle to a Measure to amend the Insurance of Property Ordinance 1984.
22. TRUSTS OF THE SEE ORDINANCE
Moved by Mr Don Palmer
Seconded by Ms Emma Riggs
That this Synod agrees in principle to a Measure to amend the Trusts of the See Ordinance.
23. ELECTION OF MEMBERS OF SYNOD ORDINANCE 1985
Moved by Ms Katherine Dellit
Seconded by The Rev'd Canon Jenny Wilson
That this Synod agrees in principle to a Measure to amend the Election of Members of Synod Ordinance 1985.
24. PAROCHIAL ADMINISTRATION ORDINANCE 1985
Moved by Ms Katherine Dellit
Seconded by The Rev'd Michael Lane
That this Synod agrees in principle to a Measure to amend the Parochial Administration Ordinance 1985.
25. CONSTITUTION
Moved by Mr Joe Thorp, Secretary of Synod
Seconded by Bishop Tim Harris
That this Synod agrees in principle to a Measure to amend the Constitution.
26. THE STANDING ORDERS ORDINANCE 1980
Moved by Mr Joe Thorp, Secretary of Synod
Seconded by The Venerable David Bassett
That this Synod agrees in principle to a Measure to amend The Standing Orders Ordinance.

27. DOMESTIC & FAMILY VIOLENCE

Moved by The Rev'd Dr Joan Riley

Seconded by Bishop Tim Harris

This Synod in acknowledging the findings of the National Anglican Church Family Violence Research Project:

- notes that Diocesan Council has endorsed the Ten Commitments for Prevention and Response to Domestic and Family Violence in the Anglican Church of Australia and recommended their adoption by Synod; and
- takes action to enable and equip Anglican communities to best respond to support victim-survivors of domestic and family violence by:
 1. receiving and adopting the Ten Commitments for Prevention and Response to Domestic and Family Violence in the Anglican Church of Australia; and
 2. committing to a process of education, policy making and lament in the Diocese of Adelaide in accordance with the 10 Commitments.

(Leave will be sought from Synod for The Rev'd Dr Joan Riley to present for 15 minutes on the background to the DFV project.)

28. RAISE THE AGE OF CRIMINAL RESPONSIBILITY

Moved by Bishop Chris McLeod

Seconded by Ms Katherine Dellit

That this Synod:

- supports raising the age of Criminal Responsibility from 10 to 14 years;
- asks that copies of this resolution be sent to the General Synod of the Anglican Church of Australia for its consideration and support; and
- asks the President to write conveying the resolution and support for it to the Federal and South Australian Attorneys General, and the Council of Attorneys General.

29. KANGAROO ISLAND

Moved by The Venerable David Bassett

Seconded by Mrs Vivien Bleby

That this Synod:

1. gives thanks to God for the people and ministry of the Parish of Kangaroo Island, acknowledging the significance of the only full-time minister on the Island and the unique situation of the parish due to its isolation and joins with the parish in praying for a new minister for the parish;
2. continues to uphold the Island in our prayers as they rebuild after the devastating bushfires of December 2019 – January 2020 and deal with the ongoing Covid-19 pandemic and especially its effect on tourism;
3. gives thanks to God for the ongoing support of BCA in providing 50% of a stipend; and

4. commits to supporting the parish to cover 50% of a stipend through encouraging parishes and congregation members to give to the KI Ministry Support Appeal underwritten by the Synod for the next 5 years.

30. ALPHA COURSE PRESENTATION

Moved by Dr David Phillips

Seconded by The Rev'd Ben Woodd

That this Synod:

1. recognises the valuable contribution made by Alpha interactive sessions in this Diocese for creating spaces where people can explore life and the Christian faith, ask questions, and share their point of view; and
2. requests the Diocesan Council, before next year's Synod, arrange for an Alpha representative to present to Synod members and other interested Anglicans an introduction to Alpha explaining how it is run and providing training for those interested in running Alpha sessions.

31. CREATION CARE NETWORK

Moved by The Rev'd Canon Jenny Wilson

Seconded by Mr Peter Burke

This Synod welcomes the Report of the Anglican Creation Care Network as it reflects on its work since 2017, and its development as a network across the Anglican Province of South Australia, and commends the following actions to the parishes and organisations of the Diocese of Adelaide:

- to encourage a more intentional liturgical focus on the beauty and wonder of God's creation, and our stewardship in creation care as an essential response to the Mission of God in Christ, including the use of liturgical resources such as the 'Seasons of Creation', 'Eco Church Resources' and others;
- to encourage parishes to include creation care in the development of Mission Action Plans, through prayerful study and imaginative action, including the use of the Anglican Board of Mission resource 'A Climate for Change' and other resources, to give due honour to God's Creation and connecting it with the faith we confess and to include progress updates in their reports to Synod;
- to encourage parishes to voluntarily undertake an Environmental Audit of their property and grounds with a view to reducing our carbon footprint, enhancing the development of green spaces, engaging in improved recycling practices, and reducing energy costs; and
- to encourage the people of the Diocese to participate in creation care learning opportunities, such as the Eco Spirituality Program in the Diocese of Willochra, the work of ARocha, visits to community gardens and other environmental projects, and the Anglican Creation Care Network.

32. ANGLICARESA THANKYOU

Moved by The Rev'd Dr Joan Riley

Moved by Dr Geoff Bloor

That this Synod thanks AnglicareSA for their ongoing support of the Synod, consistent with Anglicare SA's Objects as a Christian organisation which seeks to express God's love and care for the needs of individuals, families and communities, through funding support of the National Aboriginal Bishop, the Bishop Missioner to Playford, Senior Chaplain, hospital chaplains, parish partnerships and for the support and development of theological reflection and ministerial formation.

33. MINISTRY IN CHAPLAINCIES

Moved by Bishop Denise Ferguson

Seconded by Mr Peter Burke

That this Synod gives thanks for the ministry of the laity and clergy in Community and Health Care chaplaincies across the Diocese, and is grateful for the support offered through the collaboration between AnglicareSA and the Diocese of Adelaide, to the ministry of the Senior Chaplain for Community and Health Care Ministry.

(Leave will be sought from Synod by Bishop Denise Ferguson to show a short video highlighting the diversity of the mission field in which the chaplains serve.)

34. OPEN SPACE DISCUSSION - ORDER OF THE DAY, SATURDAY 16 OCTOBER – 1.30 PM – SYNOD CONFERENCE

An Open Space Discussion will be facilitated by The Rev'd Bronwyn Pagram.

THE REV'D BRONWYN PAGRAM – THANKYOU

Moved by The Venerable David Bassett

Seconded by Dr David Phillips

That this Synod thanks The Rev'd Bronwyn Pagram for her facilitation of the Open Space Discussion on Marriage, Same Sex Marriage and the Anglican Church of Australia

35. MOTIONS WITHOUT NOTICE – arising from Item 13

36. THANKYOU TO THE MINISTRY UNITS, PARISH OFFICERS, COMMITTEE MEMBERS & VOLUNTEERS

Moved by Ms Sandy Mitchell

Seconded The Rev'd Canon Jenny Wilson

That this Synod gives thanks to God for the work undertaken by the Ministry Units and for the commitment of Parish Officers, committee members and volunteers to further God's work in the Diocese of Adelaide.

37. **VOTE OF THANKS for Synod Arrangements**

Moved by The Rev'd Andy Wurm

Seconded by Ms Emma Riggs

38. **CLOSING WORSHIP**

NOTICE OF ANNUAL GENERAL MEETING

Notice is hereby given of the Eighth Annual General Meeting of Anglicare SA Ltd. ACN 169 715 762 ("the Company")

DATE: Saturday, 16 October 2021
TIME: 5.00pm
LOCATION: Memorial Hall
St Peter's College
Hackney Road, Hackney SA 5069

Anglicare SA Ltd.
ABN 69 187 578 153
ACN 169 715 762
159 Port Road
Hindmarsh SA 5007
P: 08 8305 9200
F: 08 8305 9211
admin@anglicaresa.com.au
www.anglicaresa.com.au

At the meeting, Members will have the opportunity to:

- Ask questions about operations and finances of AnglicareSA
- Speak about any items on the agenda
- Vote on any resolutions proposed

At the meeting, Members will be asked to vote to:

- Confirm the minutes of the Annual General Meeting held via Circular Resolution on 21 November 2020
- Receive the Annual Report of the Board for the year ended 30 June 2021
- Receive the Financial Statements for the year ended 30 June 2021
- Receive the auditor's report for the year ended 30 June 2021
- Appoint an auditor for the next 12 months
- Approve amendments to the Anglicare SA Ltd Constitution

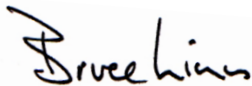
At the meeting, the following Special Resolutions will be proposed:

- Amendments to the Anglicare SA Ltd. Constitution

Recommendation: *That the Members of Anglicare SA Ltd. approve the amendments to the Anglicare SA Ltd. Constitution.*

Agenda and papers will be made available on 1 October 2021, and the audited financial statements will be made available on 8 October 2021 following approval by the AnglicareSA Ltd Board.

On behalf of the Board



Bruce Linn AM

Chair of the Board

3 September 2021



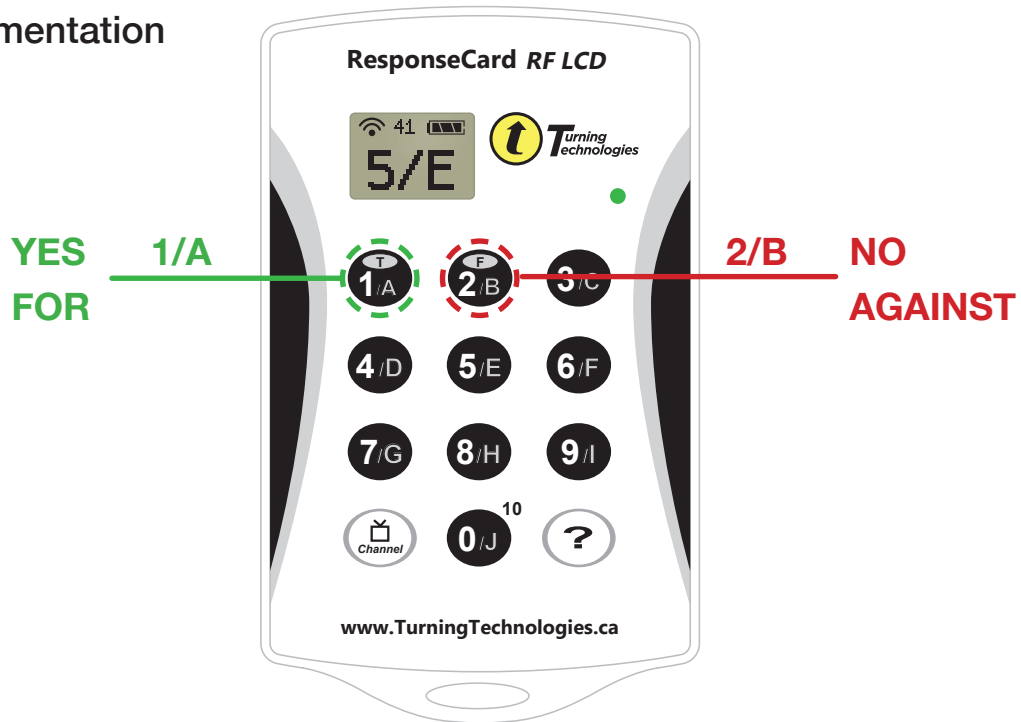
Working towards a
reconciled Australia

Electronic Voting at Synod

Diocesan Council, at its August 2013 meeting, endorsed the following proposal to implement Electronic Voting at Synod sessions. Key points relating to the planned system:

- Electronic voting will only be used where voting by voices is unclear and a manual count is required, or when voting by orders is requested.
- A motion will be moved to suspend Standing Orders so far as required to implement Electronic Voting

Implementation



Each voting member of Synod will receive upon registration a lanyard with a name card, and a voting device. The rear of the name card will include directions on the use of the voting device. Each device will be uniquely identified with the member of Synod.

During a session of Synod, there are generally four types of votes that may occur. Electronic voting will apply to two of these votes.

| | | |
|---|---|------------------------|
| Voting on the voices | Synod Standing Orders Part IV, Section 28 | Procedure unchanged |
| Voting by orders | Constitution Chapter III, Section 18 (4) Synod Standing Orders Part IV, Section 28 | Electronic voting |
| Voting by standing (Challenged or unclear result on voices) | Synod Standing Orders Part IV, Section 28 | Electronic voting |
| Elections & Ballots | Election of a Bishop Ordinance Elections and Appointments Ordinance | Procedure unchanged |



Anglican Diocese
of Adelaide

Synod Operations Finance Report

This report details the Synod Operations component of the Synod consolidated financial statements for the year ended 30 June 2021. Transactions relating to Anglican Funds SA, Trust Funds, The See and St Barnabas College (SBC) are only included to the extent of income received and grants paid by Synod Operations.

For the year ended 30 June 2021 Synod Operations recorded an operating surplus of \$585k, a positive variance against the budgeted position. After allowing for redress settlements of \$353k, a net surplus of \$231k was recorded.

The 2021-22 budget was approved by Diocesan Council at its meeting in June 2021 and is presented to Synod to assist with the setting of the assessment rate for the 2022 year.

| | | 2020-21 | 2020-21 | 2020-21 | 2021-22 |
|--------------------------------------|-----------------------------|---------------|---------------|--------------|---------------|
| Synod Operations Summary | | Actual | Budget | Variance | Budget |
| | | \$'000 | \$'000 | \$'000 | \$'000 |
| Assessment | | 979 | 1,000 | -21 | 1,000 |
| Investment Income | | 453 | 349 | 104 | 349 |
| External Grants | Leigh Trust | 915 | 727 | 188 | 750 |
| | Anglican Funds SA | 450 | 400 | 50 | 500 |
| Special Fund Grants | | 412 | 412 | 0 | 418 |
| Other Income | | 11 | 0 | 11 | 0 |
| Total Income | | 3,220 | 2,888 | 332 | 3,017 |
| Less: Grants Paid | The See | -167 | -465 | 298 | -34 |
| | SBC Operating | -220 | -259 | 39 | -263 |
| | SBC Library | -55 | -70 | 15 | -70 |
| | SBC Discernment & Formation | -13 | -50 | 37 | -50 |
| | SBC Ministry Development | -65 | -70 | 5 | -25 |
| Total Grants Paid | | -520 | -914 | 394 | -442 |
| Net Synod Operations Income | | 2,700 | 1,974 | 726 | 2,575 |
| Synod Office Funding: | | | | | |
| Bishops Office | | -126 | -182 | 56 | -375 |
| Professional Standards | | -332 | -292 | -40 | -338 |
| Ministry Services | | -278 | -342 | 64 | -390 |
| Corporate | | -658 | -855 | 197 | -667 |
| Governance | | -600 | -574 | -26 | -670 |
| Operations | | -121 | -194 | 73 | -135 |
| Total Funding | | -2,115 | -2,439 | 324 | -2,575 |
| Operating Surplus/Deficit | | 585 | -465 | 1,050 | 0 |
| Critical Incident Settlements | | -353 | 0 | -353 | 0 |
| Net Surplus/Deficit | | 232 | -465 | 697 | 0 |

2020-21 Actual to Budget variances:

Synod Operations Income was \$331k higher than budgeted following the receipt of an additional distribution from the Leigh Trust and increased investment income due to the investment of proceeds received from the sale of various properties.

While assessment income was close to budget, it should be noted that budgeted income was reduced by 23% on the previous year to reflect the expected impact of Covid-19 restrictions.

Grants Paid were \$394k less than budget mostly due to the reduction in funding required by The See following the sale of Bishops Court. Funds received from the sale have been invested in the Anglican Funds SA Endowment Fund and are now generating income that makes The See mostly self-funding.

Synod Office Funding was \$323k below budget with savings following a reduction in FTE and the impact of Covid-19 restrictions on the timing of planned expenditure.

Redress Settlements of \$543k were paid during the year. After adjustments for end of year accruals, an expense of \$353k has been recorded for the year ended 30 June 2021.

2021-22 Budget

Summary

A conservative approach has been taken for the 2021-22 budget, with no significant changes to Synod operations and a breakeven position being budgeted.

Additional income generated from the sale of Bishops Court and the creation of a Strategic Property Fund has enabled the funding of new initiatives while still balancing the budget.

New Initiatives

The following initiatives have been budgeted for 2021-22:

- Survivor Advocate position and associated office costs
- Lay & Ministry Development initiative expected to start in the second part of 2021-22

The costs of these initiatives have been included in the Bishops Office budget. SBC Ministry Development costs for the second part of 2021-22 have been moved to the Bishops Office budget and incorporated within the Lay & Ministry Development initiative.

Assessment

The assessment rate is budgeted to remain at 16%.

At the time of preparing the budget in May 2021 only 40% of 2020 assessment acquittals had been lodged, with movements in parish assessment ranging between an increase of 61% and a decrease of 27% on their 2019 returns.

Due to these significant variations, the budgeted assessment income for 2021-22 was left unchanged at the 2020-21 budgeted amount of \$1m.

Investment Income

The distribution from the Endowment Fund is budgeted to remain at \$0.075 cents per unit. The Endowment Fund distribution should remain relatively stable for the next few years due to the calculation method employed by the Fund.

Grant Income

Grant income received from Anglican Funds SA is budgeted to increase to \$500k.

The Leigh Trust regular grant is expected to increase slightly from a total of \$727k to \$750k based on advice received from the Trust. No additional grants are expected to be received from the Trust during the year.

Property Income

Budgeted property income has been adjusted back to pre-COVID rates.

Grants Paid

Operating grants totalling \$408k have been allowed to cover the costs of St Barnabas College. This includes funding for Formation & Discernment, Ministry Development, and the library.

Following the investment of funds from the Bishops Court sale, the operating grant to The See has reduced from \$465k to \$34k.

Settlements

Consistent with previous years, no allowance has been made for critical incident or National Redress Scheme settlements to be paid in 2021-22.

Anglicare SA Support

Included within the budget is \$175k funding received from Anglicare SA.

Projected Deficits

Although the 2021-22 budget is balanced, future projections indicate deficit budgets from 2022-23 onwards. The deficits are due to expected reductions in assessment income and increasing cost pressures.

The Synod will also continue to face critical incident and National Redress Scheme settlements in coming years.

**ESTIMATE OF DIOCESAN EXPENDITURE
2022 ASSESSMENT YEAR**

NOTICE OF MOTION 15.3

Clause 9 of the Assessment Ordinance requires Synod to be provided with an estimate of Diocesan Expenses for the 2022 Assessment year. As the Synod Operational budgets are based on a financial year this separate estimate has been prepared using the 2021/22 budget and forecasts for the 2022/23 financial year.

**ESTIMATE OF DIOCESAN EXPENDITURE
2022 ASSESSMENT YEAR**

| | 2021 | 2022 |
|------------------------------------|---------------|---------------|
| | \$'000 | \$'000 |
| Synod Operations Income | | |
| Assessment | 989 | 1,000 |
| Investment Income | 453 | 453 |
| External Grants | 1,219 | 1,250 |
| Special Fund Grants | 415 | 418 |
| Grants Paid | -481 | -444 |
| Net Synod Operations Income | 2,595 | 2,677 |
| Funding: | | |
| Bishops Office | -250 | -376 |
| Corporate | -662 | -670 |
| Governance | -635 | -673 |
| Ministry Services | -334 | -391 |
| Operations | -128 | -135 |
| Professional Standards | -335 | -339 |
| Total Funding | -2,344 | -2,584 |
| Surplus / (Deficit) | 251 | 93 |

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EXPLANATORY MEMORANDUM

Retirement Ordinance Amendment Ordinance 2021

The main purpose of this Measure is to amend the Retirement Ordinance 1988 so as to allow the Bishop to appoint a retired member of the clergy to be licensed for a 3 year term, instead of the 6 month term currently permitted by section 4(b) of the Ordinance.

Recent experience is that many parishes are likely to experience lengthy vacancies after their parish priest resigns and before a new appointment can be made. Most locum tenens appointments involve retired clergy. This amendment will facilitate increased stability for parishes during a vacancy, where the preferred candidate for the locum tenens appointment is a retired clergy person.

Clause Notes

Part 1 deals with necessary preliminary matters.

Clause 1 provides for the short title of the Ordinance.

Clause 2 is a relatively standard provision stipulating that the measure will come into operation on a date determined by the President.

Clause 3 provides for the amendment of the Ordinance in the manner set out in Part 2 of the Ordinance.

Part 2 contains the amendment proposed to the Ordinance.

Clause 4 enables retired members of clergy to be appointed for a term of up to three years.

A MEASURE FOR

AN ORDINANCE to amend the *The Retirement Ordinance 1988*.

NOW THE SYNOD HEREBY DETERMINES:

Part 1 - Preliminary

1 - Short title

This Ordinance may be cited as the *The Retirement Amendment Ordinance 2021*.

2 - Commencement

This Ordinance will come into operation on a date and at a time to be determined by the President.

3 - Amendment of principal ordinance

The *The Retirement Ordinance 1988* is amended in the manner set out in Part 2.

Part 2 - Amendment of the *Retirement Ordinance 1988*

4 – Amendment of section 4 – Retired Members of the Clergy

Section 4 (b) – delete “six months” and substitute:

three years

THE RETIREMENT ORDINANCE 1988

AN ORDINANCE to provide for the retirement of the Bishop and members of the clergy.

WHEREAS it is expedient to provide for the retirement of the Bishop and members of the clergy upon their attaining an age as hereinafter set forth but with provision for postponement of retirement in certain circumstances NOW THE SYNOD HEREBY DETERMINES:

Title

1. This Ordinance may be cited as "The Retirement Ordinance 1988".

Retirement Conference

2. Every member of the clergy upon reaching the ages of 63 years and 68 years and upon being summoned by the Bishop to do so shall confer with the Bishop on the subject of the retirement of that member of the clergy, the pastoral care of that member of the clergy in retirement and any matters incidental to the retirement of that member of the clergy, and such conference shall take into account the views of such persons or bodies as are likely to be affected by such retirement.

Age of Retirement

3. Subject to the provisions of this Ordinance the Bishop and every member of the clergy holding any office mentioned in his or her licence shall retire from such office upon attaining the age of 70 years.

Retired Members of the Clergy

4. Nothing contained in this Ordinance shall prevent a retired member of the clergy (whether retired pursuant to the provisions of this Ordinance or otherwise) from:
 - (a) performing any functions pursuant to a general licence granted by the Bishop; or
 - (b) being licensed as locum tenens of a parish or other office for a period not exceeding ~~six months~~ three (3) years.

Passed 19th September 1988

Amended 16th September 1989, sections 1, 2, 3, 7;
sections 4, 5, 6, 8, 9 repealed; section 7 renumbered 4

Amended 14th September 1990 by the The Ordinances Publication Ordinance Amendment
Ordinance 1990 - Title - Section 1

Legislative history notes relating to revisions under the Ordinances Publication Ordinance 2004

- (1) Preamble – “clergymen” deleted and “members of the clergy” substituted in two places
- (2) Section 2 – “clergyman” deleted and “member of the clergy” substituted in four places
- (3) Section 3 – “clergyman” deleted and “member of the clergy” substituted
- (4) Section 3 – “or her” inserted after “his”
- (5) Section 4 – Heading substituted
- (6) Section 4 – “clergyman” deleted and “member of the clergy” substituted

EXPLANATORY MEMORANDUM

Continuing Ministry Education Ordinance Repeal Ordinance 2021

Synod adopted the Continuing Ministry Education Ordinance in 2003.

Development of an on-going professional development programme for clergy is an important focus for Diocesan leadership. While the Ordinance covers this ground, few clergy appear to be engaging with the continuing education regime it establishes. In addition, the Ordinance is sadly out of date, containing as it does references to the Ministry Development Council which is long since defunct.

Diocesan leadership is of the view that meeting the professional development needs of clergy requires a more agile approach. This could best be achieved by repealing the Ordinance and establishing a policy framework under which clergy would be encouraged and required to undertake professional development. General Synod's directions about supervision have already been incorporated into the Bishop's Licensing Policy (1.3.2021). Further papers on Ministry Wellbeing and Development Policy are being considered by General Synod. It seems a logical extension to include all on-going educational requirements into the Bishop's Licensing Policy in the same way that supervision requirements now sit in that policy. By adopting this approach the Diocese would be in a position to respond more promptly to General Synod initiatives and to fine-tune the framework from time to time without the delays that are inherent in amending Ordinances.

Clause Notes

Part 1 deals with necessary preliminary matters.

Clause 1 provides for the short title of the Ordinance.

Clause 2 is a relatively standard provision stipulating that the measure will come into operation on a date determined by the President.

Clause 3 provides for the repeal of the Ordinance.

A MEASURE FOR

AN ORDINANCE to repeal the *Continuing Ministry Education Ordinance 2003*.

NOW THE SYNOD HEREBY DETERMINES:

Part 1 - Preliminary

1 - Short title

This Ordinance may be cited as the *Continuing Ministry Education Ordinance Repeal Ordinance 2021*.

2 - Commencement

This Ordinance will come into operation on a date and at a time to be determined by the President.

3 - Repeal of principal ordinance

The *Continuing Ministry Education Ordinance 2003* is repealed.

CONTINUING MINISTRY EDUCATION ORDINANCE 2003

AN ORDINANCE to provide for the Continuing Ministry Education of Clergy and Authorised Lay Ministers.

THE SYNOD HEREBY DETERMINES:-**Title**

1. This Ordinance may be cited as the “Continuing Ministry Education Ordinance 2003”.

Interpretation

2. (1) In this Ordinance

“minister” means a member of the clergy and in receipt of not less than one-third of the minimum stipend or a lay person authorized by the Bishop for ministry in accordance with the Authorised Lay Ministry Canon 1992 of the General Synod and in receipt of not less than the equivalent of one-third of the minimum stipend.

“continuing ministry education” means any recognized education process relevant to ministry undertaken by the minister which extends professional knowledge.

“deploying body” means a parish, organization, council, body or diocese to which the person is licensed and which is responsible for providing the minister’s stipend, salary or allowances.

“minimum stipend” means the minimum stipend fixed for other clergy in accordance with the Stipends Ordinance 1980.

“nomination committee” means the nomination committee called in accordance with the Parochial Administration Ordinance 1985, a similar committee called in accordance with a parochial trust deed, or a committee established for the purpose of appointing an authorised lay minister.

- (2) Nothing in this Ordinance affects the Status of Clergy Ordinance 2002.

Continuing Ministry Education Requirement

3. (a) In the three-year period 1 January 2004 through to 31 December 2006 a minister is required to complete at least 60 hours of continuing ministry education.
- (b) In the three-year period 1 January 2007 through to 31 December 2009, and each subsequent three-year period a minister is required to complete at least 120 hours of continuing ministry education.

Continuing Ministry Education Leave and Allowance

4. (a) The minister shall be entitled to leave of absence from duties to undertake continuing ministry education for ten days including one Sunday in each calendar year or for such greater period as may be determined by the deploying body.
- (b) Where leave to undertake continuing ministry education is not utilized in a calendar year it will not accumulate to subsequent years.
- (c) Where a minister is in receipt of less than the minimum stipend the entitlement to leave shall be reduced pro-rata according to the stipend received.
5. (a) The minister shall receive from the deploying body a continuing ministry education allowance of not less than \$250 each year or such other amount as may be determined by the Diocesan Council.
- (b) Where a minister is in receipt of less than the minimum stipend the continuing education allowance shall be reduced pro-rata according to the stipend received.

Reporting Continuing Education

6. A minister must in November each year provide to the deploying body a report on continuing ministry education undertaken during the year and planned for ensuing years.
7. The minister may be required by the Bishop to provide to the Bishop a copy of the report forwarded to the deploying body.
8. The Bishop may advise a nomination committee of the continuing ministry education undertaken by a minister.

Policy, Evaluation and Planning

9. A minister may request the Ministry Development Council to provide assistance in evaluating their ministry or in developing plans for continued ministry education.
10. The Ministry Development Council shall establish policies and provide resources to give effect to this ordinance.

Exception

11. Nothing in this ordinance shall be binding upon any deploying body employing and remunerating a minister in accordance with an award, a contract or an enterprise agreement.

EXPLANATORY MEMORANDUM
St Barnabas' Theological College Ordinance
Amendment Ordinance 2021

The main purpose of this Measure is to amend the St Barnabas' Theological College Ordinance 2010 to remove the current provision which disallows anyone who may be a student of the College from being appointed to the College Council.

This amendment allows for student representation within the College's governance structures, in line with a general recommendation from Tertiary Education Quality and Standards Agency.

Clause Notes

Part 1 deals with necessary preliminary matters.

Clause 1 provides for the short title of the Ordinance.

Clause 2 is a relatively standard provision stipulating that the measure will come into operation on a date determined by the President.

Clause 3 provides for the amendment of the Ordinance in the manner set out in Part 2 of the Ordinance.

Part 2 contains the amendments proposed to the Ordinance.

Clause 4 deletes the prohibition on students of the College from being appointed to the College Council.

A MEASURE FOR

AN ORDINANCE to amend the *St Barnabas' Theological College Ordinance 2010*.

NOW THE SYNOD HEREBY DETERMINES:

Part 1 - Preliminary

1 - Short title

This Ordinance may be cited as the *St Barnabas' Theological College Ordinance Amendment Ordinance 2021*.

2 - Commencement

This Ordinance will come into operation on a date and at a time to be determined by the President.

3 - Amendment of principal ordinance

The *St Barnabas' Theological College Ordinance 2010* is amended in the manner set out in Part 2.

Part 2 - Amendment of the *St Barnabas' Theological College Ordinance 2010*

4 – Amendment of Section 6 – Composition of Council

Section 6 (2) – delete “student of the College or a”

**ANGLICAN CHURCH OF AUSTRALIA
DIOCESE OF ADELAIDE**

ST BARNABAS' THEOLOGICAL COLLEGE ORDINANCE 2010

An Ordinance to provide for St Barnabas' Theological College to be established by legislative measure as an authority of the Synod; to provide for the functions, governance and administration of the College; to make a related amendment to the *Diocesan Council and Ministry Units Ordinance 2007*; and for other purposes.

The Synod hereby determines:

Part 1—Preliminary

1—Title

This Ordinance may be cited as the *St Barnabas' Theological College Ordinance 2010*.

2—Interpretation

In this Ordinance, unless the context or subject matter otherwise dictates:

the College means the College continued in existence under Part 2;

the Council means the Council of the College referred to in section 5;

Principal means the Principal of the College appointed under section 10.

Part 2—Constitution of St Barnabas' Theological College

3—Continuation of St Barnabas' Theological College

- (1) St Barnabas' Theological College continues as an authority of the Synod constituted under this Ordinance.
- (2) The College is constituted by the Council and its staff, fellows, scholars and students.
- (3) Subsection (2) does not derogate from the status or powers of the Council as the governing body of the College (see especially section 5).

4—Functions and powers

- (1) The College has the following functions:
 - (a) to foster and provide facilities for study and research in the Christian faith;

- (b) to provide, in consultation with the Bishop, courses of study and formation appropriate to equip persons for lay or ordained ministry;
 - (c) to provide further education and formation for persons in the ministry of the Church to assist them in the development of academic and pastoral skills appropriate to their ministry;
 - (d) to publish books, journals, papers and other materials relating to the Christian faith;
 - (e) to cooperate with, and enter into affiliation with, universities and other bodies, as appropriate, in connection with the study of the Christian faith;
 - (f) to maintain a library to support the work of the College;
 - (g) to perform other functions assigned to the College by resolution of the Synod or by the Bishop after consultation with the Diocesan Council.
- (2) The College may, for the purpose of performing its functions, exercise any powers that are necessary or expedient for, or incidental to, the performance of its functions.
- (3) Without limiting subsection (2), the College may, in connection with the performance of the functions of the College, on behalf of the Synod—
- (a) maintain and use property (including any rights or privileges); and
 - (b) enter into agreements, arrangements and transactions, including for the provision of services or the performance of any work; and
 - (c) receive gifts, donations and financial allocations, hold, manage and invest funds and securities, and undertake expenditure; and
 - (d) charge fees and recover expenses; and
 - (e) establish admission rules and other requirements associated with the activities of the College and its students.
- (4) The College is, in the performance of its functions and the exercise of its powers, subject to the direction of the Synod.

Part 3—Constitution of Council of College

5—Council of College

- (1) The College will be governed by a Council constituted in accordance with this Ordinance.

- (2) An act done or a decision made by the Council (including by performing a function or exercising a power of the College under this Ordinance) is an act or decision of the College.

6—Composition of Council

- (1) The Council consists of the following members:
- (a) the Bishop, who will be the President of the College and the presiding member of the Council;
 - (b) 3 persons elected by the Synod who must be communicant members of this Church but who do not need to be members of the Synod;
 - (c) 2 persons appointed by the Diocesan Council who must be communicant members of this Church but who do not need to be members of the Synod or members of the Diocesan Council;
 - (d) 2 persons who the Bishop may from time to time appoint who do not need to be members of this Church but who must be members in good standing of a Christian Church;
 - (e) 3 persons who the Council may from time to time appoint who do not need to be members of this Church but who must be members in good standing of a Christian Church;
 - (f) the Principal *ex officio*.
- (2) A ~~student of the College or a~~ member of the staff of the College (other than the Principal) is not eligible to hold office as a member of the Council.
- (3) A person or body making an appointment under subsection (1) (an ***appointing authority***) must seek to ensure that the membership of the Council comprises persons who—
- (a) together provide a broad range of backgrounds that are relevant to the activities of the College; and
 - (b) together have the abilities, knowledge and experience necessary to enable the Council to carry out its functions effectively.
- (4) The Bishop may appoint a person to attend a specified meeting of the Council, or any meetings of the Council held within a specified period, as the deputy of the Bishop (and, while so acting, the person may perform the functions and exercise the powers of the presiding member of the Council).
- (5) A person elected under subsection (1)(b) may be removed from office by resolution of the Synod.

- (6) A person appointed under subsection (1)(c), (d) or (e)—
 - (a) will hold office for such period as may be specified by the appointing authority at the time of appointment but in any event for a period not exceeding the end of the ordinary session of Synod held in an election year referred to in section 14 of the Constitution; and
 - (b) may, in any event, be removed from office on any ground considered appropriate by the appointing authority.
- (7) A member of the Council is eligible for re-election or re-appointment at the expiration of a term of office.
- (8) No act or proceeding of the Council is invalid by reason only of a vacancy in the office of a member, or a defect in the appointment of a member.

7—Meetings of Council

- (1) If the President, or a deputy of the President, is not present at a meeting of the Council (or is unable to act), the members present at the meeting must decide who is to preside.
- (2) The Principal of the College will not have a vote at a meeting of the Council (but may otherwise participate in any proceedings as a full member of the Council).
- (3) The person presiding at a meeting of the Council will not have a deliberative vote at the meeting.
- (4) Subject to subsections (2) and (3), each member of the Council present at a meeting of the Council will have a vote on a matter arising for determination by the Council and, in the event of an equality of votes, the person presiding will have a casting vote.
- (5) A decision carried by a majority of votes cast under subsection (4) is a decision of the Council
- (6) Six members of the Council will constitute a quorum at a meeting of the Council (but for the purposes of determining a quorum the Principal of the College will not be counted).
- (7) A conference by telephone or other electronic means between members of the Council will, for the purposes of this section, be taken to be a meeting of the Council at which the participating members are present if—
 - (a) notice of the conference is given to all members of the Council in a manner determined by the Council for the purpose; and

- (b) each participating member is capable of communicating with every other participating member during the conference.
- (8) A proposed resolution of the Council becomes a valid decision of the Council despite the fact that it is not voted on at a meeting of the Council if—
 - (a) notice of the proposed resolution is given to all members of the Council in accordance with procedures determined by the Council; and
 - (b) a majority of the members of the Council (other than the Principal) express concurrence in the proposed resolution by letter, facsimile transmission, e-mail or other written or electronic communication setting out the terms of the resolution (and for the purposes of this subsection the President will not have a deliberative vote but may exercise a casting vote in the event of an equality of votes).
- (9) The Council must meet at least 4 times in each calendar year.
- (10) The Council must cause accurate minutes to be kept of the business conducted at meetings of the Council.
- (11) Subject to this Ordinance, the procedure for the conduct of business at meetings of the Council will be determined by the Council.

8—Committees

- (1) The Council may appoint such committees of the Council as the Council thinks fit.
- (2) A committee of the Council may include persons who are not members of the Council.
- (3) A committee of the Council has such functions as are specified by the Council.
- (4) The President is entitled to attend and to take part in any meeting of a committee of the Council.

9—Delegation

- (1) The Council may delegate any of its functions or powers—
 - (a) to a specified person or body; or
 - (b) to a person occupying a specified office or position.
- (2) A delegation under this section—
 - (a) may be made subject to such conditions as the Council thinks fit; and

- (b) if the instrument of delegation so provides—may be further delegated by the delegate: and
- (c) is revocable at will and does not derogate from the power of the Council to act in any matter itself.

Part 4—Principal and staff**10—Principal**

- (1) The office of Principal of the College is established.
- (2) The Principal will be appointed by the Council with the consent of the Bishop.
- (3) The Principal will hold office on terms and conditions, and for such period, determined by the Council after consultation with the Bishop.
- (4) The Council may, with the consent of the Bishop, appoint a person to act in the position of the Principal during the absence of the Principal or during any period when the Principal is unable to act in his or her office or the office of Principal is temporarily vacant.
- (5) The Principal must be a communicant member of the Anglican Church.

11—Functions of Principal

- (1) The Principal will be—
 - (a) the academic and professional leader of the College; and
 - (b) a pastor to the students and staff of the College; and
 - (c) the person with the oversight of worship within the College's community.
- (2) The Principal will also be responsible to the Council for—
 - (a) managing the staff and resources of the College; and
 - (b) giving effect to the policy and decisions of the Council; and
 - (c) undertaking other roles associated with activities of the College specified or approved by the Council.
- (3) The Council may give directions to the Principal with respect to any matter relating to the affairs of the College and the Principal must comply with any such direction.

12—Staff

- (1) The staff of the College will be appointed by the Principal within a staffing structure determined by the Council after taking into account the advice of the Principal.
- (2) Subject to subsection (3), a member of the staff of the College will hold office on terms and conditions determined by the Principal.
- (3) However, an appointment under subsection (2)—
 - (a) is subject to any obligation that binds the College or any agreement to which the College is a party; and
 - (b) must not be contrary to any policy of the Synod or any decision or direction of the Council.

Part 5—Miscellaneous**13—Academic boards**

- (1) The Council may, after taking into account the advice of the Principal, appoint one or more academic boards with functions determined by the Council.
- (2) The Principal is entitled to attend and to take part in any meeting of a committee of an academic board.

14—Financial matters

- (1) The Council must cause proper accounting records to be kept in relation to the financial affairs of the College, and must have annual financial statements prepared in respect of each financial year.
- (2) The financial statements and accounts of the College will be subject to an annual audit by an auditor approved by the Diocesan Council.

15—Rules

- (1) The Council may make rules for the conduct of the affairs of the College.
- (2) A rule may not be made unless—
 - (a) notice of intention to make the rule has been given in the notice convening the meeting of the Council at which the rule is proposed to be made; and
 - (b) the resolution for making the rule is carried by a majority of at least two-thirds of those present and voting on the resolution; and

- (b) the Bishop has consented to the rule.

16—Transitional provision

If this Ordinance takes effect at a time when the Synod is meeting—

- (a) nominations for election to the Council under section 6(1)(b) may be called by the Bishop at that Synod (without the need to issue a summons or to give any other notice); and
- (b) information about any person nominated may be provided to members of the Synod in such manner as the Bishop may determine; and
- (c) any relevant election may be held at that Synod,

(and this section will prevail to the extent of any inconsistency between this section and the provisions of the *Elections and Appointments Ordinance 1980*).

17—Related amendment

Subsections (1) and (2) of section 15 of the *Diocesan Council and Ministry Units Ordinance 2007* are repealed.

EXPLANATORY MEMORANDUM

Assessment Ordinance Amendment Ordinance 2021

The main purpose of this Measure is to amend the Assessment Ordinance 1985 so that the same collection mechanisms and consequences apply with regard to all moneys owed to Synod by parishes. In addition, there are amendments to reflect changes in procedures, timing and terminology.

Until now, provisions in the Long Service Leave Ordinance and in the Insurance of Property Ordinance deemed amounts due to Synod under those Ordinances to be part of assessment. The net result was that if a parish neglected or refused to pay insurance premiums or levies for clergy Long Service Leave, the lay members of the Synod for that parish could be excluded from attending Synod. Since 1985 Synod has expanded the range of services it provides to parishes, notably in the provision of payroll services for clergy and most lay employees in parishes. Synod invoices parishes for amounts that it has already paid to clergy and parish employees and significant debts in respect of payroll could accrue. Where parishes fail to reimburse Synod for amounts paid by Synod on their behalf, the amendment proposes that parishes will face the same consequences as they already do for non-payment of assessment (including insurance premiums and long service leave).

A new definition 'Recoverable Charges' has been inserted at section 18(1) setting out the range of expenses and charges that Synod routinely pays on behalf of parishes. Section 17 has been amended to include non-payment of Recoverable Charges as a trigger for lay representatives to be excluded from attending Synod. Note also the change to the trigger date in section 17 – 30th June is the appropriate date now that the annual session of Synod is usually held in October.

The Ordinance contains very detailed provisions in section 3 about the process for provision of information to the Secretary of Synod to enable the calculation of assessment. Some of the procedural requirements about communication with parishes have fallen into disuse and it is proposed that they be removed.

Similarly, section 9 no longer reflects the practicalities of how Synod currently operates. Since the principal Ordinance was adopted in 1985, Synod's financial year end has changed to 30 June. Calculation of Diocesan Expenses for the upcoming year and adoption of a budget needs to occur before year end.

Consequently, Diocesan Council adopts the Synod budget in May. The budget must include all Diocesan Expenses and contains assumptions that assessment will be levied at the rate that is recommended to Synod. As it is open to Synod to set a different rate of assessment to that on which the budget is based, Synod still exercises effective control over Synod expenditure.

The Measure also contains a number of minor amendments to terminology. The references to 'secretary of Synod' have been standardised to read Secretary of Synod.

The reference to the Finance Committee in section 17A(1) has been changed to accommodate changing nomenclature.

The definition of 'Church body' in section 18(1) has been expanded to include ministries of registered congregations

The definition of Remuneration in section 18(1) has been amended to correct a typographical error.

Clause Notes

Part 1 deals with necessary preliminary matters.

Clause 1 provides for the short title of the Ordinance.

Clause 2 is a relatively standard provision stipulating that the measure will come into operation on a date determined by the President.

Clause 3 provides for the amendment of the Ordinance in the manner set out in Part 2 of the Ordinance.

Part 2 contains the amendments proposed to the Ordinance.

Clause 4 of the Measure provides for several amendments to update terminology and procedural matters following calculation of parish assessment to reflect current practice.

Clause 5 of the Measure provides for an amendment to section 9 to provide that the budget adopted by Diocesan Council for Synod's financial year is to be

presented to each annual session of Synod, instead of an estimate of Diocesan Expenses for the calendar year as is presently the case.

Clause 6 of the Measure provides for amendments to section 17 which provide that if a parish defaults in payment of Assessment or other amounts owed to Synod, the trigger date for lay members of Synod being excluded from attending Synod is 30 June.

Clause 7 of the Measure provides for an amendment to section 17A to accommodate changing nomenclature of Synod Committees

Clause 8 of the Measure contains changes to the definitions of church body and remuneration and introduces a new definition of Recoverable Charges, which will cover not only long service leave levies and insurance premiums, but also additional amounts paid by the Synod on behalf of parishes, congregations and Church bodies.

A MEASURE FOR

AN ORDINANCE to amend the *Assessment Ordinance 1985*.

NOW THE SYNOD HEREBY DETERMINES:

Part 1 - Preliminary

1 - Short title

This Ordinance may be cited as the *Assessment Ordinance Amendment Ordinance 2021*.

2 - Commencement

This Ordinance will come into operation on a date and at a time to be determined by the President.

3 - Amendment of principal ordinance

The *Assessment Ordinance 1985* is amended in the manner set out in Part 2.

Part 2 - Amendment of the *Assessment Ordinance 1985*

4 - Amendment of section 3 – Annual Assessment

- (1) Section 3(1) – delete “secretary” and substitute
Secretary

- (2) Section 3(3) – delete “secretary” and substitute
Secretary
- (3) Section 3(5) – delete “In respect of the parishes which submitted the financial return complete in all respects by the 1st day of April this shall be done by the 15th day of May.”
- (4) Section 3(6) – delete subsection (6)
- (5) Section 3(7) – delete “secretary” and substitute
Secretary

5 - Amendment of section 9 – Budget for Diocesan Expenses

Section 9 – delete “an estimate of Diocesan Expenses for the year commencing on 1st day of January next following such session, and it shall be competent for the Synod to amend such estimate” and substitute

its adopted Budget covering all Diocesan Expenses

6 - Amendment of section 17 – Default in payment of Assessment or Recoverable Charges

Section 17 – delete “assessment by the 31st day of December in any year, the lay members of the Synod representing that parish shall be excluded from sessions of the Synod from that date until the assessment is” and substitute

Assessment or Recoverable Charges by the 30th day of June in any year, the lay members of the Synod representing that parish shall be excluded from sessions of the Synod from that date until the Assessment and Recoverable Charges are

7 - Amendment of section 17A – Remission of Assessment

Section 17A(1) – delete “the Finance Committee” and substitute

any Committee charged by the Diocesan Council to provide it with advice on Diocesan finances

8 - Amendment of section 18 – Definitions

- (1) Section 18(1), definition of “church body” - after each occurrence of “parish” insert:
or registered congregation
- (2) Section 18(1), after the definition of “Parish income”, insert:
“Recoverable Charges” means amounts paid by the Synod on behalf of a parish, registered congregation or Church body
 - pursuant to the Insurance of Property Ordinance 1984 (or any Ordinance amending or replacing it); or
 - pursuant to the provisions of any Trust Deed by virtue of which Synod holds parish property on trust from time to time in force; or
 - pursuant to General Synod legislation in force in the Diocese, including the Long Service Leave Canon 2010; or
 - pursuant to any charge or expense approved by the Diocesan Council which has been lawfully incurred by the Synod for or on behalf of that parish, registered congregation or Church body; or
 - as remuneration to clergy or employees of that parish, registered congregation or Church body.
- (3) Section 18(1) – Definition of “Remuneration” – delete “allowances or” and substitute:
allowances of

THE ASSESSMENT ORDINANCE 1985

AN ORDINANCE to repeal The Assessment Ordinance 1980-1983 and to make further provision for the assessment of parishes.

WHEREAS it is expedient to repeal The Assessment Ordinance 1980-1983 to make further provision for the expenses of the diocese and the assessment of parishes to meet those expenses NOW THE SYNOD HEREBY DETERMINES:

Title

1. This Ordinance may be cited as "The Assessment Ordinance 1985".

Repeal

2. The Assessment Ordinance 1980-1983 is repealed

Annual Assessment

- 3 (1) On or before the 1st day of April in each year every parish shall furnish to the ~~secretary~~ Secretary of Synod a complete financial return in the form required by Diocesan Council of the receipts and payments of such parish and every congregation which forms part of that parish for the previous parish financial year.
- (2) If required by Diocesan Council each parish shall provide to the secretary of Synod such books of account and documents as the Diocesan Council may consider necessary in order to determine the parish income.
- (3) The ~~Secretary~~ secretary of Synod shall, as soon as is reasonably practicable after the receipt of such financial return and books of accounts and documents (if required), make a final determination of the assessment payable for the parish financial year ended on the previous 31st day of December based on the application of the rate of assessment to the assessable income for that year.
- (4) If the rate of assessment has changed during the parish financial year the assessment for that year shall be determined on the assessable income for that year pro rata according to the number of calendar months to which the particular rate applies.
- (5) The ~~secretary~~ Secretary of ~~the~~ Synod shall notify each parish how the assessment was determined and the balance due from or to the parish (as the case may be) after taking into account the monthly or other instalments already paid. ~~In respect of the parishes which submitted the financial return complete in all respects by the 1st day of April this shall be done by the 15th day of May.~~

~~(6) The Diocesan Council may grant an extension of time for the calculation of assessment should this be necessary.~~

- (6a) If the final determination of assessment for a parish indicated that ~~there~~ there has been an underpayment or an overpayment of assessment for the previous parish financial year, the Secretary of Synod must make an appropriate adjustment to the initial determination of assessment for the parish's current financial year.
- (7) The ~~S~~ecretary of Synod shall provide to Diocesan Council a summary of assessable income, assessment, total instalments already paid and resulting balance with respect to each parish.

4 Initial Assessments

- (1) On the receipt of a financial return from a parish under section 3, the Secretary of Synod will make an initial determination of the amount of the assessment for the parish for the current parish financial year.
- (2) The initial determination will be based on the application of the current rate of assessment to the assessable income for the previous parish financial year.
- (3) The Secretary of Synod must notify the parish secretary or, if the Secretary of Synod thinks fit, another officer of the parish, of an initial determination under this section.
- (4) Subject to subsection (5), the initial determination of assessment for a parish will be payable to the Diocese in equal monthly instalments over the balance of the current financial year after taking into account—
 - (a) any adjustments made under section 3(6a); and
 - (b) any monthly payments already made under subsection (5).
- (5) Until the Secretary of Synod makes an initial determination of assessment payable by a parish in a current financial year, the parish must make monthly payments of assessment in accordance with the assessment applying at the end of the previous parish financial year.
- (6) The Diocesan Council may, on such conditions as the Diocesan Council may determine, allow a parish or parishes to pay any initial determination of assessment under subsection (4) or any amount payable under subsection (5) at a time or in instalments specified by the Diocesan Council rather than in monthly instalments.

Default in Furnishing Returns

5. If the return required by section 3 of this Ordinance is not furnished to the Diocesan Council in compliance with section 3 of this Ordinance the assessable income of the parish shall be such amount as the Diocesan Council shall determine.

Power of delegation

- 6 (1) The Diocesan Council may delegate to a body or person (including a person for the time being holding or acting in a specified office or position) a function or power of the Diocesan Council under a preceding section.
- (2) A delegation under this section—
 - (a) must be by instrument in writing; and
 - (b) may be absolute or conditional; and
 - (c) does not derogate from the ability of the Diocesan Council to act in any matter; and
 - (d) is revocable at will.
- (3) A function or power delegated under this section may, if the instrument of delegation so provides, be further delegated.

Date of Taking Effect

- 7 This Ordinance will take effect on 31 January 2010.
- 8 Deleted

~~Estimate of Budget for Diocesan Expenses~~

9. The Diocesan Council shall present to each annual session of the Synod its adopted Budget covering all Diocesan Expenses ~~an estimate of Diocesan Expenses for the year commencing on 1st day of January next following such session, and it shall be competent for the Synod to amend such estimate.~~

Determination of Levels of Assessable Income

10. Before each annual session of the Synod the Diocesan Council shall determine the level or levels (if any) of assessable income at which different rates of assessment shall apply for the purposes of Section 11 of this ordinance.

Rate(s) of Assessment

11. (1) At each annual session the Synod shall determine the rates of assessment applicable to assessable income above each of the levels determined under Section 10 of this Ordinance for the period or periods, commencing on 1st day of January or on some other date or dates of that year, which rates for the purpose of calculating the assessment for that year, shall be based upon the assessable incomes for the year which ended on the 31st day of December of that year.
- (2) For any month of the year preceding the annual session of the Synod for which no rate of assessment has been declared, and until the Synod shall fix a rate of assessment applicable to that month, the rate, for the purpose of section 4, shall be that which was applicable to the preceding December.

12. Deleted

13. Deleted

Objections

14. Within one calendar month of the notification of the assessable income or of the assessment a Warden, the Parish Secretary or other proper officer of any parish which is dissatisfied with the assessable income or the assessment so notified may object in writing, stating the grounds of the objection in the form contained in the Schedule to this Ordinance provided that an objection to an assessment shall be made only on the ground that the assessable income has been wrongly determined or on the ground of financial hardship.

Determination of Objections

15. A Committee of the Diocesan Council appointed by it and to be known as an Appeal Board shall consider an objection lodged pursuant to this Ordinance and shall report thereon to the Diocesan Council which may confirm, amend or modify the assessment the subject of any objection.

Registration of Parishes

16. Notwithstanding the provisions of this Ordinance the assessment payable by a parish the subject of a registration proposal which has been registered in accordance with The Registration of Parishes Ordinance 1985 shall be calculated or paid as the case may be in accordance with the registration proposal approved.

Default in Payment of Assessment or Recoverable Charges

17. Should a parish neglect or refuse to pay the Assessment or Recoverable Charges by the ~~31st~~ 30th day of ~~December~~ June in any year, the lay members of the Synod representing that parish shall be excluded from sessions of the Synod from that date

until the Assessment is and Recoverable Charges are paid unless the Diocesan Council otherwise determines.

Remission of Assessment

- 17A (1) Notwithstanding that a parish may not have objected to its assessment within the time prescribed by section 14 the Diocesan Council may, after receiving a report thereon from ~~the Finance~~any Committee charged by the Diocesan Council to provide it with advice on Diocesan finances, and if it is satisfied that there is no reasonable prospect of the parish being able to pay its assessment or a previous assessment and that it is in the best interests of the parish to take action under this section, remit the whole or any part of the assessment or of any previous assessment, and thereupon the parish shall only be required to pay the balance (if any) of such assessment and at the time or times determined by the Diocesan Council.
- (2) For so long as a parish complies with a determination of the Diocesan Council made under subsection (1) of this section it shall be deemed not to have neglected or refused to pay the assessment for the purposes of section 17.

Definitions

18. (1) In this Ordinance -

"Assessable income" of a parish means the parish income of the parish less expenses of such nature as the Diocesan Council shall from time to time determine;

"Assessment" means the amount to be contributed by each parish in accordance with this Ordinance for or towards the payment of Diocesan Expenses;

"Church body" means any person or body, whether corporate or unincorporated, which exercises ministry within, on behalf of or in association with a parish or a registered congregation or which holds any property, whether real or personal, for or on behalf of or for the purposes of a parish or of any ministry within, on behalf of or in association with a parish or registered congregation;

"Diocesan Expenses" includes -

- (a) all expenses necessarily and properly incurred in the administration of the Diocese in accordance with the Constitution and Ordinances made from time to time;
- (b) all such other expenses whether of a recurring nature or not as the Synod may from time to time determine to be Diocesan Expenses;
- (c) such amount as the Synod may from time to time determine to allow the Diocesan Council to expend at its discretion for contingencies; and
- (d) all costs, charges and expenses payable by the Diocese pursuant to any Canon or Rule made by the General Synod pursuant to section 32 (including the proviso thereto) of the Constitution of The Anglican Church of Australia.

"Parish income" means -

- (a) the total amount of money raised by or contributed or payable to a parish or to any congregation forming part of a parish (including income from endowments whether received by a member of the clergy or by any of the wardens) from whatever source and for whatever purpose; and
- (b) without limiting paragraph (a), the total amount of money received by or for the purposes of any Church body or any trust or fund the purpose of which is for a purpose or purposes in connection with or associated with the purposes, activities or ministry of or conducted in connection with the parish;

provided that in no case shall parish income be less than the total remuneration paid to the parish priest, to any person licensed as assistant to the parish priest, and to any other person employed or engaged by a Church body for a purpose or purposes in connection with or associated with the purposes, activities or ministry of or conducted in connection with the parish;

"Recoverable Charges" means amounts paid by the Synod on behalf of a parish, registered congregation or Church body

- pursuant to the Insurance of Property Ordinance 1984 (or any Ordinance amending or replacing it); or
- pursuant to the provisions of any Trust Deed by virtue of which Synod holds parish property on trust from time to time in force; or
- pursuant to General Synod legislation in force in the Diocese, including the Long Service Leave Canon 2010; or
- pursuant to any charge or expense approved by the Diocesan Council which has been lawfully incurred by the Synod for or on behalf of that parish, registered congregation or Church body; or
- as Remuneration to clergy or employees of that parish, registered congregation or Church body.

"Remuneration" includes stipend, salary, allowances ~~or~~ of whatever nature, superannuation contributions and the value of any benefits in kind provided to or for the benefit of a person.

(2) A reference in this Ordinance to a parish priest will be taken to include a reference to the Dean of the Cathedral.

THE SCHEDULE

(Section 14)

FORM OF OBJECTION

I, the undersigned, being a Warden/Parish Secretary/other proper officer of the Parish of

having been notified that the amount of the assessable income upon which the parish's assessment is to be based in accordance with The Assessment Ordinance 1985 has been determined at the sum of \$

and that the assessment payable by such parish is \$

HEREBY OBJECT TO

(a) the determination of assessable income and request that it be altered to \$ and/or

(b) the assessment and request that it be altered to \$

The grounds for the request(s) are: -

DATED the day of 20.....

.....
(Signature)

Passed 22nd September 1985

Amended 19th September 1987: Section 1. Section 17A added.

Amended 16th September 1989 by the Financial Year Ordinance 1989: sections 1, 3, 9, 11, 13, 17 and deleting sections 6, 7, and 8

Amended 14th September 1990 by the The Ordinances Publication Ordinance Amendment Ordinance 1990 - Title - Section 1

Amended 23rd May 2004, amended sections 3, 4, 11, and deleting sections 12 and 13

Revisions under the Ordinances Publication Ordinance 2004

1. Revisions made in conjunction with amendments made on 23 May 2004

(1) Section 17 - “synodsmen” deleted and “members of the Synod” substituted

(2) Section 18, definition of “Annual income” - “clergyman” deleted and “member of the clergy” substituted

Amended May 2009

Passed 23 October 2009

EXPLANATORY MEMORANDUM

Long Service Leave Ordinance Repeal Ordinance 2021

The main purpose of this Measure is to repeal the Long Service Leave Ordinance 1992.

The Ordinance refers to an outdated General Synod Canon (1992). Synod adopted the General Synod's Long Service Leave Canon 2010 in 2011. The Canon contains provisions requiring church bodies to pay their share of Long Service Leave contributions to the Synod.

Until now, provisions in the Long Service Leave Ordinance deemed amounts due to Synod to be part of assessment. This means that if a parish neglected or refused to pay its long service leave levy, the lay members of the Synod for that parish could be excluded from attending Synod by virtue of section 17 Assessment Ordinance.

The proposed amendments to sections 17 and 18 of the Assessment Ordinance, which are also before this session of Synod, provide that an unpaid long service leave levy is a Recoverable Charge. The net effect of these amendments is that the default provisions in the Assessment Ordinance will apply in respect of all unpaid Recoverable Charges.

Clause Notes

Part 1 deals with necessary preliminary matters.

Clause 1 provides for the short title of the Ordinance.

Clause 2 is a relatively standard provision stipulating that the measure will come into operation on a date determined by the President.

Clause 3 provides for the repeal of the Ordinance.

A MEASURE FOR

AN ORDINANCE to repeal the *Long Service Leave Ordinance 1992*.

NOW THE SYNOD HEREBY DETERMINES:

Part 1 - Preliminary

1 - Short title

This Ordinance may be cited as the *Long Service Leave Repeal Ordinance 2021*.

2 - Commencement

This Ordinance will come into operation on a date and at a time to be determined by the President.

3 - Repeal of principal ordinance

The *Long Service Leave Ordinance 1992* is repealed.

LONG SERVICE LEAVE ORDINANCE 1992

AN ORDINANCE to adopt and assent to the Long Service Leave Canon 1992 of the General Synod of the Anglican Church of Australia and to make provision for matters incidental thereto.

THE SYNOD HEREBY DETERMINES:**Title**

1. This Ordinance may be cited as the "Long Service Leave Ordinance 1992".

Assent to Canon

2. The following Canon of the General Synod of the Anglican Church of Australia is hereby adopted and assented to namely:

Long Service Leave Canon 1992 (No. 8, 1992), hereinafter called "the Canon".

Payment of Contributions

- 3 (1) The amount payable to the proper officer of the diocese pursuant to section 33 of the Canon shall be paid to the Synod by such periodic instalments as the Diocesan Council shall from time to time determine.
- (2) In the case of a parish comprising two or more congregations, if any instalment is not paid by the parish such instalment shall be payable by the congregation determined by the Diocesan Council to be the principal congregation of that parish and any other congregation or congregations comprising such parish shall pay to the principal congregation such proportion of the instalment as they shall agree between them or in default of agreement as determined by the Diocesan Council.
- (3) Should a parish or congregation as the case may be neglect or refuse to pay to the Synod within two calendar months of the due day for payment any instalment due, then such amount shall be added to and for the purposes of any other Ordinance shall be deemed to form part of the assessment of that parish as defined in The Assessment Ordinance 1985.

Repeal of Long Service Leave Ordinance 1968

4. The Long Service Leave Ordinance 1968 is repealed except that (save as provided in this Ordinance and the Canon expressly or by necessary implication) all persons things and circumstances appointed or created by or under the former Ordinance or existing or continuing under it immediately before the date of commencement under and subject to this Ordinance continue to have the same status operation and effect as they respectively would have had if the former Ordinance had not been so repealed.

Commencement

5. This Ordinance shall take effect on the day that the Canon comes into operation.

Passed on 12th September 1992

EXPLANATORY MEMORANDUM

Insurance of Property Ordinance Amendment Ordinance 2021

The purpose of this Measure is to repeal section 6 of the Insurance of Property Ordinance 1985.

Section 6 deems amounts due to Synod under the Ordinance to be part of assessment. This means that if a parish neglected or refused to pay its insurance premiums, the lay members of the Synod for that parish could be excluded from attending Synod by virtue of section 17 Assessment Ordinance.

The proposed amendments to sections 17 and 18 of the Assessment Ordinance, which are also before this session of Synod, provide that an unpaid insurance levy is a Recoverable Charge. The net effect of these amendments is that the default provisions in the Assessment Ordinance will apply in respect of all unpaid Recoverable Charges.

Clause Notes

Part 1 deals with necessary preliminary matters.

Clause 1 provides for the short title of the Ordinance.

Clause 2 is a relatively standard provision stipulating that the measure will come into operation on a date determined by the President.

Clause 3 provides for the amendment of the Ordinance in the manner set out in Part 2 of the Ordinance.

Part 2 contains the amendments proposed to the Ordinance.

Clause 4 provides for the deletion of section 6.

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A MEASURE FOR

AN ORDINANCE to amend the *Insurance of Property Ordinance 1984*.

NOW THE SYNOD HEREBY DETERMINES:

Part 1 - Preliminary

1 - Short title

This Ordinance may be cited as the *Insurance of Property Ordinance Amendment Ordinance 2021*.

2 - Commencement

This Ordinance will come into operation on a date and at a time to be determined by the President.

3 - Amendment of principal ordinance

The *Insurance of Property Ordinance 1984* is amended in the manner set out in Part 2.

Part 2 - Amendment of the *Insurance of Property Ordinance 1984*

4 - Repeal of section 6

Section 6 – delete the section

THE INSURANCE OF PROPERTY ORDINANCE 1984

AN ORDINANCE to provide for the insurance of real and personal property held by the Synod.

WHEREAS it is expedient to provide for adequate insurance for all real and personal property held by the Synod whether as trustee or otherwise NOW THE SYNOD HEREBY DETERMINES:

Title

1. This Ordinance may be cited as "The Insurance of Property Ordinance 1984".

The Synod may Insure

2. The Synod on behalf of and at the expense of each person or body on whose behalf it holds any real property may insure all buildings, fences and other improvements for the time being erected thereon and all personal property and money held on behalf of such person or body and shall keep the same insured in such amounts as the Diocesan Council may from time to time prescribe against loss or damage by fire, storm, tempest, theft and such other contingencies (if any) as the Diocesan Council may from time to time determine.

Policies of Insurance

3. All policies of insurance effected pursuant to section 1 shall be in the name of the Synod for the benefit of the person or body on whose behalf the property is held and shall be placed in the keeping of the Secretary of Synod provided that if any such buildings or improvements shall be mortgaged such policies may be in the name of the mortgagee in addition and may be held by such mortgagee.

Risks the Subject of Insurance

4. The power to effect insurance pursuant to this Ordinance shall include the effecting of policies of insurance in respect of:
 - (a) The property and risks mentioned in section 2 hereof upon the conditions determined from time to time by the Diocesan Council;

(b) The liability of the Synod or any officers of the Synod or of the person or body on whose behalf property is held for personal injury or damage to property arising out of the use of such property; and

(c) Personal injury by accident to voluntary workers.

Payment of Premiums

5. The amounts paid by the Synod on behalf of any person or body pursuant to this Ordinance shall be paid on demand to the Synod by such person or body.

Congregations

- ~~6. The amounts paid by the Synod on behalf of a congregation whether pursuant to this Ordinance or pursuant to the provisions of the regulations contained in the Model Trust Deed of 1969 (as amended) shall be added to and for the purposes of any other Ordinance shall be deemed to form part of the assessment of that congregation as defined in the Assessment Ordinance 1980-83 as amended from time to time.~~

Passed on 15th September 1984

The Assessment Ordinance 1980-83 has been replaced by The Assessment Ordinance 1985.

The Model Trust Deed of 1969 has been replaced by the Model Declaration of Trust 1985 which refers to the provisions of the Parochial Administration Ordinance 1985

EXPLANATORY MEMORANDUM

Measure for the Trusts of the See Amendment Ordinance 2021

The purpose of this Measure is to amend the Trusts of the See to reflect the fact that Bishop's Court has been sold, following Synod's resolution in 2019 to take that course.

The amendments remove references to Bishop's Court and replace them with references (where appropriate) to an episcopal residence.

The provisions around sub-dividing the land and obtaining development approval were introduced to enable various development proposals of the site at Bishop's Court. As there will be no scope for subdivision at the site of the new episcopal residence, these provisions and the related definitions are being deleted.

The Trust provides that the Bishop will be provided with an episcopal residence during his lawful tenure of the See. The current definition of 'lawful tenure of the See' has the effect that the Bishop could be removed from the episcopal residence while suspended from office. This would typically arise where an allegation of misconduct was being investigated. In line with the provisions relating to clergy being able to continue to reside in a rectory while an allegation is being investigated, the Trust is being amended to allow the Bishop to continue to reside in the provided episcopal residence during a period of suspension from office. When an investigation is completed, the Bishop's right to reside in the episcopal residence will be dependent on the findings of the investigation.

An explanatory heading is being added as a preface to the property listed in the Schedule to the Trusts, making it clear that this was the property of The See of Adelaide as at March 1980, when the Synod was appointed the trustee.

Clause Notes

Part 1 deals with necessary preliminary matters.

Clause 1 provides for the short title of the Ordinance.

Clause 2 defines "the Trusts" for the purpose of the Ordinance.

Clause 3 provides for the amendment of the Trusts in the manner set out in Part 2 of the Ordinance.

Part 2 contains the amendments proposed to the Trusts.

Clause 4 of the Measure provides for the amendment of clause 3 of the Trusts by deleting references to Bishop's Court and removing the enabling provisions that were introduced in 2012 and 2015. The several subclauses provide:

- (1) that Synod will provide an episcopal residence for the Bishop to use and occupy;
- (2) For the ability, subject to the necessary consents, to lease the residence in the same manner and subject to the same restrictions as presently apply;
- (3) For the deletion of the power to lodge a development application for subdivision of the Bishop's Court land and other enabling provisions should a subdivision have occurred;
- (4) For the removal of references to Bishop's Court and clarifying that the proceeds of sale are subject to the same restrictions as presently apply ;
- (5) For the removal of a provisions that were specific to Bishop's Court.

Clause 5 of the Measure provides for the simplification of clause 4 of the Trusts. Existing subclause (2) made the exercise of certain powers (concerning the development of the Bishop's Court site) by the Trusts of the See Committee subject to Diocesan Council approval. As no subdivision is to occur at the new episcopal residence, these provisions are no longer required.

Clause 6 of the Measure provides for the deletion of two definitions which were inserted in 2015, namely definitions of "development" and "approved development" and of the definition of "Bishop's Court" as they are no longer necessary.

The definition of "lawful tenure of the See" is being amended to allow the Bishop to continue to reside in the provided episcopal residence during a period of suspension from office.

The definition of " net income of the said property" is being amended to replace references to Bishop's Court with references to the episcopal residence.

Clause 6 of the Measure provides for a new heading to make it clear that the list of property assets held in March 1980 when the Synod became trustee is the Schedule referred to in Recital C of the Deed of Trust.

A MEASURE FOR

AN ORDINANCE to amend the *Trusts of the See of Adelaide* adopted by the Synod on the 10th day of April 1980 as amended on the 23rd day of December 2008, the 8th day of August 2012 and the 18th day of October 2015.

NOW THE SYNOD HEREBY DETERMINES:

Part 1 - Preliminary

1 - Short title

This Ordinance may be cited as the *Trusts of the See Amendment Ordinance 2021*.

2 - Definition

In this Ordinance “the Trusts” means the Deed of Trust of the property of the See of Adelaide adopted by the Synod on the 10th day of April 1980 as amended on the 23rd day of December 2008, the 8th day of August 2012 and the 18th day of October 2015.

3 - Amendment of the Trusts

The Trusts are amended in the manner set out in Part 2.

Part 2 - Amendment of the Trusts

4 - Amendment of clause 3 – Episcopal residence

- (1) Clause 3(1) – delete “permit the Bishop to use and occupy Bishop’s Court” and substitute:

provide an episcopal residence for the Bishop to use and occupy

- (2) Clause 3(2) – delete subsection (2) and substitute:

(2) The Synod may, with the consent in writing of the Bishop, or during any vacancy of the See of Adelaide with the consent in writing of the Diocesan Council lease the whole or any part of the episcopal residence for any term of years or for any period less than a year and subject to such

covenants and conditions as the Synod may with the consent in writing of the Bishop or the Diocesan Council as the case may be determine provided however that during a vacancy of the See any such lease shall be terminable at or before the end of such vacancy.

- (3) Clause 3(3) and 3(4) – delete subclauses (3) and (4)
- (4) Clause 3(5) – delete “The Synod may with the consent in writing of the Bishop sell Bishop's Court and the proceeds of such sale” and substitute:

The proceeds of sale of the former episcopal residence known as Bishop’s Court, situated at Palmer Place, North Adelaide

- (5) Clause 3(7) – delete subclause (7)

5 - Amendment of clause 4 – Exercise of Powers of Synod

- (1) Clause 4 (1) - delete “(1) Subject to subclause (2) any right power or authority of the Synod pursuant to this deed other than the sale of Bishop's Court and the lodgement of an application referred to in clause 3(3)” and substitute:

Any right power or authority of the Synod pursuant to this deed

- (2) Clause 4 (2) – delete subclause (2)

6 - Amendment of clause 8 – Interpretation

- (1) Clause 8, definition of "approved development" – delete the definition
- (2) Clause 8, definition of "Bishop’s Court" – delete the definition
- (3) Clause 8, definition of " development – delete the definition
- (4) Clause 8, definition of “lawful tenure of the See” – delete “suspension from office,”

- (5) Clause 8, definition of “net income of the said property” – delete “Bishop’s Court” and substitute:

the episcopal residence

6 - Amendment to Schedule

Before “ Real Property Particulars” insert

Schedule of Property referred to in Recital C
comprising the property of the Trust of the see as at 28 March 1980

TRUSTS OF THE SEE

On 10th April 1980 The Synod of the Church of England in the Diocese of Adelaide passed the following resolution:

That the Synod of the Church of England in the Diocese of Adelaide Incorporated pursuant to section 3 of The Church of England Trust Property Act 1971 HEREBY ASSENTS to the resolutions passed by The Dean and Chapter of the Diocese of Adelaide Incorporated on the 26th day of March 1980 and by Leigh Trust on the 28th day of March 1980 and to the deed under the hand and seal of the Archbishop dated the 28th day of March 1980 whereby they and each of them declared a desire to have the benefit of the Church of England Trust Property Act 1971 in respect of the property subject to the terms of a certain Declaration of Trust made the 31st day of October 1881 by the Right Reverend Augustus Short, by Divine permission, Bishop of Adelaide in the then Province of South Australia and the Attorneys within the Province of South Australia of The Society for the Propagation of the Gospel in Foreign Parts and with the concurrent assent of the Dean and Chapter of the Diocese of Adelaide Incorporated which said property is more particularly specified in the said resolutions and deed AND HEREBY DECLARES pursuant to section 5 of the said Act that subject to the passing by the Synod of The Diocese of Adelaide Constitution Canon 1979 the said property is held upon the terms of the Declaration of Trust now marked for identification by the President of the Synod in lieu of the trusts heretofore having effect in respect of the said property.

DECLARATION OF TRUST

TO ALL WHOM THESE PRESENTS SHALL COME THE SYNOD OF THE CHURCH OF ENGLAND IN THE DIOCESE OF ADELAIDE INCORPORATED of 18 King William Road North Adelaide in the State of South Australia (hereinafter called "the Synod") SEND GREETING:

WHEREAS:

- A. By virtue of a certain Declaration of Trust made the 31st day of October 1881 by the Right Reverend Augustus Short, by Divine Permission, Lord Bishop of Adelaide in the then Province of South Australia and the Attorneys within the Province of South Australia of The Society for the Propagation of the Gospel in Foreign Parts incorporated by the Charter of His Majesty King William III and with the concurrence and assent of the Dean and Chapter of the Diocese of Adelaide Incorporated (hereinafter called "the Dean and Chapter") testified by their common seal thereunto affixed it was declared that the whole of the property of the See of Adelaide (whether real or personal and howsoever and wheresoever invested) should be held by the Dean and Chapter upon and subject to the trusts and with the powers and authorities therein declared and contained;
- B. By virtue of the said Declaration of Trust the whole of the property of the See of Adelaide as aforesaid became vested in and held by the Dean and Chapter and such property from time to time comprising the property of the See of Adelaide

has continued to be held by the Dean and Chapter subject however to the trusts more particularly contained in the said Declaration of Trust;

- C. The property more particularly described in the Schedule hereto (hereinafter called "the said property") now comprises the property of the See of Adelaide the subject of the trusts more particularly contained in the said declaration of trust;
- D. In accordance with the provisions of the said Declaration of Trust Keith Rayner, Archbishop of Adelaide, having been appointed to the See of Adelaide signed a declaration in the words contained in the Schedule A annexed to the said Declaration of Trust and entered into and signed the agreement with the Dean and Chapter required by clause 13 of the trusts contained therein;
- E. The said property has become vested in the Synod by virtue of the provisions of Section 4 of The Church of England Trust Property Act 1971;
- F. It is desirable to declare the trusts governing and controlling the management and user of such property upon which the Synod holds and will continue to hold the same;
- G. The provisions of the said Declaration of Trust dated the 31st day of October 1881 by virtue of the provisions of Section 5 of the Church of England Trust Property Act 1971 and of this Deed now cease to be applicable.

NOW KNOW YE AND THESE PRESENTS WITNESS that pursuant to the provisions of Section 5 of the Church of England Trust Property Act 1971 the Synod HEREBY DECLARES AND ACKNOWLEDGES that it holds the said property upon and for the following trusts conditions and purposes namely:

Purposes and Objects

- 1. The said property shall be held by the Synod for the following purposes and objects:
 - (a) to provide remuneration for –
 - (i) the Bishop;
 - (ii) any Assistant Bishop of the Diocese of Adelaide; and
 - (iii) the Administrator during a vacancy of the See of Adelaide;
 - (b) the maintenance of the See of Adelaide;
 - (c) to provide remuneration for any other diocesan bishop in the Province of South Australia;
 - (d) the maintenance of any other episcopal See in the Province of South Australia;
 - (e) the creation of new Sees as may from time to time be required within the State of South Australia;

- (f) the capitalisation and investment of any surplus income derived from the trust property not appropriated for any of the aforesaid purposes to be held for the purposes of this deed.

Powers of Synod

2. Subject to the provisions of this deed the Synod shall have and may exercise the following powers with respect to the said property:
 - (a) to purchase, take on lease or exchange, hire or otherwise acquire and hold any real or personal property, including any rights and privileges;
 - (b) to erect buildings and to renovate, repair, reconstruct, alter, improve, add to and demolish any buildings or structures erected on or forming part of the trust property;
 - (c) to sell, exchange, lease, let, mortgage, pledge, hire, dispose of, turn to account or otherwise deal with all or any of the said property;
 - (d) to accept donations, whether of real or personal estate, and devises and bequests for the purposes of this deed;
 - (e) to raise or borrow money and secure the repayment thereof for the purposes of this deed, with power to issue debentures, grant mortgages, charges or securities upon or charging all or any of the said property whether real or personal, present or future and to redeem or pay off either wholly or in part any existing or future security;
 - (f) for the purposes of this deed to receive moneys on deposit, current account or otherwise with or without allowance for interest and to receive on deposit titles, deeds, leases and other securities of any description;
 - (g) to invest and deal with the said property in such manner as may from time to time be determined by the Synod, including in any common fund in which funds under the control of the Synod are invested from time to time, and for that purpose to acquire and hold shares, stocks, debentures, debenture stock, bonds, obligations, securities or notes issued or guaranteed by any company or corporation constituted or carrying on business in Australia or elsewhere and debentures, debenture stock, bonds, obligations and securities issued or guaranteed by any government, commission, public body or authority, municipal, local or otherwise in Australia or elsewhere and to acquire any such shares, stock, debentures, debenture stock, bonds, obligations, notes or securities by original subscription, tender, purchase, exchange or otherwise and to subscribe for the same either conditionally or otherwise and to guarantee the subscription thereof and to exercise and enforce all rights and powers conferred by and incidental to the ownership thereof.

Bishop's Court Episcopal Residence

3. (1) The Synod shall at all times ~~permit~~ provide an episcopal residence for the Bishop to use and occupy ~~Bishop's Court~~ during the Bishop's lawful tenure of the See of Adelaide.
- (2) The Synod may, with the consent in writing of the Bishop, or during any vacancy of the See of Adelaide with the consent in writing of the Diocesan Council:
 - ~~(a) lodge an application for a proposed development affecting Bishop's Court other than for—~~
 - ~~(i) the division of the allotment of land on which the Bishop's residence is erected; and~~
 - ~~(ii) the demolition of the Bishop's residence; and~~
 - ~~(b)~~ lease the whole or any part of ~~Bishop's Court~~ the episcopal residence for any term of years or for any period less than a year and subject to such covenants and conditions as the Synod may with the consent in writing of the Bishop or the Diocesan Council as the case may be determine provided however that during a vacancy of the See any such lease shall be terminable at or before the end of such vacancy.
- ~~(3) The Synod may with the consent in writing of the Bishop lodge or cause to be lodged an application for development by way of the division of the allotment of land on which the Bishop's residence is erected.~~
- ~~(4) If a proposed development mentioned in subclause (3) becomes an approved development any allotment or allotments the subject of the approval, other than the allotment on which the Bishop's residence is erected, shall thereupon cease to form part of Bishop's Court notwithstanding that at the date of such approval the See may be vacant, but such allotment or allotments shall remain subject to the provisions of this Deed.~~
- (5) The ~~Synod may with the consent in writing of the Bishop sell Bishop's Court and the~~ proceeds of ~~such sale~~ of the former episcopal residence known as Bishop's Court, situated at Palmer Place, North Adelaide shall be applied solely towards a purpose or purposes specified in subclauses (a) or (b) of clause 1 and not in or towards any other purposes or objects specified in this deed and for such purpose such proceeds may be applied in and towards the purchase or erection of a new episcopal house for the See of Adelaide.

- (6) Any proceeds of sale referred to in subclause (5) shall be identified as a separate fund in the accounts of the Trusts.

~~(7) Bishop's Court shall not be sold and an application referred to in subclause (3) shall not be lodged during any vacancy of the See of Adelaide.~~

Exercise of Powers of the Synod

4. ~~(1) Subject to subclause (2) a~~Any right power or authority of the Synod pursuant to this deed ~~other than the sale of Bishop's Court and the lodgement of an application referred to in clause 3(3)~~ may be exercised on behalf of the Synod by the Committee, provided however that the Committee shall not, without the consent of the Diocesan Council, invest funds other than in a common fund in which funds under the control of the Synod are invested from time to time.

~~(2) The power to carry out development on, to sell, lease, mortgage, dispose of, turn to account or otherwise deal with any allotment which ceases to form part of Bishop's Court pursuant to clause 3(4) shall only be exercised or be caused to be exercised on behalf of the Synod by the Diocesan Council.~~

Application of Net Income

5. The net income of the said property may be applied by the Synod in or towards any of the purposes and objects enumerated in paragraph 1 of this deed and to all or any one or more of such objects and purposes exclusive of the other or others of them without regard to the order in which the said objects are named in that paragraph.

Application of Funds to Remuneration

6. In applying any funds pursuant to this Deed for the purpose of providing remuneration for a person the Synod shall not in any one year apply to any component of their remuneration an amount greater than the amount fixed for that component by or pursuant to any Ordinance of the Synod of the relevant Diocese.

Trusts of the See Committee

- 6A. (1) There shall be a Trusts of the See Committee which shall comprise:
- (a) The Bishop who shall be President of the Committee;
 - (b) A licensed member of the clergy appointed by the Bishop and a licensed member of clergy elected triennially by the Synod;

- (c) Two lay members of the church, who need not be members of the Synod, appointed by the Bishop and three lay members of the church, who need not be members of the Synod, elected triennially by the Synod.
- (2) Any appointment by the Bishop shall be for a period of no longer than six years as the Bishop shall determine.
- (3) Any election referred to in subclause (1) shall take place at the annual session of the Synod in an election year referred to in section 14 of the Constitution.
- (4) The delegation of the exercise of the powers of the Synod under section 22 of the Constitution does not apply to the exercise of powers that may be exercised by the Committee under the deed.
- (5) The Committee shall observe the following procedures:
 - (a) The President shall appoint a member of the Committee as Chair of the Committee;
 - (b) The President may attend and chair any meeting of the Committee;
 - (c) In the absence of the Chair and in the absence or unwillingness of the President to act as Chair, the Committee shall elect a Chair from among its members;
 - (d) The Secretary of Synod is the secretary of the Committee;
 - (e) The quorum for meetings of the Committee is four members;
 - (f) Subject to the provisions of this Deed, the Committee shall determine the rules of its operations;
 - (g) All meetings of the committee shall be minuted accurately;
 - (h) A resolution of the committee may be made by a simple majority of the members of the Committee;
 - (i) The Committee may act notwithstanding any vacancy in its membership.
- (6) The Secretary shall, within 14 days of a meeting of the Committee, advise the President in writing of every decision by the Committee to exercise the powers of the Synod. The President within 14 days of receiving such advice may by notice in writing to the Secretary, determine that a decision of the Committee to exercise the powers of

the Synod shall not have effect, and may request the Committee to give the matter further consideration.

- (7) The Committee shall report to each annual session of the Synod on its activities and the operations of the Trusts of the See and shall provide an audited statement of income and expenditure and balance sheet.

Alteration of Trusts

7. Notwithstanding the provisions of paragraph 4 of this deed the provisions of this deed may from time to time be altered, added to or revoked only by the Synod in the same manner and subject to the same conditions as the Synod may make alter or repeal an Ordinance.

Interpretation

8. In this deed unless the context or subject matter otherwise indicates:-

“Administrator” means the administrator of the Diocese of Adelaide during any incapacity or absence from that Diocese of the Bishop or during any vacancy of the See;

~~"approved development" means an approved development for the purposes of the Development Act 1993 (SA) as amended from time to time;~~

~~“Bishop's Court” means that portion of the said property being the whole of the land and buildings which from time to time constitute the residence of the Bishop;~~

~~"development" has the same meaning as defined in section 4 of the Development Act 1993 (SA) as amended from time to time;~~

“lawful tenure of the See” means the period from the enthronement of the Bishop until his death, resignation from the See or lawful sentence according to the Constitution of the Anglican Church of Australia to ~~suspension from office,~~ expulsion from office, deprivation of rights or emoluments appertaining to office or deposition from Holy Orders;

“lease” includes permission to occupy by the Synod or any agency of the Synod for a purpose or purposes other than a purpose or object mentioned in clause 1 upon terms not less favourable than would apply to the lease of the land to another party negotiated at arm’s length;

“maintenance” means the fulfilment of the needs and requirements of a See, other than the provision of remuneration referred to in clause 1, in such manner and for such purposes as the Bishop of Adelaide for the time being, with the consent of the Diocesan Council, may from time to time determine;

“net income of the said property” means the net income derived from the said property (including income from the lease of ~~Bishop's Court~~the episcopal residence or any part thereof) after the payment of all necessary expenses incurred in the management of the said property including legal expenses and other charges incurred in relation to the said property and the allowance of all necessary and proper deductions from the gross income thereof, whether for rates, taxes or other impositions howsoever and wheresoever imposed and after the provision of such amount as the Synod may determine shall be provided for or towards the keeping in good order and substantial repair of or the effecting of improvements to ~~Bishop's Court~~the episcopal residence;

“ordinance” includes any act, canon, constitution, statute, legislative measure or provision;

“remuneration” of a person includes stipend, accommodation, travelling, entertainment and other allowances, payments to a superannuation fund on behalf of the person and, in the case of a bishop, a relocation allowance upon appointment and retirement of the bishop;

"sell" means enter into a contract for the sale of and "sold" has a corresponding meaning;

“the Bishop” means the Bishop of the Diocese of Adelaide for the time being who is by virtue of the Constitution of the Province of South Australia the Metropolitan Bishop of the Province and is styled the Archbishop of Adelaide;

“the Committee” means the Trusts of the See Committee referred to in clause 6A;

“the Constitution of the Diocese of Adelaide” means the constitution set forth in The Diocese of Adelaide Constitution Canon 1979 of the Synod and any amendment thereof;

“the Diocesan Council” means the Diocesan Council of the Diocese of Adelaide referred to in the Constitution of the Diocese of Adelaide;

“the Province of South Australia” includes the Dioceses of Adelaide, Willochra and The Murray and any diocese formed wholly out of such dioceses or any of them;

"the said property" means the whole of the property from time to time subject to the provisions of this deed and includes any additions or accretions thereto;

“the Synod” means the Synod of The Diocese of Adelaide of the Anglican Church of Australia Inc.

AND the Synod HEREBY FURTHER DECLARES that notwithstanding that Keith Rayner, Archbishop of Adelaide, having been appointed to the See of Adelaide signed a declaration in the words contained in the Schedule A annexed to the said Declaration of Trust dated the 31st day of October 1881 and entered into and signed the agreement with the Dean and Chapter required by clause 13 of the trusts contained in the said Declaration of Trust the said Keith Rayner shall henceforth be bound by the provisions of this deed and by the declaration under his hand and seal made on the 28th day of March 1980 in lieu of the provisions of the said declaration and agreement as aforesaid.

IN WITNESS whereof The Synod of The Church of England in the Diocese of Adelaide Incorporated has hereunto affixed its seal this day of 1980.

SEALED with the Common Seal of THE SYNOD OF THE CHURCH OF ENGLAND IN THE DIOCESE OF ADELAIDE INCORPORATED

by us the undersigned
being persons duly
authorised to use the said Seal

.....

Sealholders Assented to by Dean and Chapter Inc 23 December 2008.

Schedule of Property referred to in Recital C
comprising the property of the Trust of The See as at 28 March 1980

Real Property Particulars

Town Acre 743 and portion of
 Town Acre 744, Hundred of Adelaide

Allotment 150 and portion of
 Allotments 144 and 146, Hundred of Munno Para Allotment 4, Section 640, Hundred of Willunga
 Allotment 5, Section 640, Hundred of Willunga Allotment 6, Section 640, Hundred of Willunga
 Allotment 7, Section 640, Hundred of Willunga Section 652, Hundred of Willunga
 Section 72, Town of Blanchetown

Personal Property (General Account)

\$4,200 S.A. Gas Company Bond No. 96/742 9.5% redeemable

15/4/83 to the extent of \$1,200

Balance with interest on the following bank accounts:

Savings Bank of S.A., Head Office a/c No. J.4089

a/c No. J.39884

National Bank of Australasia Ltd., Head Office, Church of England Office account, a/c See of
 Adelaide.

Balance of funds held by the Synod a/c See of Adelaide invested in loans secured by 1st
 mortgages.

(Bishop's Retiring Allowance Reserve Account)

Certificate of Title Register Book

Volume Folio 1048 121

171 186 4142 579 4142 580 4142 581 4142 582 4142 583

172 178

Commonwealth Inscribed Stock

\$400 10% maturing 15/2/85

\$400 10% maturing 5/2/87

\$200 6% maturing 15/10/91

\$1,900 Special Bonds Z series maturing 1/1/83.

Balance with interest of Savings Bank of S.A. Head Office at No. M10141

Balance of Funds held by the Synod a/c See of Adelaide invested in loans secured by 1st
 mortgages.

Together with any other property whatsoever whether real or personal subject to the provisions of
 the aforesaid declaration of trust dated the 31st day of October 1881.

Legislative History:

Amended 8 August 2012 (Trusts of the See Amendment Ordinance 2012).

Clause 3(1) amended.

Clause 3(2) amended

Sub-clauses 3(2a) and (2b) inserted.

Clause 8 amended: additional definitions inserted.

Amended 18 October 2015 (Trusts of the See Amendment Ordinance 2015)

Clause 3 deleted and new clause 3 substituted

Clause 4 deleted and new clause 4 substituted

Clause 8 amended: 3 additional definitions inserted and 1 definition deleted

EXPLANATORY MEMORANDUM

Election of Members of Synod Ordinance Amendment Ordinance 2021

The purpose of this Measure is to amend the Election of Members of Synod Ordinance 1985 to provide the mechanism for enabling lay synod members to be elected by parishes at their annual meeting of vestry in the first part of the election year, as contemplated by the amendment to section 18A of the Parochial Administration Ordinance which is being considered at this session of Synod.

If the amendment to section 18A of the Parochial Administration Ordinance 1985 is passed, these complementary amendments to sections 3, 4 and 5 of The Election of Members of the Synod Ordinance 1985 have been prepared to vary the timing of the certification of the number of communicants by parish priests and the notification of the number of lay members of Synod to be elected.

Clause Notes

Part 1 deals with necessary preliminary matters.

Clause 1 provides for the short title of the Ordinance.

Clause 2 is a relatively standard provision stipulating that the measure will come into operation on a date determined by the President.

Clause 3 provides for the amendment of the Ordinance in the manner set out in Part 2 of the Ordinance.

Part 2 contains the amendments proposed to the Ordinance.

Clause 4 of the Measure provides for the amendment of clause 3 of the Ordinance to state that lay members of Synod must be elected by 31 May in an election year.

Clause 5 of the Measure provides for an amendment to section 4 whereby the parish priest is to forward a declaration and certificate as to the number of parish communicants to the Secretary of Synod by 30 November in a year preceding an election year.

Clause 6 of the Measure provides for an amendment to section 5 to the effect that where the parish has provided the First Schedule certificate within the required timeframe, the Secretary of Synod is to notify parishes of the number of lay members they need to elect by 31 January.

Clause 7 of the Measure provides for an amendment to section 8(a) to enable the election of lay members of Synod to take place at the annual Vestry meeting, as opposed to a specially convened Synod Election Meeting.

Clause 8 of the Measure provides for an amendment to the timeframe that applies to combined vestries (namely those subject to Part of the Parochial Administration Ordinance) to mirror clause 4 of the Measure, requiring lay members of Synod to be elected by 31 May in an election year.

Clause 9 of the Measure provides for amendments to section 11 as follows:

1. Section 11(1) is amended to refer to the current Ordinance that covers registration of parishes and congregations.
2. Section 11(4) is amended so that members appointed under that section hold office for the same period as other members of Synod, as per section 14 of the Constitution.

Clause 10 of the Measure provides a correction to the section referred to in the Second Schedule. The correct section is section 12.

A MEASURE FOR

AN ORDINANCE to amend the *Election of Members of Synod Ordinance 1985*.

NOW THE SYNOD HEREBY DETERMINES:

Part 1 - Preliminary

1 - Short title

This Ordinance may be cited as the *Election of Members of Synod Ordinance Amendment Ordinance 2021*.

2 - Commencement

This Ordinance will come into operation on a date and at a time to be determined by the President.

3 - Amendment of principal ordinance

The *Election of Members of Synod Ordinance 1985* is amended in the manner set out in Part 2.

Part 2 - Amendment of the *Election of Members of Synod Ordinance 1985*

4 – Amendment of section 3 – Election of Members of Synod

Section 3 – delete “30 November in the year preceding” and substitute:

31 May in

5 – Amendment of section 4 – Certificate of Number of Communicants

Section 4 – delete “31 August” and substitute:

30 November

6 – Amendment of section 5 – Notification of Number of Lay Members of Synod

Section 5 – delete “30 September in the year preceding an election year, the Secretary of Synod shall” and substitute:

31 January in an election year, the Secretary of Synod shall
(provided the declaration and certificate referred to in section 4 above has been received)

7 – Amendment of section 6 - Election by Vestry

Section 6 – delete “the Synod Election Meeting” and substitute
its Annual Vestry Meeting or at a Synod Election Meeting

8 – Amendment of section 8 - Election by Parish Council

Section 8(a) – delete “30 November in the year preceding” and substitute:

31 May

9 – Amendment of section 11 – Registration or Reconstitution of Parishes

- (1) Section 11(1) – delete “The Registration of Parishes Ordinance 1985” and substitute:

the Registration of Congregations and Parishes Ordinance 2011,

- (2) Section 11(4) – delete “31 December in the year preceding the” and substitute:

30 June in

10– Amendment of The Second Schedule

Schedule heading - delete “section 11” and substitute:

section 12

THE ELECTION
OF MEMBERS OF THE SYNOD ORDINANCE 1985

AN ORDINANCE to repeal the Election of Synodsmen Ordinance 1980 and to make further provision for the election or appointment of lay members of the Synod.

WHEREAS it is expedient to repeal the Election of Synodsmen Ordinance 1980 and to make further provision for the election or appointment of lay members of the Synod
NOW THE SYNOD HEREBY DETERMINES:

Title

1. This Ordinance may be cited as "The Election of Members of the Synod Ordinance 1985".

Repeal

2. The Election of Synodsmen Ordinance 1980 is repealed.

Election of Members of the Synod

3. Every parish shall elect the number of lay members of the Synod prescribed by the Constitution at some convenient time not later than 31 May in 30 November in the year preceding an election year.

Certificate of Number of Communicants

4. Before 31 August 30 November in the year preceding an election year the Parish Priest of every parish shall forward to the Secretary of Synod a declaration and certificate in the form contained in the First Schedule to this Ordinance in respect of that parish.

Notification of Number of Lay Members of the Synod

5. Before 30 September in the year preceding 31 January in an election year, the Secretary of Synod shall (provided the declaration and certificate referred to in section 4 above has been received) notify the Parish Priest of every parish of the number of lay members of the Synod that the parish is entitled to elect in accordance with the provisions of section 10 of the Constitution.

Election by Vestry

6. In every parish to which Division I or Division III of Part II of the Parochial Administration Ordinance 1985 applies and in every parish comprising one congregation to which the said Ordinance does not apply, the lay members of the Synod representing the parish shall be elected at its Annual Vestry Meeting or at a Synod Election Meeting the Synod Election Meeting held in accordance with the provisions of section 18A of the Parochial Administration Ordinance 1985. Notice

of any such meeting shall be given in the manner prescribed in section 19 of the Parochial Administration Ordinance 1985.

Voting

7. At every Vestry meeting at which an election for lay members of the Synod takes place the chair shall receive the votes of those persons present who are qualified to vote in accordance with section 13 of the Constitution and who wish to vote. The person or persons receiving the highest number of votes shall be declared duly elected. In the case of an equal vote the chair shall have a casting vote.

Election by Parish Council

8. In every parish to which Division II of Part II of the Parochial Administration Ordinance 1985 applies the following provisions shall apply:
 - (a) The lay members of the Synod representing the parish shall be elected by the Parish Council at a meeting to be held not later than 31 May in 30 November in the year preceding an election year.
 - (b) Notice that an election of lay members of the Synod will be held and that nominations for lay members of the Synod will be received shall be given at each service held in the parish on the two Sundays preceding the meeting at which the election is to take place.
 - (c) Nominations for lay members of the Synod may be made in writing signed by the nominee and any member of the parish who is a communicant and may be delivered to any member of the Parish Council at or before the meeting at which the election takes place or may be made by any member of the Parish Council at the meeting provided that the nominee has signified his or her consent to nomination.
 - (d) The election shall be made from amongst those members of the parish who have been nominated in accordance with paragraph (c) in such manner as the Parish Council shall determine provided that the Parish Council shall have regard to the desirability of each congregation being represented in the Synod.

Election by Other Means

9. In every parish comprising more than one congregation and to which The Parochial Administration Ordinance 1985 does not apply the lay members of the Synod representing the parish shall be elected in such manner as the election committee referred to in section 17 of this Ordinance shall determine.

Insufficient Nominations

10. Should there be no nomination or if the number of nominations is less than the number of lay members of the Synod to which the parish is entitled, the Parish Priest may before 1 January in an election year nominate and appoint such lay members

of the Synod as may be necessary to make up the number of lay members of the Synod to which the parish is entitled.”

Registration or Reconstitution of Parishes

11. (1) In the case of the registration of a new parish or parishes consequent upon the approval of a registration proposal pursuant to the provisions of ~~The Registration of Parishes Ordinance 1985~~ the Registration of Congregations and Parishes Ordinance 2011, the Parish Priest or Parish Priests of such parish or parishes as the case may be shall forward to the Secretary of Synod a declaration and certificate in the form contained in the First Schedule to this Ordinance not less than six weeks before the session of the Synod next following the day on which registration of the proposal was or was entitled to be effected.
- (2) The Secretary of Synod shall thereupon notify the Parish Priest or Parish Priests concerned of the number of lay members of the Synod that the parish is entitled to elect in accordance with the provisions of section 10 of the Constitution.
- (3) The nomination and election of lay members of the Synod shall thereupon take place in such parish or parishes in accordance with the provisions of this Ordinance as if there were a number of casual vacancies equal to the number of lay members of the Synod that such parish or parishes is or are entitled to elect in accordance with the provisions of section 10 of the Constitution.
- (4) The lay members of the Synod so elected or appointed shall hold office until ~~31 December in the year preceding~~ 30 June in the election year next following their election or appointment.
- (5) Notwithstanding the provisions of this Ordinance, in a case to which this section applies the Election Committee referred to in section 17 of this Ordinance may give such directions as it may in any case determine with respect to the election of lay members of the Synod first occurring after the approval of a registration proposal. Such directions may include directions:
 - (a) as to the method by which the number of communicants of the parish shall be determined;
 - (b) fixing or abridging the time by which any of the steps required by this Ordinance are to be taken;
 - (c) determining by whom the first lay members of the Synod for the parish shall be elected; and
 - (d) as to the holding of any meetings concerning the first election of lay members of the Synod for the parish and the time and form of any notice to be given in respect of such meetings.
- (6) The election of lay members of the Synod conducted in accordance with any directions of the Election Committee pursuant to subsection (5) of this section

shall be as effective as if carried out in accordance with the provisions of this Ordinance.

Membership of Anglicare SA

11A

- (1) The election or appointment of a person pursuant to the provisions of this Ordinance and of any person elected or appointed to a position mentioned in sections 10(d2), 10(d3) or 10(e) of the Constitution shall not be effective until the person shall have signed an application for membership of Anglicare SA Limited in accordance with the requirements of the Constitution of Anglicare SA Limited.
- (2) A person referred to in subsection (1) shall cease to be a member of the Synod if, during the period of such membership, the person resigns as a member of Anglicare SA Limited.

Certificate of Election

12. A certificate of election or appointment of lay members of the Synod together with the declarations in the form of the Fifth Schedule to the Constitution duly completed by each person elected shall be forwarded to the Secretary of Synod within 7 days of the election or appointment. The certificate of election shall be in the form of the Second Schedule to this Ordinance.

Casual Vacancies

13. Upon receipt by the Secretary of Synod of notice from the Bishop that a person has ceased to be a lay member of the Synod the Secretary of Synod shall forthwith remove the name of such person from the register of members of the Synod and if such person was elected on behalf of a parish shall give notice to the Parish Priest of that parish to proceed with a fresh election to fill the vacancy.

Procedure

14. An election pursuant to section 13 of this Ordinance shall take place in accordance with the provisions of sections 6 to 10 inclusive of this Ordinance, provided that such election may take place at any Vestry meeting or meeting of the Parish Council as the case may be.

Entry in Register of Members

15. Upon receipt of the documents referred to in section 12 of this Ordinance the Secretary of Synod shall forthwith enter the name or names of the persons elected in the register of members of the Synod.

Alternate Lay Members of the Synod

- 15A (1) Subject to this section a parish may elect in preferential order a number of alternate lay members of the Synod not exceeding the number of lay members of the Synod which may be elected by the parish.
- (2) Where lay members of the Synod are elected by the Vestry such alternate lay members of the Synod shall be elected by the Vestry.
- (3) Where lay members of the Synod are elected by the Parish Council, such alternate members of the Synod shall be elected by the Parish Council.
- (4) The provisions of sections 6 to 10 inclusive and section 12 of this Ordinance shall apply mutatis mutandis to the election of alternate lay members of the Synod.
- (5) The Secretary of Synod shall keep a register of alternate lay members of the Synod.
- (6) In the event of the Bishop being informed by the Parish Priest or by the lay member of the Synod concerned of the inability of a lay member of the Synod to attend a session of the Synod, or being informed by the Parish Priest that a lay member of the Synod has ceased to be a lay member of the Synod and that it is impossible in the time available to fill the vacancy in accordance with section 13, the Bishop shall thereupon cause a summons to be issued to the person whose name stands first upon the certificate of election of alternate lay members of the Synod summoning him or her to attend that session of the Synod. Should he or she be unable to attend such session the Bishop shall cause such summons to be issued to the next person so named and so on.
- (7) The Bishop shall not cause any summons to be issued to any alternate lay member of the Synod within three days of the commencement of any session of the Synod.
- (8) An alternate lay member of the Synod shall hold office as a lay member of the Synod only for the duration of the session for which he or she received a summons.

Report to Synod.

16. At each session of the Synod the Secretary of Synod shall present the register of members of the Synod or an extract thereof comprising the names of all members of the Synod together with a supplementary report (if any) of any variations thereto or to be made thereto and a report of summonses issued to alternate lay members of the Synod.

Election Committee

17. If the Secretary of Synod shall be in doubt as to the effect or validity of any notice, certificate or declaration relating to the cessation of membership of the Synod or to the election or appointment of any lay members of the Synod the matter shall be referred to an election committee comprising the Dean, the Archdeacon of Adelaide and the Archdeacons whose decision thereon shall be final.

Interpretation

18. In this Ordinance -

"election year" means an election year referred to in section 14 of the Constitution;

"Parish Priest" means the member of the clergy licensed to the cure of souls in or for a parish and includes a locum tenens during a vacancy in the office.

THE FIRST SCHEDULE
(Section 4)

I,

of

.....

DO HEREBY CERTIFY that the number of persons who have communicated not less than three times during the past twelve months in the parish of

is

AND I DO HEREBY solemnly declare that the above certificate is to the best of my knowledge a true and correct return of communicants for the purpose of representation in Synod.

DATED this day of 2

Parish Priest

THE SECOND SCHEDULE
(~~Section 11~~section 12)

I CERTIFY that at a meeting duly convened and held in accordance with The Election of Members of the Synod Ordinance 1985 on the _____ day of _____ 2 the following were elected to serve as lay members of the Synod and (if applicable) alternate lay members of the Synod for the parish of

| Name | Address |
|--------------------------|---------|
| Lay members of the Synod | |

| | |
|-------|----------|
| ..... | of |
| ..... | of |
| ..... | of |
| ..... | of |
| ..... | of |

Alternate lay members of the Synod

| | |
|-------|----------|
| ..... | of |
| ..... | of |
| ..... | of |
| ..... | of |
| ..... | of |

(* and that on the _____ day of _____ 2 I appointed

| Name | Address |
|-------|----------|
| ..... | of |
| ..... | of |

to serve as lay members of the Synod for the said parish) and I forward herewith the declarations in the form of the Fifth Schedule to the Constitution as required by the said Ordinance.

DATED this _____ day of _____ 2

Chair/Parish Priest

*To be completed by the Parish Priest only if the required number of lay members of the Synod have not been elected by the Vestry or Parish Council as the case may be.

Passed on 5 April 2014

Insertion of new section 11A – Membership of Anglicare-SA

After section 11 insert the following new section:

11A – Membership of Anglicare SA

- (1) The election or appointment of a person pursuant to the provisions of this Ordinance and of any person elected or appointed to a position mentioned in sections 10(d2), 10(d3) or 10(e) of the Constitution shall not be effective until the person shall have signed an application for membership of Anglicare SA Limited in accordance with the requirements of the Constitution of Anglicare SA Limited.
- (2) A person referred to in subsection (1) shall cease to be a member of the Synod if, during the period of such membership, the person resigns as a member of Anglicare SA Limited.

Amendment of section 12 – Certificate of Election

Section 12 – insert after the word "Constitution" the words "and an application for membership of Anglicare SA Limited".

Passed on 22nd September 1985.

Amended on 16th September 1988, Sections 1, 16, Second Schedule and new Section 15A.

Amended 14th September 1990 by the Annual Vestry Meeting Amendment Ordinance 1990, sections 3, 4, 5, 6 and 8

Amended 14th September 1990 by the The Ordinances Publication Ordinance Amendment Ordinance 1990 -

Title - Section 1, Second Schedule

Amended 29 May 1999 – Sections 3, 4, 5, 6, 8, 11, and new section 10

Revisions under the Ordinances Publication Ordinance 2004

- (1) Title – “Synodsmen” deleted and “Members of the Synod” substituted
- (2) Preamble – “synodsmen” deleted and “members of the Synod” substituted (in two places)
- (3) Section 1 - “Synodsmen” deleted and “Members of the Synod” substituted
- (4) Section 3 Title - “Synodsmen” deleted and “Members of the Synod” substituted
- (5) Section 3 - “synodsmen” deleted and “members of the Synod” substituted
- (6) Section 5 Title - “Synodsmen” deleted and “Members of the Synod” substituted
- (7) Section 5 - “synodsmen” deleted and “members of the Synod” substituted
- (8) Section 6 - “synodsmen” deleted and “members of the Synod” substituted
- (9) Section 7 - “synodsmen” deleted and “members of the Synod” substituted, and “chairman” replaced by “chair” in two places
- (10) Section 8(a) - “synodsmen” deleted and “members of the Synod” substituted
- (11) Section 8(b) - “synodsmen” deleted and “members of the Synod” substituted in two places
- (12) Section 8(c) - “synodsmen” deleted and “members of the Synod” substituted, and “or her” inserted after “his”
- (13) Section 9 - “synodsmen” deleted and “members of the Synod” substituted
- (14) Section 10 - “synodsmen” deleted and “members of the Synod” substituted in three places
- (15) Section 11(2) - “synodsmen” deleted and “members of the Synod” substituted
- (16) Section 11(3) - “synodsmen” deleted and “members of the Synod” substituted in two places
- (17) Section 11(4) - “synodsmen” deleted and “members of the Synod” substituted
- (18) Section 11(5) - “synodsmen” deleted and “members of the Synod” substituted
- (19) Section 11(5)(c) - “synodsmen” deleted and “members of the Synod” substituted
- (20) Section 11(5)(d) - “synodsmen” deleted and “members of the Synod” substituted
- (21) Section 11(6) - “synodsmen” deleted and “members of the Synod” substituted
- (22) Section 12 - “synodsmen” deleted and “members of the Synod” substituted
- (23) Section 13 - “synodsmen” deleted and “member of the Synod” substituted
- (24) Section 15A(1) Title - “Synodsmen” deleted and “Members of the Synod” substituted
- (25) Section 15A(1) - “synodsmen” deleted and “members of the Synod” substituted in two places
- (26) Section 15A(2) - “synodsmen” deleted and “members of the Synod” substituted in two places
- (27) Section 15A(3) - “synodsmen” deleted and “members of the Synod” substituted in two places
- (28) Section 15A(4) - “synodsmen” deleted and “members of the Synod” substituted
- (29) Section 15A(5) - “synodsmen” deleted and “members of the Synod” substituted

- (30) Section 15A(6) - “synodsmen” deleted and “member of the Synod” substituted in four places, “synodsmen” deleted and “members of the Synod” substituted, “or her” inserted after “him”, and “or she” inserted after “he”
- (31) Section 15A(7) - “synodsmen” deleted and “member of the Synod” substituted
- (32) Section 15A(8) - “synodsmen” deleted and “member of the Synod” substituted in two places, and “or she” inserted after “he”
- (33) Section 16 - “synodsmen” deleted and “members of the Synod” substituted in two places
- (34) Section 17 - “synodsmen” deleted and “members of the Synod” substituted
- (35) Section 18 – “clergyman” deleted and “member of the clergy” substituted
- (36) Second Schedule - “synodsmen” deleted and “members of the Synod” substituted in seven places, and “Chairperson” deleted and “Chair” substituted

EXPLANATORY MEMORANDUM

Parochial Administration Ordinance Amendment Ordinance 2021

The purpose of this Measure is to amend the Parochial Administration Ordinance 1985.

The amendments can be broken into 6 main topics;

1. Removing references to the Ministry Development Council;
2. Updating section 18A - Synod Election Meetings
3. Membership and eligibility criteria for parish officeholders
4. Make up of Nomination Committees
5. External oversight of Parish accounts
6. Enabling amendment concerning Annual Vestry Meeting

1. Removing references to the Ministry Development Council

The Ministry Development Council has not been in existence since 2007, when the Diocesan Council and Ministry Units Ordinance came into operation. References to the Ministry Development Council throughout the Ordinance have been replaced by references to Synod.

2. Updating section 18A Synod Election Meetings

Synod's financial year used to end on 31 December and annual sessions of Synod had to be held within six months of year end. Consequently annual sessions of Synod were normally held in April. Because of the procedures which have to take place before lay representatives could be elected, this meant that it was not possible for parishes to elect lay representatives at their Annual Vestry Meetings. Section 18A provided the mechanism whereby a specially convened Vestry, the Synod Election Vestry, had to be called in order to elect lay representatives.

The amendments to this section work in combination with the proposed changes to the Election of Members of the Synod Ordinance to make it possible for parishes to elect their lay members of Synod without calling a special Synod Election Vestry. It is hoped that many parishes will henceforward be able to elect lay Synod representatives at the Annual Vestry Meeting.

3. Membership and eligibility criteria for parish officeholders

Diocesan Council adopted the Nomination Committee – Parish Representatives Guidelines in June 2015. The principles underpinning this Policy included the following:

- Parishes should endeavour to appoint competent lay representation on the Nomination Committee who will faithfully and diligently serve the parish during a nomination process.
- All parishes should have a broad range of lay representation, which is, and is seen to be, not unduly influenced by one family:

From time to time, Synod Office has been informed of problems where parish council membership comprises an imbalance of the kind that these principles aim to prevent. Proposed new section 28A would apply these principles to eligibility for membership of Parish Councils. This section also establishes that members of the parish who are 16 can not only participate in Vestry meetings, but can be elected as members of Parish Councils.

In addition, an amendment to section 32(2) is being proposed to clarify that the parish treasurer is a member of Parish Council. This does not prevent parishes from engaging a separate bookkeeper to maintain the accounts, but ensures that there is adequate reporting on parish finances and accountability at Parish Council level.

Section 48 has been also amended to clarify that only lay persons are eligible to be churchwardens. This is consistent with the principle outlined at the first bullet point above.

4. Make up of Nomination Committees

As indicated above, Diocesan Council adopted the Nomination Committee – Parish Representatives Guidelines in June 2015. To highlight the importance of these policy principles, it is proposed to include them in the Ordinance (see proposed section 53(2a)). One additional principle applies to candidates who wish to serve on the Nomination Committee, namely that employees of the parish are not eligible to be appointed to the Nomination Committee.

The substantive change proposed in section 53(2)(f) is to make it clear that the parish's elected representatives on the Nomination Committee are lay persons. The other proposed amendments to section 53(2)(f) are designed to fill a gap that existed in connection with parishes that have 2 or more congregations as allowed for in Part II Division 3 of the Ordinance.

It is also proposed to increase the number of Diocesan Nominators to four clergy and four lay persons (section 53(4)). This is intended to ease the workload of Diocesan Nominators.

5. External oversight of Parish accounts

Section 30 currently requires all parishes to have their accounts audited. All parishes are charities. The Australian Charities and Not-for-Profits Commission (ACNC) is the regulator for charities. This being the case, it is sensible to look to the ACNC requirements concerning external review and audit. The ACNC allows small and medium sized charities to have their accounts reviewed rather than audited. This is a less onerous and less costly alternative to undergoing a full audit. Large charities do have to undertake a full audit. At present all Adelaide parishes are categorised as small or medium. The proposed amendments would require all parishes to have their accounts reviewed by a qualified accountant, while allowing them the option of conducting an audit.

6. Enabling amendment concerning Annual Vestry Meeting

Section 17(1) requires parishes to hold an annual Vestry meeting before 31st March. It does not allow for the situation where a quorum is not met at the nominated date. The proposed amendment makes it clear that the parish is not in default of this requirement provided the procedures at section 20 are followed.

Clause Notes

Part 1 deals with necessary preliminary matters.

Clause 1 provides for the short title of the Ordinance.

Clause 2 is a relatively standard provision stipulating that the measure will come into operation on a date determined by the President.

Clause 3 provides for the amendment of the Ordinance in the manner set out in Part 2 of the Ordinance.

Part 2 contains the amendments proposed to the Ordinance.

Clause 4 provides for the amendment of clause 4 to remove references to the Ministry Development Council from the definition of ‘parish in need of support’.

Clause 5 provides for amendments to ensure that the eligibility requirements for churchwardens and nomination committee members that apply to most parishes

also apply for parishes that have 2 or more congregations - as allowed for in Part II Division 3 of the Ordinance.

Clause 6 provides a qualification to the requirement in section 17 by stipulating that where a parish has called an Annual Vestry Meeting before 31 March but fails to achieve a quorum, the parish is not in default of section 17, provided the procedures at section 20 are followed.

Clause 7 amends section 18A(1) to enable parishes to elect lay representatives to Synod at their Annual Vestry Meeting. Should a parish fail to do so, they will still be required to hold a Synod Election Meeting before 30 June. Parishes that fall within Part II Division 3 do not elect lay representatives at an annual vestry meetings and section 18A(3) has been inserted to point those parishes to the alternative election process that is already contained in section 8 of the Election of Members of Synod Ordinance.

Clause 8 inserts a new section 28A which sets out the eligibility criteria for members of parish council.

Clause 9 amends section 30 to replace the absolute requirement that parish accounts are to be audited annually with a requirement that the parish accounts are to be reviewed or audited by a person who is recognised as appropriately qualified by the charity regulator (Australian Charities and Not-for-Profit Commission). Only parishes which are deemed by the charity regulator to be large charities will be required to have their accounts audited.

Clause 10 amends section 32 to stipulate that the treasurer must be appointed from the members of parish council.

Clause 11 amends section 45(1)(d) to underline that only eligible persons can be elected to Parish Council.

Clause 12 amends section 48 to underline that only lay persons can be a churchwarden.

Clause 13 amends section 53(2) to clarify how each of the three types of parishes described in Part II are to select the members of the nomination committee.

A new provision, section 53(2a), is introduced which sets out the eligibility criteria for members of the nomination committee.

Finally, section 53(4) increases the pool of Diocesan nominators to four clergy and four lay persons.

Clause 14 amends section 69 to remove references to the Ministry Development Council.

Clause 15 amends section 86 to update the reference to the current Ordinance.

A MEASURE FOR

AN ORDINANCE to amend *The Parochial Administration Ordinance 1985*.

NOW THE SYNOD HEREBY DETERMINES:

Part 1 - Preliminary

1 - Short title

This Ordinance may be cited as *The Parochial Administration Ordinance Amendment Ordinance 2021*.

2 - Commencement

This Ordinance will come into operation on a date and at a time to be determined by the President.

3 - Amendment of principal ordinance

The Parochial Administration Ordinance 1985 is amended in the manner set out in Part 2.

Part 2 - Amendment of *The Parochial Administration Ordinance 1985*

4 – Amendment of section 4 - Definitions

Section 4, definition of “parish in need of support” – delete “Ministry Development Council” wherever occurring and substitute, in each case:

Synod

5 – Amendment of section 15 – Churchwardens and Nomination Committee

(1) Section 15(a) – after “elected or appointed from” insert:

the lay

(2) Section 15(b) – delete “Members” and substitute:

Subject to section 53(2a), members

6 – Amendment of section 17 – Annual Vestry Meeting

Section 17(1) – delete “A” and substitute:

Subject to section 20, a

7 – Amendment of section 18A – Synod Election Meeting

(1) Section 18A(1) – delete subsection (1) and substitute:

(1) In every parish to which Division I or Division III of Part II of this Ordinance applies, if the election of lay members of the Synod does not occur at the parish’s Annual Vestry Meeting in an election year referred to in section 14 of the Constitution, a Special Vestry Meeting must be convened on or before 30 June in that election year (and any such meeting will be called the Synod Election Meeting and will be convened by the parish priest).

(2) Section 18A(2) – delete “Lay” and substitute:

lay

(3) Section 18A – after subsection (2) insert:

(3) In every parish to which Division II of Part II of this Ordinance applies, the provisions of section 8 of the Election of Members of Synod Ordinance 1985 will apply to the election of lay members of Synod.

8 – Insertion of section 28A

After section 28 insert:

Eligibility

28A. A person is eligible to be elected as a member of Parish Council provided that:

- (a) the person is a lay person: and
- (b) the person has attained the age of 16 years: and

- (c) only one member of the same family household is an elected member of the Parish Council at any given time.

9 – Substitution of section 30

Delete section 30 and substitute:

External Oversight of Accounts and Audit

- 30(1) The Parish Council must cause proper accounts to be kept of all moneys received and disbursed by it for each year ending 31 December and must cause those accounts and the accounts of all moneys received and disbursed by the Vestry or other governing body of any congregation or organisation within the parish for the same period to be reviewed or audited by a person who is authorised by the Australian Charities and Not-for-Profits Commission to conduct reviews or audits of charity accounts as the case may be, and must furnish a copy of the duly reviewed or audited accounts to each Vestry or other governing body of the congregations represented on the Parish Council.
- (2) A Parish Council may determine to have its accounts reviewed rather than audited if its annual revenue does not exceed the amount allowed for financial reports submitted to the Australian and Charities and Not-for-Profits Commission to be reviewed rather than audited.

10 – Amendment of section 32 – Parish Officers

Section 32(2) – after “shall appoint” insert:

from among its own members

11 – Amendment of section 45 – Composition of Parish Council

Section 45(1)(d) – after “Such other” insert:

eligible

12 – Amendment of section 48 – Qualifications

Section 48 – after “shall be” insert:

lay

13 – Amendment of section 53 – Nomination Committee

(1) Section 53(2) – after “Subject to subsections” insert:

(2a)

(2) Section 53(2)(f) – delete paragraph (f) and substitute:

(f) —

(i) in the case of a parish comprising only one congregation which is subject to Part II Division 1 of this Ordinance—up to three eligible lay persons appointed by the Vestry to be representatives on the Nomination Committee;

(ii) in the case of a parish comprising two or more congregations which is subject to Part II Division 2 of this Ordinance—one eligible lay person for each congregation, with each Vestry making an appointment of an eligible lay person to be a representative on the Nomination Committee.;

(iii) in the case of a parish comprising two or more congregations which is subject to Part II Division 3 of this Ordinance—one eligible lay person for each congregation, appointed by the Vestry to be representatives on the Nomination Committee.

(3) Section 53 – after subsection (2) insert:

(2a) For the purposes of subsection (2)(f), a member of the Vestry is eligible to be a representative on the Nomination Committee if—

(a) the person is not an employee of the parish; and

(b) no other member of the same family household is a member of the Nomination Committee at the same time.

(4) Section 53(4)(a) – delete “two” and substitute:

four

(5) Section 53(4)(b) – delete “two” and substitute:

four

14 – Amendment of section 69 – Revocation of Licence

(1) Section 69(1) – delete “, the Ministry Development Council”

(2) Section 69(2) – delete “, the Ministry Development Council”

15 – Amendment of section 86 – Exercise of Powers by Synod

Section 86 – delete “Diocesan Council Ordinance 1980” and substitute:

Diocesan and Ministry Units Ordinance 2007

THE PAROCHIAL ADMINISTRATION ORDINANCE 1985

AN ORDINANCE for the management and regulation of the property and affairs of parishes and matters incidental thereto.

WHEREAS certain church trust property is or is to become vested in the Synod AND WHEREAS the Synod holds or is to hold such trust property for and on behalf of the respective parishes mentioned in the respective trust deeds relating to such trust property

AND WHEREAS it is expedient to provide for the several trusts conditions and purposes upon which the Synod holds such trust property and to provide for the administration and good government of the parishes for and on behalf of which the Synod holds such trust property NOW THE SYNOD HEREBY DETERMINES:

PART I - PRELIMINARY

Title

1. This Ordinance may be cited as "The Parochial Administration Ordinance 1985".

Arrangement

2. This Ordinance is divided into parts as follows:

PART I - PRELIMINARY (Sections 1-4)

PART II - VESTRIES

- Division I - Parishes comprising one congregation
(Sections 5-7)
- Division II - Parishes comprising more than one
congregation (Sections 8-11)
- Division III - Optional Parish Vestries (Sections 12-16)
- Division IV - Provisions applicable to all vestries
(Sections 17-27)

PART III - PARISH COUNCILS

- Division I - Provisions applicable to all parishes
(Sections 28-40)
- Division II - Parishes with one Vestry (Sections 41-43)
- Division III - Parishes with more than one Vestry
(Sections 44-46)

PART IV - CHURCHWARDENS AND OTHER OFFICERS(Sections 47-52)

PART V - THE PARISH PRIEST (Sections 53-63)

PART VI - APPROPRIATION OF PROPERTY (Sections 64-67)

PART VII - LICENSING OF CHURCH BUILDINGS (Sections 68-69)

PART VIII - THE USE OF CHURCHES AND OTHER BUILDINGS
(Sections 70-75)

PART IX - MANAGEMENT OF PROPERTY (Sections 76-86)

PART X - MISCELLANEOUS (Sections 87 - 88)

Operation

3. This Ordinance applies to any parish on whose behalf the Synod holds any Parish Trust Property and insofar as the provisions of this Ordinance affect the management and user of trust property generally shall only affect Parish Trust Property so held for or on behalf of such parish.

Definition

4. In this Ordinance wherever the context so permits-

"licence" means a licence under the seal of the Bishop and "licensed" has a corresponding meaning;

“parish in need of support” means –

- (a) a parish which in the preceding two consecutive years has failed to pay the whole of any of the following:
- (i) the minimum stipend of the Parish Priest determined pursuant to any Ordinance;
 - (ii) the assessment determined in accordance with The Assessment Ordinance 1985; or
 - (iii) any instalment of principal or interest due by the parish pursuant to any agreement or loan between the parish and the Synod Ministry Development Council;
- (b) a parish which in the preceding twelve months has received a grant from the Synod Ministry Development Council towards the stipend of the Parish Priest; or
- (c) a parish which within one month of the commencement of a vacancy in the office of the Parish Priest advises the Archdeacon of the area in which the parish is situated or the Synod Ministry Development Council that in the ensuing twelve months it will be unable to pay the whole of the following:
- (i) the minimum stipend of the Parish Priest determined pursuant to any Ordinance;
 - (ii) the assessment determined in accordance with the Assessment Ordinance 1985; and
 - (iii) any instalment of principal or interest due by the parish pursuant to any agreement for loan between the parish and the Ministry Development Council Synod;

"Parish Priest" means the member of the clergy for the time being holding the licence of the Bishop for the cure of souls in the parish;

"Parish Trust Property" means property or any estate or interest therein vested in the Synod and held by the Synod for or on behalf of any parish upon the terms of any trust deed by which it is declared that the Synod holds such property for the several trusts conditions and purposes set forth and described in this Ordinance;

"The Model Trust Deed of 1969" means the Model Trust Deed and its amendments the whole of which were revoked by The Model Declaration of Trust Ordinance 1985.

PART II - VESTRIES

Division I - Parishes comprising one congregation

Application of Division I

5. This Division applies only to a parish comprising one congregation.

Composition of Vestry

6. (1) There shall be a Vestry consisting of the Parish Priest, any assistant member of the clergy, the churchwardens and all members of the parish qualified at the time of any meeting thereof to elect lay members of the Synod in accordance with the Constitution.

(2) A quorum of the Vestry shall be 15 or such lesser number as may be approved by the Bishop on application by the Parish Priest.

Powers and Functions of Vestry

7. The Vestry shall under the leadership of and with the Parish Priest be responsible for the pastoral, educational, evangelistic and missionary work of the parish and shall have and may exercise such powers and duties as are prescribed by this Ordinance.

Division II - Parishes comprising more than one congregation

Application of Division II

8. This Division applies only to a parish comprising more than one congregation and to which Division III of this Part does not apply.

Composition of Vestry

9. (1) For each congregation in the parish there shall be a Vestry consisting of the Parish Priest, any assistant member of the clergy and all members of the

congregation qualified at the time of any meeting thereof to elect lay members of the Synod in accordance with the provisions of the Constitution.

- (2) A quorum of a Vestry shall be 5.

Powers and Functions of Vestry

10. The Vestry shall under the leadership of and with the Parish Priest be responsible for the pastoral, educational, evangelistic and missionary work of the congregation and shall have and may exercise such powers and duties as are prescribed by this Ordinance or as may be delegated to it pursuant to the provisions of section 46 of this Ordinance or with respect to the welfare and work of the congregation as distinct from the parish as a whole.

Combined Vestry Meetings

11. (1) Subject to the provisions of subsection (4) any two or more Vestry meetings of congregations in the parish may be convened at the same time and place and if a majority of the members of each Vestry present and voting shall separately resolve that the meeting proceed as a combined Vestry Meeting the provisions of subsection (2) shall apply for the duration of the meeting and any adjournment thereof.
- (2) A combined Vestry Meeting shall comprise the members of each of the Vestries which have passed the resolution referred to in subsection (1) and shall have and may exercise in relation to each congregation so represented such powers and functions of the Vestry of that congregation as are conferred on such Vestry by the provisions of this or any other Ordinance as if it were the Vestry of that congregation.
- (3) A combined Vestry Meeting shall continue to act only so long as there is present a quorum of each Vestry concerned.
- (4) This section shall not apply to any congregation on whose behalf there is held any property other than Parish Trust Property.

Division III - Optional Parish Vestries

Parish Vestry

12. In any parish comprising more than one congregation and on behalf of which or on behalf of any congregation therein there is held no property other than Parish Trust Property the Vestry of any congregation of such parish may at any time by resolution duly passed declare that the provisions of this Division shall apply to such parish. Upon all the Vestries of such parish passing such resolution (none of such resolutions in the meantime having been rescinded) the provisions of this Division shall apply to such parish.

Composition of Parish Vestry

13. (1) For every parish to which this Division applies there shall be a Parish Vestry consisting of the Parish Priest, any assistant member of the clergy and all members of the parish qualified at the time of any meeting thereof to elect lay members of the Synod in accordance with the provisions of the Constitution.
- (2) A quorum of a Parish Vestry shall be 15.

Powers and functions of Parish Vestry

14. A Parish Vestry constituted in accordance with this Division shall under the leadership of and with the Parish Priest undertake responsibility for the pastoral, educational, evangelistic and missionary work of the Parish and shall have and may exercise all the powers and duties conferred on Vestries by virtue of the provisions of this Ordinance in respect of each of the congregations in the parish, as if such Vestry were the Vestry for that congregation and shall have and may exercise any powers and duties with respect to the welfare and work of any congregation in the parish and of the parish as a whole.

Churchwardens and Nomination Committee

15. In any parish to which this Division applies -
- (a) Churchwardens shall pursuant to Part IV of this Ordinance be elected or appointed as the case may be in respect of every congregation in the parish and shall be elected or appointed from the lay members of the congregation in respect of which they are elected or appointed;
 - (b) Subject to section 53(2a), mMembers of the Nomination Committee to be elected by the Vestry pursuant to section 53 of this Ordinance may be any members of the Vestry.

Cessation of Operation of this Division

16. Upon receiving a petition to that effect signed by not less than ten members of any congregation in a parish to which this Division applies the Bishop may after making such enquiries as the Bishop thinks fit and in the Bishop's discretion determine that the provisions of this Division shall no longer apply to such parish and thereafter the provisions of this Division shall no longer apply to such parish, unless and until the provisions of section 12 of this Ordinance are again fulfilled.

Division IV - Provisions applicable to All Vestries

Annual Vestry Meeting

17. (1) ~~A~~Subject to section 20, a Vestry shall meet each year before the 31st day of March. Such meeting shall be called the Annual Vestry Meeting and shall be convened by the Parish Priest.
- (2) At every Annual Vestry Meeting the business to be transacted after prayers shall be:
 - (a) Confirmation of the minutes of the preceding Annual Vestry Meeting and of every other meeting of the Vestry which may have been held since the preceding Annual Vestry Meeting, unless all such minutes shall have been confirmed by the Parish Council;
 - (b) The presentation of reports by the Parish Priest and the Churchwardens, and of any reports by members of the Synod and others;
 - (c) The reception of an audited statement of accounts of the parish and of any organisation connected with the parish;
 - (d) The appointment or election of such of the following officers as shall be requisite-
 - (i) Churchwardens
 - (ii) A representative or representatives on the Parish Council
 - (iii) Representatives on the Nomination Committee
 - (iv) Such other officers as the Vestry may be authorised to appoint;
 - (e) Consideration of recommendations (if any) from the Parish Council;
 - (f) Consideration of a budget of income and expenditure for the parish submitted by the Parish Council;
 - (g) Such other business as shall have been specified in the notice convening the meeting;
 - (h) Any other business which the Chairperson in his or her discretion shall permit to be discussed.
- (3) At every Annual Vestry Meeting in a parish to which Division II of this Part applies the business to be transacted shall also include:
 - (a) The presentation of an audited statement or statements of the financial affairs of the congregation and of any organisations connected with the congregation; and

- (b) Adoption of a budget of income and expenditure for the congregation.

Special Vestry Meetings

18. (1) The Parish Priest shall have power to convene a Special Vestry Meeting at any time and shall convene a Special Vestry Meeting whenever requested to do so by the churchwardens or by any five members of the Vestry. If having been so requested the Parish Priest shall fail to convene a Special Vestry Meeting within one calendar month of the receipt of such request the churchwardens or the five members as the case may be shall have power to convene such meeting. Where there is no Parish Priest the churchwardens shall have power to convene the Annual Vestry Meeting or a Special Vestry Meeting. The Bishop shall be given prior notice of any Vestry Meeting convened by the churchwardens or five members of the Vestry.
- (2) The only business to be transacted at a Special Vestry Meeting shall be that specified in the notice convening the meeting.

Synod Election Meeting

- 18A (1) In every parish to which Division I or Division III of Part II of the Parochial Administration Ordinance 1985 applies, if the election of lay members of the Synod does not occur at the parish's Annual Vestry Meeting in an election year referred to in section 14 of the Constitution, a Special Vestry Meeting must be convened on or before 30 June in that election year (and any such meeting will be called the Synod Election Meeting and will be convened by the parish priest). A Special Vestry Meeting shall be convened on or before 30 November in each year preceding an election year referred to in section 14 of the Constitution. Such meeting shall be called the Synod Election Meeting and shall be convened by the parish priest.
- (2) At every Synod Election Meeting the business to be transacted after prayers shall be the election of lay members of the Synod and such other business of which proper notice shall have been given.
- (3) In every parish to which Division II of Part II of this Ordinance applies, the provisions of section 8 of the Election of Members of Synod Ordinance 1985 will apply to the election of lay members of Synod.

Notice of Meetings

19. A notice convening an Annual Vestry Meeting or a Special Vestry Meeting (as the case may be) shall be given at all services on the two Sundays next before the day upon which the meeting is to be held. Such notice shall specify the time and place of the meeting and the general nature of the business to be transacted thereat and may be given orally or in writing.

Adjournments

20. If at any Annual Vestry Meeting or at any adjournment thereof a quorum shall not be present the meeting shall stand adjourned to a day and time being not later than fourteen days thereafter as the Parish Priest or in his or her absence such churchwardens as may be present or if no churchwardens shall be present then the majority of the members of the Vestry present shall decide. A Vestry Meeting other than an Annual Vestry Meeting at which a quorum shall not be present shall lapse. Any Vestry Meeting at which a quorum is present may by resolution of a majority of members of the Vestry present be adjourned to such time and place as such majority may decide. It shall not be requisite to give any notice of an adjourned Vestry Meeting.

Voting

21. At every meeting of a Vestry the votes of a majority of the persons present and voting shall decide every question. In the case of an equality of votes the chairperson shall be entitled to a casting vote.

Attendance by Bishop

22. (1) The Bishop or the Bishop's nominee shall be entitled to attend any meeting of a Vestry.
- (2) The Bishop may at any time by notice in writing addressed to the Parish Priest, a churchwarden or the secretary of the Parish Council require to be notified of all meetings of a Vestry for such period as the notice shall specify or until further notice and the Bishop shall be given notices of such meetings accordingly.

Chairperson

23. At all meetings of a Vestry the Parish Priest shall preside as chairperson provided however that if the Bishop or the Bishop's nominee is present he or she may preside as chairperson. If there shall be no person present entitled to preside as chairperson or if being present he or she shall decline to act (either during the whole or any portion of the meeting) the Vestry shall elect one of its members to preside.

Minutes

24. Minutes shall be kept of all the proceedings of all Vestries and such minutes shall be open at all reasonable times to the inspection of any member of the Vestry.

Regulation of Business

25. Subject to the express provisions of this Ordinance a Vestry may from time to time adjourn and may regulate the conduct of its business as it shall see fit.

Power to Act in Vacancy

26. A Vestry may act notwithstanding any vacancy in the office of Parish Priest or Churchwardens.

Interpretation

27. Any reference in section 18 to churchwardens shall for the purposes of a parish to which Division III of this Part applies mean any two churchwardens in this parish.

PART III - PARISH COUNCILS

Division I - Provisions applicable to all parishes

Parish Councils

28. For each parish for or on behalf of which the Synod holds Parish Trust Property there shall be a Parish Council for the management of such property and the affairs of the parish.

28A. Eligibility

A person is eligible to be elected as a member of Parish Council provided that:

- (a) the person is a lay person; and
- (b) the person has attained the age of 16 years; and
- (c) only one member of the same family household is an elected member of the Parish Council at any given time.

Powers and Functions

29. The Parish Council together with the Parish Priest is responsible for the worship, ministry and mission of the parish under the leadership of the Parish Priest. The Parish Council will work to fund and fulfil these responsibilities and, subject to the provisions of this Ordinance, shall have the following powers and duties:-
- (a) The insurance, maintenance (including in that expression all repairs), rental (where applicable) of and the payment of rates taxes and other outgoings and so much of the telephone and other charges (if any) as is not attributable to private use in respect of the rectory or other dwelling house for the time being occupied by the Parish Priest or any assistant member of the clergy;
 - (b) The insurance, maintenance (including in that expression all repairs), rental (where applicable) of and the payment of rates taxes and other outgoings in respect of all churches, halls, schools and other buildings (except the rectory) erected on Parish Trust Property;
 - (c) The payment of all amounts owing and payable in respect of amounts borrowed by the parish (whether for capital or interest and whether secured upon Parish Trust Property or not);
 - (d) In all cases not specifically provided for in any Ordinance of the Synod, the maintenance and control of all Parish Trust Property;

- (e) The preservation and safe custody of all registers, records, documents, plate and other valuables of the parish;
- (f) Subject to the provisions of any Ordinance of the Synod, the determination of the amount of the stipends and other allowances of the Parish Priest and all assisting members of the clergy;
- (g) The payment of stipends, travelling and other allowances to the Parish Priest and assistant members of the clergy;
- (h) The payment of diocesan assessments and all other expenses payable by the parish;
- (i) The determination of the amount to be provided by each congregation in the parish to meet the expenses of the parish;
- (j) The management of the financial affairs of the parish and in particular (but without limiting the generality of the foregoing expression) the appropriation and application of all voluntary contributions (other than Baptismal offerings) and of any moneys raised or held by any organisation connected with the parish;
- (k) The provision of all things necessary for the decent performance of divine service and the administration of the sacraments;
- (l) The payment of fees and travelling expenses of any member of the clergy relieving the Parish Priest during such annual or other leave as the Parish Priest may be entitled to take;
- (m) Confirmation of the minutes of any meeting of a vestry within the Parish;
- (n) Such other powers and duties as may be specifically provided for in this or in any other Ordinance or as may be referred to it by a Vestry or by the Synod.

External Oversight of Accounts and Audit

~~30()The Parish Council shall cause proper accounts to be kept of all moneys received and disbursed by it for each year ending 31 December and shall cause such accounts and the accounts of all moneys received and disbursed by the Vestry or other governing body of any congregation or organisation within the parish for the same period to be audited by an auditor or auditors appointed by it, and shall furnish a copy of the audited accounts of moneys received and disbursed by it to each Vestry or other governing body of the congregations represented on the Parish Council.~~

30(1)The Parish Council must cause proper accounts to be kept of all moneys received and disbursed by it for each year ending 31 December and must cause those accounts and the accounts of all moneys received and disbursed by the Vestry or other governing body of any congregation or organisation within the parish for the same period to be reviewed or audited by a person who is authorised by the Australian Charities and Not-for-Profits Commission to conduct reviews or audits

of charity accounts as the case may be, and must furnish a copy of the duly reviewed or audited accounts to each Vestry or other governing body of the congregations represented on the Parish Council.

30(2)A Parish Council may determine to have its accounts reviewed rather than audited if its annual revenue does not exceed the amount allowed for financial reports submitted to the Australian and Charities and Not-for-Profits Commission to be reviewed rather than audited.

Compliance with Legislative Requirements

30A The Parish Council shall ensure that all financial records are kept and all payments are made in accordance with the requirements from time to time of the Australian Taxation Office or other lawful authority.

Agent of the Synod

31. Except as in this Ordinance expressly or impliedly otherwise provided the Parish Council shall be the agent of the Synod to execute carry out and perform all matters connected with the administration of Parish Trust Property held by the Synod for or on behalf of the parish, and shall fulfil and give effect to all the duties powers and trusts undertaken by entrusted to or conferred upon the Synod, provided that if and so often as the Parish Council shall neglect or refuse to carry out exercise and fulfil the duties powers and trusts undertaken by entrusted to or conferred upon the Synod, then the Synod may appoint some other person to be its agent to execute carry out or perform any or all of such duties powers and trusts.

Parish Officers

32. (1) The Parish Council (not necessarily from among its own number) shall appoint a parish secretary who shall be the liaison officer to whom diocesan notices and correspondence may be sent and who shall perform such other functions as the Parish Council shall determine.

(2) The Parish Council shall appoint from among its own members a treasurer to maintain accurate financial records and to report as required to the Vestry, the Parish Council, and the Australian Taxation Office.

(3) The Parish Council may appoint such other officers to perform such functions as it may determine.

Meetings of Parish Council

33. The Parish Priest shall convene meetings of the Parish Council at such intervals as the Parish Council shall from time to time determine but in any event not less frequently than once in every four months. The Parish Priest shall also convene a meeting of the Parish Council whenever requested in writing to do so by not less than one third of its members. Where there is no Parish Priest any two churchwardens may convene meetings of the Parish Council.

Quorum

34. One half of the members of the Parish Council shall constitute a quorum unless, at its first meeting after the Annual Vestry Meeting of the parish or of each congregation of the parish as the case may be, the Council shall determine otherwise, provided that the quorum so determined shall be not less than one third of the members of the Parish Council or five, whichever shall be the greater. The Council may act notwithstanding any vacancy in its membership or any failure on the part of the Parish Priest or any Vestry to appoint or elect members.

Vacancies

35. In the event of a casual vacancy occurring in the members of the Parish Council appointed by the Parish Priest the same shall be filled by the Parish Priest. In the event of a casual vacancy occurring in the members elected by a Vestry the same shall be filled by that Vestry.

Voting

36. At every meeting of the Parish Council the votes of a majority of the persons present and qualified to vote shall decide every question. In the case of an equality of votes the chairperson shall be entitled to a casting vote.

Attendance by Bishop

37. (1) The Bishop or the Bishop's nominee shall be entitled to attend any meeting of the Parish Council.
- (2) The Bishop may at any time by notice in writing addressed to the Parish Priest, a churchwarden or the secretary of the Parish Council require to be notified of all meetings of the Parish Council for such period as the notice shall specify or until further notice and shall be given notices of such meetings accordingly.

Chairperson

38. At all meetings of the Parish Council the Parish Priest shall preside as chairperson provided however that if the Bishop or the Bishop's nominee is present he or she may preside as chairperson. If there shall be no person present entitled to preside as chairperson or if being present shall decline to act (either during the whole or any portion of the meeting) the Parish Council shall elect one of its members to preside.

Minutes

39. Minutes shall be kept of all the proceedings of the Parish Council and such minutes shall be open at all reasonable times to the inspection of any member of the Parish Council.

Regulation of Business

40. Subject to the express provisions of this Ordinance the Parish Council may from time to time adjourn and may regulate the conduct of its business as it shall see fit.

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Division II - Parishes with One Vestry

Application of this Division

41. This Division applies only to a parish comprising one congregation and a parish to which the provisions of Division III of Part II apply.

Composition of Parish Council

42. (1) The Parish Council shall consist of –
- (a) The Parish Priest;
 - (b) Any full-time assistant member of the clergy of the parish and any permanent part-time assistant member of the clergy in receipt of not less than one-third of the minimum stipend paid by the parish;
 - (c) The churchwardens of every congregation within the parish;
 - (d) Such other members of the Vestry as may be elected by the Vestry in accordance with subsection (2); and
 - (e) For every three members elected pursuant to paragraph (d) of this subsection, one member of the Vestry appointed by the Parish Priest if he or she so desires.
- (2) The number of members of the Vestry to be elected to the Parish Council shall be determined by the Vestry and such members shall be elected at the Annual Vestry Meeting and at such other times as a vacancy shall occur. Members so elected to the Parish Council may be appointed for one or two years as determined from time to time by the Annual Vestry Meeting.
- (3) Any determination made pursuant to subsection (2) shall remain in force until any further determination is made.

Exercise of Powers

43. The Parish Council shall exercise its powers subject to any directions or recommendations of the Vestry.

Division III - Parishes with more than One Vestry

Application of this Division

44. This Division applies only to a parish to which the provisions of Division II of Part II apply.

Composition of Parish Council

45. (1) The Parish Council shall consist of -

- (a) The Parish Priest,
 - (b) Any full-time assistant member of the clergy of the parish and any permanent part-time assistant member of the clergy in receipt of not less than one-third of the minimum stipend paid by the parish,
 - (c) The churchwardens of every congregation within the parish (whether the land on which the congregation meets is Parish Trust Property or not),
 - (d) Such other eligible members of Vestries within the Parish as may be elected in accordance with the provisions of subsection (2),
- and
- (e) For every three members elected pursuant to paragraph (d) of this subsection, one communicant appointed by the Parish Priest, if he or she so desires.

- (2) The number (if any) of members of Vestries within the Parish to be elected to the Parish Council and the Vestry or Vestries by which they shall be elected shall be determined by a majority of the Parish Priest and all the churchwardens as aforesaid and such member or members shall be elected at the Annual Vestry Meeting of the Vestry or Vestries concerned and at such other time as a vacancy shall occur. Members so elected to the Parish Council may be elected for one or two years as determined from time to time by a majority of the Parish Priest and all the churchwardens as aforesaid.
- (3) Any determination made pursuant to subsection (2) shall remain in force until any further determination is made.

Delegation of Powers

- 46. Subject to the over-riding powers of the Parish Council in respect of other paragraphs of section 29 of this Ordinance the Parish Council may from time to time delegate to the Vestries or other governing bodies of any congregations or organisations within the parish all or any of the powers and duties specified in paragraphs (b), (d), (j), (k) and (m) of section 29 of this Ordinance insofar as they affect the congregation or organisation concerned.

PART IV - CHURCHWARDENS AND OTHER OFFICERS

Initial Appointment

- 47. In any case, where no churchwardens have already been appointed to a congregation, churchwardens being communicant members of the Church shall be appointed in the first instance by the Bishop. Until there shall be a Vestry the

churchwardens so appointed shall have power to act in all matters as fully and effectually as if they constituted a Vestry.

Qualifications

48. After there shall be a Vestry, churchwardens shall be lay persons who are qualified to elect lay members of the Synod for the Parish in accordance with the Constitution of the Diocese and shall be not less than eighteen years of age.

Election

49. At each Annual Vestry Meeting the Vestry shall elect one churchwarden and at or within seven days after each Annual Vestry Meeting the Parish Priest shall appoint a churchwarden. If at any Vestry Meeting at which a churchwarden should be elected the Vestry shall neglect or refuse to appoint a churchwarden then the Parish Priest shall be at liberty to appoint a churchwarden on behalf of the Vestry but such appointment shall not take effect until ratified by the Bishop. If at any time the Parish Priest shall neglect or refuse to appoint a churchwarden as aforesaid then the Bishop shall make the appointment on his or her behalf.

Vacancies

50. (1) In the event of a casual vacancy in the office of churchwarden occasioned by death or resignation or in the event of the Bishop certifying that a churchwarden is unable or refuses to act in accordance with the lawful instructions of the Vestry, the Parish Priest shall appoint a qualified person to fill such vacancy if the churchwarden whose place is to be supplied was appointed by the Parish Priest; if the churchwarden whose place is to be supplied was appointed by the Vestry then a Special Vestry Meeting shall be held to fill the vacancy. It shall be lawful for the Bishop to appoint a person to fill any extraordinary vacancy which shall remain unfilled at the expiration of two calendar months after the happening of the contingency giving rise to such vacancy.
- (2) If on any occasion when a churchwarden should be appointed by the Parish Priest there is a vacancy in the office of Parish Priest the appointment shall be made by the Vestry but the appointment shall not take effect until ratified by the Bishop.

Duties

51. (1) In addition to those duties prescribed in the Book of Common Prayer the duties of churchwardens shall include the following -
- (a) To co-operate with the Parish Priest in the initiation conduct and development of the work of God and the Church within the parish;
- (b) To be the executive officers of the Vestry and of the Parish Council in respect of matters pertaining to the congregation to which they are appointed;

- (c) To maintain order in the church and church grounds;
 - (d) To ensure that all things pertaining to the celebration of divine service are provided and to see that everything is fit and proper for the due performance thereof;
 - (e) To make available all books muniments and records for the inspection of the Bishop or the Archdeacon of the district in which the parish is situated and to supply them with any information or explanations when requested to do so.
 - (f) To report to the Bishop any serious neglect or failure on the part of the Parish Priest in the fulfilment of his or her pastoral duties;
 - (g) To perform such duties as are prescribed by this or any other Ordinance;
 - (h) Subject to any direction of the Parish Council or the Vestry as the case may be to receive bank and disburse moneys on behalf of the parish or congregations as the case may be.
- (2) The Parish Council may determine that any of the functions referred to in subsection (1) shall be carried out by the parish secretary.

Other Officers

52. The Parish Priest shall have the right to appoint organists, vergers, servers of the sanctuary, superintendents and other officers of any Sunday School and any other officers he or she may deem advisable, and he or she shall have the right to dismiss any such officers, but the salaries or allowances of such officers shall be determined by the Parish Council or a Vestry as the case may be.

PART V - THE PARISH PRIEST

Nomination Committee

53. (1) When a vacancy occurs in the office of Parish Priest a Nomination Committee constituted as hereinafter provided shall nominate to the Bishop a suitable person being a Clerk in Holy Orders to be licensed to the parish.
- (2) Subject to subsections (2a), (3) and (5), the Nomination Committee will be constituted by—
- (a) the Bishop; and
 - (b) the Archdeacon of the district in which the parish is situated; and
 - (c) the churchwardens; and

- (d) one clerical Diocesan Nominator selected by the Bishop; and
- (e) one lay Diocesan Nominator selected by the Bishop; and

- (f) —
- (i) in the case of a parish comprising only one congregation which is subject to Part II Division 1 of this Ordinance—up to three eligible lay persons appointed by the Vestry to be representatives on the Nomination Committee;
 - (ii) in the case of a parish comprising two or more congregations which is subject to Part II Division 2 of this Ordinance—one eligible lay person for each congregation, with each Vestry making an appointment of an eligible lay person to be a representative on the Nomination Committee;
 - (iii) in the case of a parish comprising two or more congregations which is subject to Part II Division 3 of this Ordinance — one eligible lay person for each congregation, appointed by the Vestry to be representatives on the Nomination Committee.

(2a) For the purposes of subsection (2)(f), a member of the Vestry is eligible to be a representative on the Nomination Committee if —

(a) the person is not an employee of the parish; and

(a)(b) no other member of the same family household is a member of the Nomination Committee at the same time.

(3) When a parish includes a congregation on behalf of which the Synod holds no Parish Trust Property and which is governed by an instrument of trust which makes provision for the appointment of a member of the clergy to the congregation, the Nomination Committee shall not (unless they are otherwise appointed pursuant to such instrument of trust) include the churchwardens of that congregation or any person appointed by the Vestry of that congregation, but shall include the persons appointed pursuant to such instrument of trust to nominate a Clerk in Holy Orders for appointment as the member of the clergy to that congregation.

(4) For the purposes of subsection (2)(d) and (e), the Synod is to elect—

- (a) ~~two~~four members of the clergy to be clerical Diocesan Nominators;
and
- (b) ~~two~~four lay members of the Synod to be lay Diocesan Nominators.

(5) A Vestry is not required to make an appointment under subsection (2)(f).

Meetings of Nomination Committee

54. (1) When a vacancy in the office of Parish Priest shall have occurred or when the Bishop shall have received notice that such a vacancy will occur, the Bishop

shall convene a meeting of the Nomination Committee. Such meeting and any subsequent meeting of the Nomination Committee, other than an adjournment of a meeting, shall be convened by giving not less than fourteen days' notice in writing to the Archdeacon of the district in which the parish is situated, the Diocesan Nominators and the churchwardens. The churchwardens shall give not less than 7 days' notice to the persons (if any) appointed to the Nomination Committee by the Vestry or Vestries.

- (2) Notwithstanding the provisions of section 17 (2)(d), a Nomination Committee which has once met, shall remain in office until a person nominated in accordance with this Part and whom the Bishop is willing to license to the office accepts the office.

Information to the Bishop

55. Before the meeting of the Nomination Committee the Parish Council and Churchwardens shall furnish to the Bishop in writing such financial and other information regarding the parish as the Bishop may require.

Chairperson of Nomination Committee

56. At all meetings of the Nomination Committee the Bishop if present and willing to act shall preside. In the absence of the Bishop or if the Bishop being present shall decline to act the Archdeacon of the district shall preside.

Quorum

57. The proceedings of the Nomination Committee shall not be invalidated by reason of the absence or unwillingness to act of any of its members. One half of the members of the Nomination Committee shall constitute a quorum provided that either the Bishop or the Archdeacon of the district in which the parish is situated is present.

Nomination

58. The nomination of a person to be licensed to be the parish priest shall be in writing in a form prescribed by the Bishop.

Admission of Nominee

59. Subject to the person nominated accepting the office and to the Bishop granting him or her a licence in respect thereof, the Synod shall admit the person so nominated to exercise the office of Parish Priest in the parish, and the Synod shall give effect to every sentence of suspension or withdrawal of licence by the Bishop which shall or may at any time be pronounced in accordance with the terms of the licence given to the Parish Priest by the Bishop or pursuant to any Ordinance.

Power of Bishop to Appoint

60. Notwithstanding anything hereinbefore contained the Bishop shall have the power to appoint a member of the clergy to fill a vacancy in the office of Parish Priest (and the Synod shall admit a Parish Priest so appointed):
- (a) if within six calendar months of the date of any notice given by the Bishop pursuant to section 54 convening a meeting of the Nomination Committee such Committee shall not have nominated to the Bishop a duly qualified person to be licensed to the parish;
- or
- (b) if the parish at the time of commencement of the vacancy is a parish in need of support.

Exchange of Offices

61. The Bishop may at any time and at the request of the members of the clergy concerned shall propose an exchange of offices between that of the Parish Priest and that of some other member of the clergy and may give effect thereto with consent of the members of the clergy concerned, the Nomination Committee and the person or body entitled to appoint a member of the clergy to that other office. The provisions of section 59 shall apply mutatis mutandis to any person so appointed as the Parish Priest as if such person had been nominated by the Nomination Committee to exercise the office of Parish Priest in the parish.

Declaration of Vacancy

62. (1) If in the opinion of the Bishop the Parish Priest (except in the case of sickness or injury) has absented himself or herself from his or her cure for more than four weeks in any one calendar year over and above any annual or long service leave to which he or she may be entitled without having first obtained the consent of the Bishop the Bishop may notify the Parish Priest by notice in writing posted to the last known address of the Parish Priest and in such case shall notify the parish secretary that the Bishop intends to declare that a vacancy in the office of Parish Priest exists. Subject to the provisions of subsection (2) the Bishop may at the expiration of four weeks from the date of such notice declare that a vacancy in the office of Parish Priest exists and thereupon a vacancy within the meaning of section 53 shall be deemed to exist.
- (2) Within four weeks of the date of the notice referred to in subsection (1) the Parish Priest may appeal to the Diocesan Tribunal constituted under the Clergy Discipline Ordinance 1983 against the decision to declare a vacancy in the office of Parish Priest. If the Parish Priest shall prove to the satisfaction of the Tribunal that he or she was not absent from his or her cure as aforesaid then the Tribunal shall declare that no vacancy in the office of Parish Priest exists. If the Parish Priest shall not prove to the satisfaction of the Tribunal that he or she was not absent as aforesaid the Tribunal shall declare that a vacancy in the office of Parish Priest exists and thereupon a vacancy within the meaning of section 53 shall be deemed to exist.

Locum Tenens

63. The Bishop shall be at liberty to appoint a member of the clergy to officiate in the parish during any vacancy in the office of Parish Priest and the Synod shall admit such member of the clergy to officiate accordingly. The Parish Council shall be responsible for the payment of the travelling expenses and the appropriate stipend of the person or persons so appointed in accordance with the scale (if any) determined by the Synod. A member of the clergy so appointed shall have and may exercise all the powers and functions of the parish priest during the period of his or her appointment.

PART VI - APPROPRIATION OF PROPERTY

Licensed Buildings

64. The Synod with the consent of the Parish Council shall be at liberty to set apart any portion of Parish Trust Property for a church mission hall or other building intended to be licensed by the Bishop for the purpose of worship and for such other purposes (not being inconsistent with the Declaration of Trust pursuant to which the said land is vested in the Synod) and with the like consent to revoke any such setting apart. The name of the church mission hall or other building erected or to be erected upon any portion of the Parish Trust Property so set apart shall unless such name shall have been included in the said Declaration of Trust be determined by the Parish Council subject nevertheless to the approval of such name by the Bishop.

Rectory and Other Uses

65. The Synod with the consent of the Parish Council shall be at liberty to set apart any other portion of Parish Trust Property for a rectory glebe school hall cemetery or for any other purpose and with the like consent shall be at liberty from time to time to revoke such setting apart or to vary the purpose for which any such other portion of the Parish Trust Property shall have been set apart provided that the purpose for which any such other portion of the Parish Trust Property shall be set apart shall not be a purpose inconsistent with the said Declaration of Trust.

Other Christian Denominations

66. For the purposes of this Ordinance the use of a church mission hall or other building or any portion thereof or any other portion of Parish Trust Property for the purpose of any other Christian denomination shall not of itself be deemed to be a purpose inconsistent with the said Declaration of Trust.

Transitional

67. Any Parish Trust Property set apart for the purposes specified in section 64 or 65 of this Ordinance at the time such property becomes subject to the provisions of this Ordinance shall be deemed to have been so set apart pursuant to the provisions of this Ordinance.

PART VII - LICENSING OF CHURCH BUILDINGS

Petition to License

68. Upon the petition of the Parish Priest and the churchwardens of the congregation concerned the Bishop may license a building on Parish Trust Property. The form of petition shall be as prescribed by the Bishop.

Revocation of Licence

69. (1) A proposal to revoke a licence for a church building may be initiated after consultation with the parish by the Parish Priest, the Parish Council, the Archdeacon of the area in which the parish is situated, ~~the Ministry Development Council~~ or the Bishop.
- (2) The proposal shall be considered by the Bishop who shall consult with the Diocesan Council and invite submissions from the Archdeacon of the area in which the parish is situated, the parish itself, members of the congregation who normally attend divine service in the building, the Parish Priest, the Parish Council, ~~the Ministry Development Council~~ and any other person or body the Bishop considers to be affected.
- (3) The Bishop will consider any submission and may decide to revoke such licence by giving notice to the Parish Priest and the Parish Council.
- (4) The revocation shall be in writing and shall state the reasons for the same a copy of which shall be tabled at the next ensuing session of the Synod and provided to each person or body who or which has provided a submission to the Bishop in accord with sub-section (2).

PART VIII - THE USE OF CHURCHES AND OTHER BUILDINGS

Use of Buildings

70. (1) A building licensed by the Bishop shall only be used for -
- (a) the performance of divine service and administration of the sacraments and other rites and ceremonies of the Church according to the use of The Anglican Church of Australia;
 - (b) the giving of religious instruction according to the principles of The Anglican Church of Australia, and
 - (c) such other purposes as the Bishop, the Parish Priest, and the Parish Council may approve.
- (2) No person other than the Parish Priest, the Bishop or a Commisary shall officiate at the performance of divine service or administer the sacraments or other rites and ceremonies as aforesaid in any building licensed by the Bishop unless the following consents are first obtained:
- (a) for any other member of the clergy or lay reader licensed by the Bishop, that of the Parish Priest;
 - (b) for any other person, those of the Parish Priest and the Bishop

save that if the Parish Priest be suspended from office or be incapable through sickness or injury of giving such consent the consent of the Bishop alone shall suffice.

- (3) No unlicensed building or place on Parish Trust Property shall be used for the performance of divine service or the administration of the sacraments and other rites and ceremonies of the Church according to the use of The Anglican Church of Australia unless the Bishop shall have given permission for such use in such building or place.

Consent for use of Buildings

71. No building on Parish Trust Property shall be used for any purposes without the consent of the Parish Priest or in the case of a vacancy in the parish without the consent of the Archdeacon of the district in which the parish is situated.

Parish Priest to have Access

72. The Parish Priest shall have access to the church and other buildings used for parochial purposes at all times and may officiate at the performance of divine service administer the sacraments and perform all other rites and ceremonies of the Church according to the use of The Anglican Church of Australia without hindrance except as hereinafter provided and shall for such purposes have the keys of the church and other buildings used for parochial purposes.

Rectory

73. The Synod shall permit the Parish Priest to occupy the Rectory (if any) but may with the consent in writing of the Parish Priest from time to time let the rectory in accordance with the provisions of section 77 of this Ordinance.

Forfeiture

74. In case the Parish Priest shall be legally divested of his or her office, he or she shall ipso facto forfeit and be absolutely deprived of all and singular his or her rights, privileges and interest in or respecting all property of the parish.

Schools

75. Where a school is conducted on any portion of Parish Trust Property the regulations governing the conduct of such school shall be such as shall from time to time be approved by the Diocesan Council.

PART IX - MANAGEMENT OF PROPERTY

Management and Control

76. In all cases not herein or in any other Ordinance otherwise specifically provided for the Parish Council shall be responsible for the management and control of Parish Trust Property.

Leasing

77. The Synod with the consent of the Parish Council shall be at liberty to let any land not for the time being set apart for the purpose referred to in section 64 of this Ordinance and any other land whether set apart for any of the purposes referred to in section 65 of this Ordinance or otherwise not for the time being required to be used for the purpose (if any) for which the same shall have been set apart provided however that no Parish Trust Property shall be let for a period exceeding twenty one years without the consent of the Bishop also being in each instance first had and obtained.

Mortgaging

78. Notwithstanding anything hereinbefore contained upon receiving from the Parish Council a resolution duly passed by it and certified in manner hereinafter appearing requesting the Synod so to do or consenting to the Synod so doing the Synod may in its discretion mortgage any Parish Trust Property other than property for the time being set apart for use as a cemetery or upon which any consecrated church shall be erected for such amount and upon such terms and conditions as shall seem fit to the Synod and the amount so raised on mortgage shall be applied for such purposes (being purposes either expressly stated in the said resolution or if no such purposes shall have been so stated then purposes in connection with the extension or development of the work of The Anglican Church of Australia within the Diocese) as the Synod shall determine. Moneys so raised on mortgage and applied not for any purpose expressly stated in the said resolution but for purposes in connection with the extension or development of the work of The Anglican Church of Australia within the Diocese selected by the Synod shall not be deemed to be "amounts borrowed by the parish" within the meaning of section 29 of this Ordinance.

Sale or Transfer: Parish Procedures

79. Where it is desired to sell or transfer any Parish Trust Property the following provisions shall apply –

\ (aa) An amount-

- (i) equal to 40% of the net proceeds of sale shall be retained by the Synod for the purposes of ministry development determined by the Synod; and
- (ii) equal to an additional 5% shall be set aside for the support of ministry and mission in areas of need beyond the Diocese at the discretion of the Bishop of the diocese after consultation with the Parish Council,

unless the Synod determines either generally or in a particular case that a lesser or no amount shall be so retained.

- (a) The Parish Council on whose behalf the property is held shall first resolve that the Synod be requested to sell or transfer such property. Such resolution shall specify the purpose or purposes (not being a purpose or purposes inconsistent with the Declaration of Trust pursuant to which the property is vested in the Synod) for which the purchase money, subject to paragraph (aa), shall be applied and may specify any terms and conditions of the proposed sale or transfer. If the resolution does not specify any minimum price or by whom the minimum price shall be determined the Parish Council shall have power to determine the same at a subsequent time.
- (b) A copy of the resolution and notice of the date of the meeting of the Parish Council at which confirmation of the resolution is to be considered shall be read at each service in the Parish held on the two consecutive Sundays immediately following the meeting at which the resolution is passed.
- (c) Any objections to the resolution by members of the parish or groups of members of the parish shall be transmitted in writing to the Parish Priest or the parish secretary to reach them before the meeting of the Parish Council at which confirmation of the resolution is to be considered.
- (d) Any such objections shall be considered by the Parish Council at a meeting held not less than three weeks after the meeting at which the resolution was passed and the resolution shall not be effective unless confirmed at such meeting or any adjournment thereof.
- (e) The resolution so confirmed shall be effective for a period of twelve calendar months from the date of its first being passed as aforesaid.

Sale or Transfer: Synod Procedures:

80. (1) Upon receiving from the Parish Council a resolution duly passed and confirmed pursuant to section 79 of this Ordinance and certified in manner hereinafter appearing together with copies of any objections to the resolution the Synod may in its discretion sell or transfer any Parish Trust Property for such amount and on such terms and conditions as shall seem fit to the Synod. Subject to paragraph (aa) of section 79, the purchase money shall be applied for the purpose or purposes stated in the resolution and approved by the Synod.
- (2) No such resolution shall be considered by the Synod unless accompanied by a certificate under the hand of the Parish Priest or the person or persons presiding at the meetings of the Parish Council at which the resolution was passed and confirmed and countersigned by not less than two members of the Parish Council that such resolution was duly passed and confirmed as aforesaid, that the provisions of sections 79 of this Ordinance have been complied with and certifying whether or not there were any objections to the resolution.

Extension of Time

81. (a) The Parish Council may by resolution passed within two calendar months prior to the expiration of the period determined pursuant to paragraph (e) of section 79 of this Ordinance apply to the Synod for an extension of not more than 12 calendar months to the period so determined.
- (b) Upon receiving from the Parish Council a resolution duly passed pursuant to paragraph (a) of this section and certified in the manner hereinafter appearing together with a statement of the reason or reasons for such application the Synod may in its discretion extend by not more than 12 calendar months the period determined pursuant to paragraph (e) of section 79 of this Ordinance.
- (c) No such resolution shall be considered by the Synod unless accompanied by a certificate under the hand of the Parish Priest or the person presiding at the meeting of the Parish Council at which the resolution was passed and countersigned by not less than two members of the Parish Council that such resolution was duly passed.

Termination of Registration

82. Notwithstanding anything hereinbefore contained if the Synod holds Parish Trust Property on behalf of a parish whose registration by the Synod has been terminated the Synod may upon the request of the Archdeacon of the district in which such Parish Trust Property is situated lease sell or transfer any such Parish Trust Property and may apply the proceeds of such leasing sale or transfer for such purpose or purposes of The Anglican Church of Australia within the Diocese of Adelaide as the Synod may determine.

Buildings, Fittings, Furniture and Ornaments

83. (1) (a) No building shall be erected or placed on the Parish Trust Property, and
- (b) no building erected on the Parish Trust Property shall be altered, added to, demolished or removed from Parish Trust Property,
- without the consent of the Parish Council, the Parish Priest and the Bishop being in each instance obtained.
- (2) (a) No fittings furniture or ornaments shall be installed, placed in or removed from any building licensed for worship erected on Parish Trust Property, and
- (b) no such fittings, furniture or ornaments shall be altered or added to
- without the consent of the Vestry of the congregation concerned, the Parish Priest and the Bishop being in each instance obtained.
- (3) Any erection, placement, installation, alteration, addition, demolition or removal contrary to the provisions of this section shall forthwith be demolished, removed, restored, rebuilt, replaced or made good as the case may be by the Parish Council or Vestry as the case may be upon the Bishop requiring the same to be done and in accordance with any directions or modifications which the Bishop may direct.

Insurance

84. (1) Subject to subsection (3) all buildings, fences and other improvements for the time being erected on Parish Trust Property and all personal property and money held on behalf of the parish shall be insured and kept insured to the satisfaction of the Diocesan Council in such amounts as the Diocesan Council may from time to time prescribe and in the meantime as the Parish Council or the Vestry as the case may be shall consider appropriate against loss or damage by fire, storm, tempest, theft, and such other contingencies (if any) as the Diocesan Council may from time to time determine.
- (2) All such policies of insurance effected pursuant to the requirements of subsection (1) shall be in the name of the Synod for the benefit of the parish and shall be placed in the keeping of the Secretary of Synod provided that if any such buildings or improvements should be mortgaged such policies may if required be in the name of the mortgagee in addition and may be held by such mortgagee.
- (3) The Diocesan Council in the name of the Synod and on behalf of and at the expense of the parish may effect such policies of insurance in respect of:
- (a) The property and risks mentioned in subsection (1) upon the conditions agreed to by the Diocesan Council;

may give notice to the Parish Council demanding repayment of the outstanding principal and interest thereon.

- (3) If within one (1) month of the date of the posting of the notice the Parish Council shall have failed to discharge the unfulfilled obligation then:-
- (a) other than as to Parish Trust Property which is for the time being set apart for use as a cemetery or upon which any consecrated church shall be erected the foregoing provisions of this Ordinance which operate to vest the control and management of Parish Trust Property in the Parish Council as agent of the Synod shall cease to apply to all such other Parish Trust Property ("the applicable Parish Trust Property");
 - (b) the control and management of the applicable Parish Trust Property shall be vested in the Diocesan Council until the provisions of this sub-section cease to apply; and
 - (c) the right of any Church Warden, Parish Secretary or other person authorised to operate upon any Parish account ("the usual parish officers") opened pursuant to the provisions of paragraph (h) of sub-section (1) of Section 51 of this Ordinance shall be suspended (without prejudice to the obligation of the Church Warden to receive and bank money received on behalf of the Parish or congregation as the case may be).
- (4) For the purpose of discharging the unfulfilled Parish Obligation the Synod may with respect to any applicable Parish Trust Property:-
- (a) mortgage such applicable Parish Trust Property or any part thereof for such amount and upon such terms and conditions as shall seem fit to the Diocesan Council; or
 - (b) sell any such applicable Parish Trust Property or any part thereof in its absolute discretion for such amount and on such terms and conditions as shall seem fit to the Diocesan Council .

The Synod shall be entitled to receive the proceeds of any such mortgage or sale which it shall apply first towards the discharge of the unfulfilled Parish Obligation, secondly to pay any costs or expenses incurred by the Synod and thirdly to account to the Parish Council for and make payment of any surplus.

- (5) Whilst the provisions of sub-section (3) apply then none of the usual parish officers shall be entitled to transact upon any general Parish operating account opened pursuant to the provisions of Section 51(1)(h) save for the obligation to ensure that all Parish money received during such period is nevertheless paid into such account. The Diocesan Council shall appoint an

operator for any such account to effect the disbursement of moneys on behalf of the Parish. The Secretary of Synod shall forthwith give the Manager of the

branch of the bank or financial institution where such account is maintained notice of the operator appointed by Diocesan Council together with:

- (a) a copy of the provisions of this Section; and
 - (b) a copy of the relevant resolution of the Diocesan Council; and
 - (c) the specimen signature of the new operator.
- (6) Whilst the provisions of sub-section (3) apply (unless the Diocesan Council otherwise resolves) no person elected as a representative of the Parish or of any congregation thereof shall be entitled to attend or take part in the deliberations of any session of the Synod.
- (7) Once the breach of a Parish Obligation has been remedied and, if applicable, the Synod has no outstanding obligation as Guarantor, the Diocesan Council may resolve that the provisions of subsection (3) hereof shall cease to apply to the Parish Trust Property under its control and thereupon:-
- (a) the Parish Trust Property then remaining under the management and control of the Diocesan Council shall revert to the management and control of the Parish Council; and
 - (b) the person appointed by the Diocesan Council to operate upon any Parish account shall cease to be the operator and those persons who were authorised at the time the provisions of sub-section (3) hereof commenced shall again be entitled to operate upon such account.
- (8) Any notice of the Parish Council on behalf of the Synod shall be signed by the Secretary of the Synod (or such other officer for the time being discharging the functions of the Secretary of Synod) and shall be deemed to be served upon the Parish Council if forwarded by ordinary pre-paid post to any two of the Parish Priest, a Warden or the Parish Secretary.
- (9) In this Section -
- (a) the expression "guarantor" or "guarantee" (whether used as a noun or a verb) shall mean and include in relation to any Agreement:-
 - (i) any liability incurred by the Synod at the request of a Parish Council which is based upon a promise that the Parish will pay, fulfil and discharge all the obligations arising from such Agreement; and
 - (ii) any Agreement entered into by a Parish Council or by any authorised officer on the understanding that the Synod will guarantee the due performance by the Parish or such parochial officer of the terms of such Agreement;
 - (b) "Parish Obligation" means -

- (i) an obligation of a Parish Council with respect to any agreement, contract or arrangement of which the Synod has agreed to act as Guarantor, or
- (ii) an obligation to repay a loan (together with interest if applicable) advanced by the Synod.

Manager of Parish Property and Financial Affairs

85B (1) If-

- (a) A parish refuses to pay the whole or part of its synodal assessment, refuses to lodge a return in accordance with the Assessment Ordinance 1985 or refuses to comply with any other requirements under that Ordinance;
- (b) the Parish Council refuses to carry out any of its duties under section 29(a), (b), (c), (g) or (j) of this Ordinance;
or
- (c) the churchwardens refuse or fail to carry out any of their duties under section 51(1) (e) or (h) of this Ordinance;

Diocesan Council shall request the Archdeacon of the area to attempt to resolve the default either by conciliation or by a process of mediation before an independent mediator. The Archdeacon shall represent the Synod in any such process and shall report to Diocesan Council on the outcome of the process.

- (2) If after conciliation or mediation the default remains unresolved the Diocesan Council may by written notice of default require the defaulting party to remedy the default within thirty days after service of the notice. A copy of the notice shall be sent to the Parish Priest and to each lay Synod representative of the Parish.
- (3) (a) If the default is not rectified within the period of thirty days after service of notice upon the defaulting party the Diocesan Council may appoint a Manager to take control of and manage the property and financial affairs of the parish for such period as the Diocesan Council thinks fit. Before appointing a manager Diocesan Council, through the Archdeacon of the area, will consult with the vestry of the parish.
- (b) The Diocesan Council may extend or terminate the term of appointment of a Manager if in the opinion of the Diocesan Council the circumstances require it.
- (c) If the Manager dies, resigns or in the opinion of the Diocesan Council becomes physically or mentally incapable of performing his or her duties, the Diocesan Council may terminate the appointment of the Manager and appoint a new Manager for the balance of appointment.
- (4) To be eligible for appointment as a Manager a person must be a communicant member of the Anglican Church of Australia and have, in the opinion of

Diocesan Council, appropriate expertise and experience to act as a Manager.

- (5) Under the appointment of a Manager the control and management of all Parish Trust Property and the financial affairs of the parish shall be vested in the Manager for and on behalf of the Diocesan Council until the provisions of this section cease to apply.
- (6) During the term of appointment of a Manager or any extension thereof:
 - (a) neither the Parish Council nor any parish officer appointed by or assisting it shall be entitled to exercise any of the powers and duties contained in section 29(a), (b), (c), (d), (e), (f), (g), (h), (i), (j), and (l) and section 30;
 - (b) the Parish Council and any parish officer appointed by or assisting it may continue to exercise any power or duty not referred to in paragraph (a);
 - (c) neither the churchwardens nor any parish officer appointed by or assisting them shall be entitled to operate upon any banking account whether opened pursuant to the provisions of section 51(h) or otherwise save for the obligation to ensure that all parish money received by them is nevertheless paid into such account; and
 - (d) the power of the churchwardens to act as the executive officers of the Vestry and of the Parish Council shall be limited to matters other than the property and financial affairs of the parish.
- (7) Upon the request of the Manager the Parish Council, the churchwardens or any other person holding property for the benefit of the parish shall forthwith deliver up to the Manager all documents and records in their possession relating to the property and financial affairs of the parish.
- (8) The Manager shall:
 - (a) as soon after his or her appointment as is reasonably practicable take into his or her custody or under his or her control all the property to which the parish is or appears to be entitled;
 - (b) subject to any direction given in writing by or on behalf of the Diocesan Council, manage the property and financial affairs of the parish in such manner as he or she thinks most prudent and most beneficial to the interests of the parish and of the Diocese;

- (c) comply with all requirements of this and all other ordinances applicable to the parish relating to the keeping of accounts, the lodging of annual reports, the payment of synodal assessments, stipends and any other accounts payable by the parish under any Ordinance and perform all other duties which are applicable and are imposed on the parish, the Parish Council or the churchwardens by or under any ordinance relating to property or financial matters;
 - (d) convene a meeting of parishioners within one calendar month of his or her appointment for the purpose of explaining to the members of the parish the nature and purpose of his or her appointment and reporting on the financial state of the parish, notice of such meeting to be given in writing in the same manner as is prescribed for the calling of Vestry meetings;
 - (e) convene further meetings of parishioners during the term of his or her appointment at intervals of not more than six months from the preceding meeting for the purpose of reporting further on the financial state of the parish, notice of each meeting to be given in the same manner as is prescribed for the calling of Vestry meetings;
 - (f) within three months after his or her appointment report in writing to the Diocesan Council or to its nominated committee on the property and financial affairs of the parish in such form as may be directed by the Diocesan Council or its nominated committee and thereafter submit further reports to the Diocesan Council or its nominated committee at intervals of no less than six months during the period of management; and
 - (g) cooperate with and assist the Parish Council and the Churchwardens in carrying out the respective duties not abrogated to the Manager.
- (9) The Manager shall have all the powers vested in the Parish Council and in the Churchwardens under this Ordinance with respect to property and financial affairs and without limiting the generality thereof shall have the following further powers:
- (a) to take possession of all property and books of account held by or for the benefit of the parish (including property held by any organisation affiliated or associated with the parish or any congregation forming part of the parish) and all title deeds, certificates of investments and banking records relating to such property;
 - (b) to operate any bank accounts in the name of or for the benefit of the parish;
 - (c) to redeem any investments of or held for the benefit of the parish for the purpose of the proper administration of the financial affairs of the parish;
 - (d) to collect any rent which may be payable to or for the benefit of the parish;

- (e) to do all acts and execute in the name of and on behalf of the parish all receipts and other documents;
 - (f) with the prior approval of the Diocesan Council to seek advice and assistance from a solicitor, accountant or other qualified professional person to assist him or her in his or her duties;
 - (g) to refer any matter to Diocesan Council for advice or direction;
 - (h) to receive income from endowments whether received by a member of the clergy or the churchwardens;
 - (i) to collect and receive the annual income of the parish as defined in section 18 of the Assessment Ordinance 1985;
 - (j) to do all such other things as may be necessary for administering the financial affairs of the parish; and
 - (k) subject to any agreement made with Diocesan Council to recover his or her professional management fees from the income and financial investments of the parish.
- (10) The Diocesan Council will indemnify and keep indemnified the Manager against all actions, proceedings, claims and demands in respect of, arising from or in any way connected with the due performance by him or her of his or her duties and the exercise of his or her powers as Manager of the property and financial affairs of the parish. Such indemnity shall be satisfied in the first instance out of the assets of the parish and to the extent that they are inadequate from the assets of the Synod.
- (11) When the term of appointment of the Manager or extension thereof has expired the Diocesan Council shall notify the Parish Council and the churchwardens by notice in writing that the management of the property and financial affairs of the parish under this section has been completed. A copy of such notice shall be sent to the parish priest and to each lay synod representative of the parish. Upon such notification:
- (a) the control and management of all parish property and financial affairs shall revert to the Parish Council;
 - (b) the Parish Council shall be again entitled to exercise all of its powers and duties under sections 29 and 30;
 - (c) the churchwardens shall be again entitled to exercise their powers as executive officers of the Vestry and of the Parish Council with respect to property and financial matters;
 - (d) the Manager shall cease to be an operator upon any parish account and those persons who were authorised at the date of the original appointment of the Manager shall again be entitled to operate upon such account; and

- (e) each lay Synod representative of the parish or any congregation thereof shall again be entitled to attend or take part in the deliberations of sessions of the Synod.

(12) In this section 'property of a parish' or 'parish property' includes all parish trust property as defined in the Church of England Trust Property Act and relating to the parish in question, and all property real or personal held by the Parish Council, the churchwardens, any officer appointed or assisting either the Parish Council or the churchwardens or any organisation affiliated or associated with the parish (or any congregation forming part of the parish) or held by any other person for the benefit of the parish (or any congregation forming part of the parish).

(13) Any notice required to be served upon a person under this section will be deemed to be properly served if served either personally or by pre-paid post to the person's last known address.

Exercise of Powers by Synod

86. The several rights duties and powers conferred upon the Synod pursuant to Parts VI and IX of this Ordinance may be exercised by the Diocesan Council or by a committee appointed for that purpose in accordance with section 7 of the Diocesan Council [and Ministry Units Ordinance 19802007](#).

PART X - MISCELLANEOUS

Doubts and Disputes

87. The Diocesan Council may settle and determine all doubts and disputes that may arise with reference to any elections or transaction of business by churchwardens Vestries and Parish Councils and may from time to time make and alter rules not inconsistent with the provisions of this Ordinance for the conduct of elections and the transaction of business as aforesaid and may also settle and determine all doubts and disputes with reference thereto.

Commencement

88. (1) Subject to subsection (2) and (3) this Ordinance shall take effect on and from the 1st day of April 1986.
- (2) Parts III, IV and V of this Ordinance shall take effect in a parish as from the commencement of the first Annual Vestry Meeting held in the parish under the provisions of this Ordinance, provided that the provisions of section 19 shall apply to the convening of every Annual Vestry Meeting held after the 1st day of April 1986.
- (3) In any parish in which there is a vacancy in the office of Parish Priest as at the 1st day of April 1986 the provisions of Part V (other than section 63) shall not take effect in that parish until a member of the clergy shall have been admitted

to that office. The selection of the parish priest for such parish shall be in the manner applicable to such parish as if The Model Declaration of Trust Ordinance 1985 had not been passed, and the provisions of section 59 shall apply to the person so appointed.

Passed on 22nd September 1985.

The Assessment Ordinance 1980-1983 mentioned in Section 4 hereof has been replaced by The Assessment Ordinance 1985

Amended 18th September 1987, sections 1 and 86

Amended 16th September 1989 by the Financial Year Ordinance, sections 1 and 30

Amended 14th September 1990 by the Annual Vestry Meeting Amendment Ordinance 1990, sections 17, 18, 19, 20, 34, 42, 45, 49, 88

Amended 14th September 1990, new section 84 (4)

Amended 14th September 1990 by the The Ordinances Publication Ordinance Amendment Ordinance 1990 - Title - Section 1

Amended 17 August 1997, new section 85A

Amended 29 May 1999, section 17, new section 18A

Amended 20 May 2000, sections 42, 45, 85A, new section 85B

Amended 26 May 2002, new section 30A, section 32

Amended 1 June 2003, section 86

Amended 22 May 2004, sections 4, 29, 60, 69, 79, 80

Amended 13 October 2007, section 53

Legislative history notes relating to revisions under the Ordinances Publication Ordinance 2004

1. Revisions made in conjunction with amendments made on 23 May 2004

- (1) Section 6(1) - "clergyman" deleted and "member of the clergy" substituted
- (2) Section 6(1) - "synodsmen" deleted and "members of the Synod" substituted
- (3) Section 9(1) - "clergyman" deleted and "member of the clergy" substituted
- (4) Section 9(1) - "synodsmen" deleted and "members of the Synod" substituted
- (5) Section 13(1) - "clergyman" deleted and "member of the clergy" substituted
- (6) Section 13(1) - "synodsmen" deleted and "members of the Synod" substituted
- (7) Section 16 - "he" deleted and "the Bishop" substituted
- (8) Section 16 - "his" deleted and "the Bishop's" substituted
- (9) Section 17(2)(h) - "Chairman" deleted and "Chairperson" substituted
- (10) Section 17(2)(h) - "or her" inserted after "his"
- (11) Section 18(1) - "he" deleted
- (12) Section 18A(2) - "Synodsmen" deleted and "members of the Synod" substituted
- (13) Section 20 - "or her" inserted after "his"
- (14) Section 21 - "chairman" deleted and "chairperson" substituted
- (15) Section 22(1) - "his" deleted and "the Bishop's" substituted
- (16) Section 22(2) - "he" deleted and "the Bishop" substituted
- (17) Section 23 - heading substituted

- (18) Section 23 - “chairman” deleted (wherever occurring) and “chairperson” substituted (in each case)
 - (19) Section 23 - “his” deleted and “the Bishop’s” substituted
 - (20) Section 23 - “or she” inserted after “he” (in two places)
 - (21) Section 29(a) - “clergyman” deleted and “member of the clergy” substituted
 - (22) Section 29(f) - “clergymen” deleted and “members of the clergy” substituted
 - (23) Section 29(g) - “clergymen” deleted and “members of the clergy” substituted
 - (24) Section 29(l) - “clergyman” deleted and “member of the clergy” substituted
 - (25) Section 33 - “He” deleted and “The Parish Priest” substituted
 - (26) Section 36 - “chairman” deleted and “chairperson” substituted
 - (27) Section 37(1) - “his” deleted and “the Bishop’s” substituted
 - (28) Section 38 - “chairman” deleted (wherever occurring) and “chairperson” substituted (in each case)
 - (29) Section 38 - “his” deleted and “the Bishop’s” substituted
 - (30) Section 38 - “or she” inserted after “he”
 - (31) Section 42(1)(b) - “clergyman” deleted (wherever occurring) and “member of the clergy” substituted (in each case)
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- (32) Section 42(1)(e) - “or she” inserted after “he”
 - (33) Section 45(1)(b) - “clergyman” deleted (wherever occurring) and “member of the clergy” substituted (in each case)
 - (34) Section 45(1)(e) - “or she” inserted after “he”
 - (35) Section 48 - “synodsmen” deleted and “members of the Synod” substituted
 - (36) Section 49 - “or her” inserted after “his”
 - (37) Section 51(1)(a) - “his” deleted and “the” substituted
 - (38) Section 51(1)(f) - “or her” inserted after “his”
 - (39) Section 52 - “or she” inserted after “he” (in two places)
 - (40) Section 53(3) - “clergyman” deleted (wherever occurring) and “member of the clergy” substituted (in each case)
 - (41) Section 56 - heading substituted
 - (42) Section 56 - “he” deleted and “the Bishop” substituted
 - (43) Section 60 - “clergyman” deleted and “member of the clergy” substituted
 - (44) Section 61 - “clergymen” deleted (wherever occurring) and “members of the clergy” substituted (in each case)
 - (45) Section 61 - “clergyman” deleted (wherever occurring) and “member of the clergy” substituted (in each case)
 - (46) Section 62(1) - “or herself” inserted after “himself”
 - (47) Section 62(1) - “or her” inserted after “his”
 - (48) Section 62(1) - “or she” inserted after “he”
 - (49) Section 62(1) - “he” deleted and “the Bishop” substituted
 - (50) Section 62(2) - “or she” inserted after “he” (in two places)
 - (51) Section 62(2) - “or her” inserted after “his”
 - (52) Section 63 - “clergyman” deleted (wherever occurring) and “member of the clergy” substituted (in each case)
 - (53) Section 63 - “or her” inserted after “his”
 - (54) Section 70(2) - “his” deleted and “a” substituted
 - (55) Section 70(2)(a) - “clergyman” deleted and “member of the clergy” substituted
 - (56) Section 70(3) - “his” deleted
 - (57) Section 74 - “or her” inserted after “his” (in two places)
 - (58) Section 74 - “or she” inserted after “he”
 - (59) Section 83(3) - “he” deleted and “the Bishop” substituted
 - (60) Section 88(3) - “clergyman” deleted and “member of the clergy” substituted

EXPLANATORY MEMORANDUM

Constitution (Commissary, Virtual Meetings, Lay Members of Synod) Amendment Measure 2021

The main purposes of this Measure are threefold:

- to amend the Constitution by adding enabling provisions to allow annual sessions of Synod to be conducted using electronic means,
- to allow for more flexibility in how the Archbishop's responsibilities are to be performed during planned absences, and
- to clarify the qualification for holding office as a lay member of Synod.

A number of additional amendments introduce gender neutral language and remove references to outdated entities and offices.

Virtual sessions of Synod

The uncertainties created by the COVID pandemic have highlighted the need to ensure that there is flexibility about the way in which sessions of Synod can be convened. At present, the Constitution only makes provision for meetings to be conducted where all members of Synod can physically attend, yet Synod is required by law to hold its annual session of Synod (Synod's annual general meeting) within six months of the end of its financial year.

The amendments to section 15 of the Constitution aim to provide as much flexibility as possible. Where the Archbishop, after consultation with Diocesan Council determines that extenuating circumstances mean that a normal session of Synod cannot be held, the annual session of Synod can be convened entirely via electronic means (section 15(4)(a)). This would address the situation where there is total lockdown, with everyone participating from remote locations.

It would also be possible to convene the session with some members of Synod being physically present and others participating via electronic means (section 15(4)(b)). This would address the situation where government imposed density requirements mean there is a cap on the number of people who are allowed to attend the meeting. It would allow the session to be attended by a combination of people who are physically present and people who are participating by electronic means.

Additional details concerning the conduct of Synod in this way are being proposed in the Standing Orders Ordinance Amendment Ordinance 2021.

Creation of role of Commissary

In view of the Archbishop's additional responsibilities following his election as Primate, it is likely that (post COVID) he will be required to be away from Adelaide for meetings interstate and overseas during his term of office. This has prompted a review of the existing provisions as to how the Bishop's powers and authorities are to be exercised during such absences.

As it stands, the provisions in the Adelaide Constitution have the effect that the most senior Assistant Bishop must take on the role in all situations where the Bishop is absent or incapable of acting, unless that person is also absent or incapable of acting (see section 31(a) – Administrator).

Unusually, the details of how and when an Administrator would actually step in are currently found in the definition section (section 31) of the Constitution. It is more usual for substantive provisions to be included in the body of the Constitution or Rules itself. The definitions provide the meaning of important words used in the Constitution or Rules.

The proposed amendments insert a new section 6A, which contains the substantive provisions about how cover for the Bishop's absence is to be managed. In the event of the Bishop's resignation, death or incapacity, the Administrator would take on the role, as is currently the case (see new subsection 6A(2)). The Administrator will be the most senior Assistant Bishop, unless that person is absent, incapable or unwilling to act. The section goes on to provide that if no Assistant Bishop is available, a person can be appointed by the Diocesan Council. Failing that the role of Administrator falls to the Dean and the Archdeacons in order of seniority.

Additional flexibility is proposed by allowing the appointment of a Commissary to cover planned absences (see new subsection 6A(1)). This could include situations where the Bishop is interstate or overseas, or where the Bishop is on annual or long service leave. An additional Measure for an Ordinance will be prepared for Synod's consideration next year detailing the procedures to be followed when making such an appointment. It is envisaged that the process will mirror the consultation process that takes place before an assistant bishop can be appointed.

A definition of "incapable" is also being introduced in this section. This definition mirrors the definition in the General Synod's Bishop (Incapacity)

Canon 1995 (adopted by Adelaide Synod in 1996). That Canon provides the mechanism for removal of a bishop who has become incapable of carrying out his duties.

Lay members of Synod

Difficulties have been experienced with the provisions concerning when a lay member of Synod can be taken to have relinquished their role. The Constitution provides that each parish is entitled to 'lay members of the Synod representing each parish of the Diocese' (section 10(d)). However, on occasion lay members of Synod who have been elected to represent a parish join a different parish or move away from the church/Diocese during their 3 year term. This means that a parish loses its representation at Synod.

Amendments have been prepared to section 13 and to the Fourth and Fifth Schedules which make it clear that the elected lay member of Synod needs to continue to be a member of the parish for the full 3 year term of the Synod triennium.

Consequential and miscellaneous amendments to definitions

Section 21: Diocesan Council

The office of Dean of Adelaide no longer exists. It is proposed that the Dean of the Cathedral Church of St Peter and the Commissary (if there is one) are ex officio members of Diocesan Council

Section 31 -definitions

Administrator – updated to reflect the new section 6A

Archdeacon of Adelaide – deleted, as this office no longer exists

Bishop – introducing references to the Commissary and removing references to Dean and Chapter

Clergyman – mirroring the gender neutral language already used in Ordinances

Commissary – introduced in section 6A

Communicant: The Constitution of the Anglican Church of Australia no longer requires that communion be made at Easter and this had been adopted in the wording of the Schedule 4 declaration. This amendment removes an anomaly

between the definition of a Communicant in section 31 and the wording of Schedule 4.

Dean and Chapter –this incorporated association no longer exists.

Dean of Adelaide – to be amended to refer to the Dean of the Cathedral Church of St Peter.

Lay Synodsman - mirroring the gender neutral language used in Ordinances

Clause Notes

Part 1 deals with necessary preliminary matters.

Clause 1 provides for the short title of the Measure.

Clause 2 is a relatively standard provision stipulating that the Measure will come into operation on a date determined by the President.

Clause 3 provides for the amendment of the Constitution in the manner set out in Part 2 of the Measure.

Part 2 contains the amendments proposed to the Constitution.

Clause 4 provides for a new section 6A which contains the substantive provisions about what is to happen when there is a vacancy in the See or when the Bishop is unable to act for other specified reasons. Where the Bishop plans to be away from the Province or for periods agreed to by the Diocesan Council, a Commissary may be appointed. The appointment procedure will be established by Ordinance. Where no Commissary is appointed, or where there is a vacancy in the See, or where the Bishop is incapable of acting, an Administrator will exercise the Bishop's powers.

Clause 5 amends section 13 by requiring that people who elect a parish's lay member of synod must be a member of the parish. In addition, the elected lay member of Synod must be a member of the parish which they are seeking to represent at Synod. The clause also prescribes the process to be followed should a lay member of Synod cease to be a member of the parish during their 3 year term.

Clause 6 provides for amendments to section 15 to allow the Archbishop, after consultation with Diocesan Council to determine that where a normal session of Synod cannot be held, the annual session of Synod can be convened with members of Synod participating either entirely or partly using audio visual, audio or other means of communication.

Clause 7 provides for an amendment to section 21 to include the Commissary (if any) and the Dean as ex officio members of the Diocesan Council

Clause 8 of the Measure makes changes to the definitions in section 31

- removing references to the Archdeacon of Adelaide, the Dean and Chapter and the Dean of Adelaide
- introducing definitions of Commissary and Dean, amending the definition of Administrator and making a consequential amendment to the definition of Bishop
- updating the definitions of Clergyman and Lay synodsman
- updating the definition of Communicant to be consistent with the provisions of the Anglican Church of Australia

Clause 9 provides the updated wording for the Fourth Schedule (eligibility to vote for election of a lay member of Synod), incorporating the changes to section 13(1)

Clause 10 provides the updated wording for the Fifth Schedule (declaration by person elected to be a lay member of Synod), incorporating the changes to section 13(2)

A MEASURE

to amend the *Constitution*.

NOW THE SYNOD HEREBY DETERMINES:

Part 1 - Preliminary

1 - Short title

This may be cited as the *Constitution (Commissary, Virtual Meetings, Lay Members of Synod) Amendment Measure 2021*.

2 - Commencement

This Measure will come into operation after it has been confirmed by the Synod in accordance with section 30(b) of the *Constitution*.

3 - Amendment of the Constitution

The *Constitution* is amended in the manner set out in Part 2.

Part 2 - Amendment of the *Constitution*

4 – Insertion of section 6A

After section 6 insert:

Position of Commissary or Administrator

- 6A.(1) During the absence of the Bishop from the Province or during any period which may be proposed by the Bishop and agreed to by the Diocesan Council, the following provisions will apply:
- (a) subject to subsection (3), the powers vested in the Bishop by this Constitution will be exercised by a Commissary appointed in such manner as the Synod will determine by Ordinance;
 - (b) if no Commissary has been appointed pursuant to paragraph (a), or if the person appointed is unable or unwilling to act, and subject to subsection (3), the

powers vested in the Bishop by this Constitution will be exercised by an Administrator appointed in accordance with subsection (2).

- (2) In the event of the Bishop's death, resignation or becoming incapable, and subject to subsection (3), the powers vested in the Bishop by this Constitution will be exercised by an Administrator who will be the Assistant Bishop (if any) or (if more than one) the Assistant Bishops in order of their appointment as Assistant Bishops, or if none, or in his or her or their absence or incapacity or unwillingness to act, the person or persons appointed in order by the Diocesan Council to be the Administrator (which appointments may be made and rescinded from time to time as the Diocesan Council may determine), or if none or in his or her or their absence or incapacity or unwillingness to act, the Dean or in his or her absence or incapacity or unwillingness to act, the Archdeacons in order of seniority.
- (3) The powers and authorities to be exercised by a Commissary or Administrator will not include powers and authorities vested in the Bishop by Chapter I, Chapter II and sections 17, 18, 19, 20 and 30 of this Constitution, and will not include the authority to appoint an Archdeacon or the Dean.
- (4) In this section –

incapable, in relation to the Bishop, has the meaning contained in the *Bishop (Incapacity) Canon 1995*.

5 – Amendment of section 13 – Lay members of Synod

- (1) Section 13(1)(c) – after “for which the election is conducted” insert:

and does not purport to be a member of any other parish in the Diocese

(2) Section 13(2) – after paragraph (b) insert:

and

(c) is a member of the parish for which the election is conducted or the appointment is made and does not purport to be a member of any other parish in the Diocese,

(3) Section 13(3) – after paragraph (d) insert:

or

(e) the Bishop is satisfied following receipt of a notice in writing from the parish council of the parish which the person was elected or appointed to represent, that the person has ceased to be a member of the parish; or

(f) the parish which the person was elected or appointed to represent ceases to be a registered parish.

6 – Amendment of section 15 – Sessions of Synod

(1) Section 15(1) – delete “There” and substitute:

Subject to subsection (4), there

(2) Section 15 – after subsection (3) insert:

(4) A session of the Synod may, instead of being held at a place with members of the Synod being physically present, be held:

(a) remotely; or

(b) with some members of the Synod being physically present at one or more venues and other members participating remotely,

if:

(c) the Bishop, after consultation with the Diocesan Council, determines that, because of special or extenuating

circumstances, the session should be conducted under this subsection; and

- (d) arrangements have been put in place (as determined to be appropriate by the Bishop after consultation with the Diocesan Council) so that the session may be conducted insofar as members are participating remotely, by:

- (i) audio visual means; or

- (ii) audio means; or

- (iii) any other means of communication determined by the Bishop after consultation with the Diocesan Council.

- (5) If arrangements are put in place under subsection (4):

- (a) a member of the Synod will be taken to be at the relevant meeting (and to form part of the quorum for the meeting) if the member registers as a participant at the meeting in a manner determined or approved by the Bishop as part of the arrangements put in place under subsection (4); and

- (b) voting (including voting by orders) on any question or motion will be conducted in a manner (and using technology) determined or approved by the Bishop after consultation with the Diocesan Council; and

- (c) other procedures specified, determined or approved by or under an Ordinance for the purposes of facilitating the conduct of the business of the Synod in the relevant circumstances may apply.

7 – Amendment of section 21 – Composition of Diocesan Council

Section 21(1)(a) – delete paragraph (a) and substitute:

- (a) the Bishop, the Assistant Bishop (if any), the Commissary (if any) or the Administrator (as the case requires and, if not already a member of the Diocesan Council) and the Dean ex officio;

8 – Amendment of section 31 – Definitions

- (1) Section 31(a), definition of “Administrator” – delete the definition and substitute:

“Administrator” means the administrator of the Diocese appointed pursuant to section 6A;

- (2) Section 31(a), definition of “Archdeacon” – delete “other than the Archdeacon of Adelaide”
- (3) Section 31(a), definition of “Archdeacon of Adelaide” – delete the definition
- (4) Section 31(a), definition of “Bishop” – delete ““Archdeacon of Adelaide”,”
- (5) Section 31(a), definition of “Bishop” – delete “Administrator” and substitute:

Commissary or Administrator as the case requires

- (6) Section 31(a), definitions commencing “Clergyman” – delete ““Clergyman” or “licensed clergyman” or”
- (7) Section 31(a) – after the definition of “member of the clergy” insert:

“Commissary” means a Commissary appointed pursuant to section 6A;

- (8) Section 31(a), definition of “Communicant” – delete “of which Easter shall be one”
- (9) Section 31(a), definition of “Dean and Chapter” – delete the definition
- (10) Section 31(a), definition of “Dean of Adelaide” – delete the definition and substitute:

“Dean” means the person appointed as the Dean of the Cathedral Church of St Peter by the Bishop, subject to such conditions (if any) as may be lawfully prescribed;

- (11) Section 31(a), definitions commencing “Lay synodsmen” – delete
““Lay synodsmen” or”
- (12) Section 31(d) – delete “, Archdeacon or member of the Dean and Chapter” and substitute:

or Archdeacon

9 – Amendment of Fourth Schedule

Fourth Schedule – delete the declaration and substitute:

I DO HEREBY DECLARE that I am a member of The Anglican Church of Australia, that I am a communicant of the said Church, that I do not belong to any other religious denomination, that I have received the Holy Communion not less than three times during the past twelve months, that I have attained the age of sixteen years, that I am a member of the parish of:

.....

and that I do not consider myself to be a member of any other parish in the Diocese of Adelaide

10 – Amendment of Fifth Schedule

Fifth Schedule – delete the declaration and substitute:

DO HEREBY DECLARE

1. That I am a member of The Anglican Church of Australia and that I am a communicant of the said Church.
2. That I belong to no other religious denomination.
3. That I am a member of the Anglican Parish of and that I do not consider myself to be a member of any other Anglican parish in the Diocese of Adelaide.

4. That I have received the Holy Communion not less than three times during the past twelve months.
5. That I have attained the age of 18 years.
6. That I submit to and agree to be bound by:
 - (a) the Constitution of the Diocese of Adelaide; and
 - (b) every Ordinance from time to time in force; and
 - (c) any lawful direction made under the Constitution or any Ordinance that applies to lay members of the Synod.
7. That I hereby accept the office of lay member of the Synod and any other office to which I may be elected or appointed pursuant to the said Constitution and Ordinances and promise to perform the duties thereof honestly, impartially, faithfully and to the best of my judgement and ability and in accordance with and subject to the said Constitution and Ordinances.
8. That I acknowledge that my appointment to the Synod relates to my membership of the Parish of for the duration of the three years of the current Synod triennium and that I may be removed from office if I cease to be a member of that Parish.

CONSTITUTION

Arrangement

1. This Constitution is divided into Chapters as follows:-

| | |
|--------------|-------------------------------|
| CHAPTER I | THE DIOCESE OF ADELAIDE |
| CHAPTER II | THE BISHOP |
| CHAPTER III | THE SYNOD |
| CHAPTER IV | THE DIOCESAN COUNCIL |
| CHAPTER V | PARISHES |
| CHAPTER VI | THE SEAL |
| CHAPTER VII | AMENDMENT OF THE CONSTITUTION |
| CHAPTER VIII | INTERPRETATION |

CHAPTER 1 - THE DIOCESE OF ADELAIDE

Membership of The Anglican Church of Australia

2. The Diocese is a diocese of The Anglican Church of Australia and where this Constitution or any Ordinance made hereunder is inconsistent with the Constitution of The Anglican Church of Australia or any Canon or Rule made thereunder and which is in force in or applies to or has force and effect in or is not excluded from operation within the Diocese, the latter shall prevail and the former shall to the extent of the inconsistency have no effect.

Government

3. Subject to the provisions of section 2 of this Constitution the authority and power to provide for the life and growth, the order and good government and the management of the affairs of the Diocese is vested in -
- (a) the Bishop, and
 - (b) the Synod which for such purposes may exercise the powers hereinafter provided.

Operation of Constitution

4. This Constitution and all Ordinances made hereunder shall be binding on the Bishop, all members of the clergy and lay persons as members of the Church residing or worshipping within the Diocese and for all purposes connected with or relating to Church property including trust property.

CHAPTER II - THE BISHOP

Election

5. (1) Subject to the provisions of section 8 of the Constitution of The Anglican Church of Australia the Bishop shall be elected or appointed in such manner as the Synod shall by Ordinance determine.
- (2) A person elected or appointed Bishop shall not take office without first having signed a declaration in the form contained in the First Schedule hereto and a declaration of assent to the doctrine and formularies of The Anglican Church of Australia.

Bishop's Powers

6. Subject to this Constitution and the Ordinances of the Synod and to the Constitution of The Anglican Church of Australia and to the Canons or Rules mentioned in section 2 of this Constitution the Bishop as Ordinary and Chief Pastor of the Diocese shall have and may exercise within the Diocese all and singular the powers and authorities which are inherent in his office.

6A.(1) During the absence of the Bishop from the Province or during any period which may be proposed by the Bishop and agreed to by the Diocesan Council, the following provisions will apply:

(a) subject to subsection (3), the powers vested in the Bishop by this Constitution will be exercised by a Commissary appointed in such manner as the Synod will determine by Ordinance;

(b) if no Commissary has been appointed pursuant to paragraph (a), or if the person appointed is unable or unwilling to act, and subject to subsection (3), the powers vested in the Bishop by this Constitution will be exercised by an Administrator appointed in accordance with subsection (2).

(2) In the event of the Bishop's death, resignation or becoming incapable, and subject to subsection (3), the powers vested in the Bishop by this Constitution will be exercised by an Administrator who will be the Assistant Bishop (if any) or (if more than one) the Assistant Bishops in order of their

appointment as Assistant Bishops, or if none, or in his or her or their absence or incapacity or unwillingness to act, the person or persons appointed in order by the Diocesan Council to be the Administrator (which appointments may be made and rescinded from time to time as the Diocesan Council may determine), or if none or in his or her or their absence or incapacity or unwillingness to act, the Dean or in his or her absence or incapacity or unwillingness to act, the Archdeacons in order of seniority.

(3) The powers and authorities to be exercised by a Commissary or Administrator will not include powers and authorities vested in the Bishop by Chapter I, Chapter II and sections 17, 18, 19, 20 and 30 of this Constitution and will not include the authority to appoint an Archdeacon or the Dean.

(4) In this section –

*incapable, in relation to the Bishop, has the meaning contained in the *Bishop (Incapacity) Canon 1995.**

CHAPTER III - THE SYNOD

The Synod

7. Without limiting the effect of section 3 of this Constitution there shall be a governing body for the management of the affairs of the Diocese which shall be The Synod of the Diocese of Adelaide of The Anglican Church of Australia Incorporated.

Object

8. The object of the Synod is to provide for the life and growth and the order and good government of The Anglican Church of Australia within the Diocese in accordance with the provisions of the said Constitution of The Anglican Church of Australia.

Powers of Synod

9. (1) Subject to the provisions of this Constitution the Synod shall have the following powers:-
 - (a) to consider and if thought necessary to pass motions upon any matter concerning or affecting the Church of God or any part thereof and its members whether within or outside the Diocese;

- (b) To consult with the Bishop on any matter on which the Bishop may agree to being consulted and to advise the Bishop;
- (c) To make alter or repeal such Ordinances (not being repugnant to this Constitution) as shall in its opinion be necessary for or conducive to the order and good government of The Anglican Church of Australia within the Diocese;
- (d) To purchase take on lease or in exchange, hire or otherwise acquire and hold any real or personal property, including any rights and privileges, for the purposes of the Synod, the general purposes of the Diocese, any special diocesan purpose, any purpose of or connected with The Anglican Church of Australia (whether within or outside the Diocese) or for any other religious purpose or purposes or for the advancement of religion (whether within or outside the Diocese);
- (e) To erect buildings and to renovate repair reconstruct alter improve add to and demolish any buildings or structures now or hereafter vested in the Synod;
- (f) To sell exchange lease let mortgage pledge hire dispose of turn to account or otherwise deal with all or any of the real and personal property of the Synod;
- (g) To accept donations whether of real or personal estate and devises and bequests whether or not such donations devises or bequests are subject to any trusts;
- (h) To raise or borrow money and secure the repayment thereof in such manner as the Synod shall think fit with power to issue debentures, grant mortgages, charges or securities upon or charging all or any of the property whether real or personal present or future of the Synod and to redeem or pay off either wholly or in part any existing or future security;
- (i) To receive moneys on deposit, current account or otherwise with or without allowance of interest and to receive on deposit titles deeds leases and other securities of any description;
- (j) To lend or advance money to any person or body either at interest or without interest and with or without security and in particular to persons parishes congregations and organisations within the Diocese and generally to receive hold invest and lay out moneys or securities for money upon and subject to such terms and conditions without any restriction whatever as the Synod may determine;
- (k) To give any guarantee in relation to mortgages loans investments and securities whether made or effected or acquired through the agency of

the Synod or otherwise and generally to guarantee or become surety for the performance of any contracts and obligations;

- (l) To invest and deal with the moneys of the Synod not immediately required upon such securities and in such manner as may from time to time be determined by the Synod and for that purpose to acquire and hold shares, stocks, debentures, debenture stock bonds, obligations securities or notes issued or guaranteed by any company or corporation constituted or carrying on business in Australia or elsewhere and debentures debenture stock bonds obligations and securities issued or guaranteed by any government commission public body or authority, municipal, local or otherwise in Australia or elsewhere and to acquire any such shares stock debentures debenture stock bonds obligations notes or securities by original subscription tender purchase exchange or otherwise and to subscribe for the same either conditionally or otherwise and to guarantee the subscription thereof and to exercise and enforce all rights and powers conferred by and incidental to the ownership thereof;
 - (m) To hold and administer any property on trust;
 - (n) To appoint regulate and dissolve such committees for such purposes as the Synod may from time to time determine;
 - (o) To delegate to any person persons or body any right authority or power conferred upon or exercisable by the Synod save and except the making altering or repealing of any Ordinance, the amendment of this Constitution and the exercise of any right authority or power to which the Synod shall by Ordinance declare that this paragraph shall not apply;
 - (p) To employ or dismiss such officers and employees as may from time to time be required;
 - (q) To do all such things as may be required by the provisions of any trust deed relating to Church property or the exercise of patronage;
 - (r) To do all such other acts matters or things as shall be or may appear to be incidental or conducive to the life and growth and the order and good government of The Anglican Church of Australia in the Diocese including the power to carry out exercise and accept the transfer of the powers functions and property of any other body or organisation within The Anglican Church of Australia in the Diocese;
- (2) Nothing herein contained shall be deemed to restrict or in any way limit the powers conferred upon the Synod by virtue of the provisions of the Associations Incorporation Act 1956-1965 or any Act amending or replacing

that Act or by any other law of the State of South Australia or the Commonwealth of Australia.

Composition of Synod

10. The Synod shall consist of:-

- (a) The Bishop;
- (b) The Chancellor;
- (c) Every licensed member of the clergy;
- (d) Lay members of the Synod representing each parish of the Diocese according to the following scale:-

- I (i) for each parish having not more than 74 communicants, one lay member of the Synod;
- (ii) for each parish having not fewer than 75 communicants nor more than 149 communicants, two lay members of the Synod;
- (iii) for each parish having not fewer than 150 nor more than 249 communicants, three lay members of the Synod;
- (iv) for each parish having not fewer than 250 nor more than 399 communicants, four lay members of the Synod;
- (v) for each parish having not fewer than 400 communicants, five lay members of the Synod;

OR

- II for each parish comprised of two or more congregations, a number of lay members of the Synod equal to the number of congregations comprising the parish; whichever is the greater.

- (d1) The Secretary of Synod;
- (d2) Not more than five lay members appointed by the Bishop;
- (d3) Lay members each representing a congregation (whether registered or not) which functions independently of a parish and which, in the opinion of the Diocesan Council, may in time become a parish and which the Diocesan Council has resolved should in the meantime be accorded representation by one lay member in the Synod.
- (e) Such other persons (if not already members of the Synod) as may be appointed to the Diocesan Council pursuant to the provisions of paragraph (f) of section 21(1) hereof but only for the duration of their appointment as aforesaid.

Chancellor

11. (1) The Chancellor shall be appointed by and shall hold office during the pleasure of the Bishop provided that a person shall not be Chancellor unless he or she is a communicant and or is or has been qualified for appointment as a Justice of the High Court of Australia, the Federal Court of Australia or the Supreme Court of South Australia and provided also that any appointment to the office of Chancellor shall not terminate upon a vacancy occurring in the See but shall terminate upon a new Bishop taking office.
- (2) The Chancellor shall not take office without first having signed a declaration in the form contained in the Second Schedule hereto

Members of the Clergy

12. No member of the clergy shall be licensed by the Bishop without first having signed a declaration in the form contained in the Third Schedule hereto.

Lay Members of the Synod

13. (1) No person shall vote for the election of a lay member of the Synod unless at the time of such election he or she:
 - (a) is a communicant, and
 - (b) has attained the age of sixteen years, and
 - (c) is a member of the parish for which the election is conducted and does not purport to be a member of any other parish in the Diocese, and
 - (d) shall have signed a declaration in the form contained in the Fourth Schedule hereto.
- (2) No person shall be elected or appointed a lay member of the Synod pursuant to the provisions of paragraph (d) or (d1) or (d2) or (d3) or (e) of section 10 hereof unless at the time of such election or appointment he or she:
 - (a) is a communicant, and
 - (b) has attained the age of eighteen years, and
 - (c) is a member of the parish for which the election is conducted or the appointment is made and does not purport to be a member of any other parish in the Diocese,

and the election or appointment shall not be effective until he or she shall have signed a declaration in the form contained in the Fifth Schedule hereto.

- (3) A person shall cease to be lay member of the Synod if:
- (a) by notice in writing to the Bishop he or she resigns, or
 - (b) in the opinion of the Bishop he or she has ceased to be a communicant, or
 - (c) he or she has been convicted or found guilty of any offence punishable either by imprisonment or by death and the Bishop declares his or her seat to be vacant, or
 - (d) he or she has failed to attend any session of the Synod without leave of the Bishop and the Bishop declares his or her seat to be vacant, or
 - (e) the Bishop is satisfied following receipt of a notice in writing from the parish council of the parish which the person was elected or appointed to represent, that the person has ceased to be a member of the parish, or
 - (f) the parish which the person was elected or appointed to represent ceases to be a registered parish.

Term of Office

14. (1) All lay members of the Synod, other than those referred to in paragraphs (d1) and (e) of section 10 of this Constitution, shall be elected or appointed in an election year in such manner as the Synod shall by Ordinance determine and shall take office on the 1st day of July of that election year and shall hold office until the 30th day of June of the election year next following.
- (2) For the purposes of this section an election year shall be the third year after the last preceding election year provided that the Bishop with the approval of the Diocesan Council may in a particular case determine that an election year shall be the first or second year after the last preceding election year.
- (3) A casual vacancy arising under paragraph (d2) of section 10 may be filled by the Bishop. Any other casual vacancy in the office of lay member of the Synod shall be filled in such manner as the Synod shall by Ordinance determine.
- (3a) A lay member appointed under paragraph (d2) of section 10 shall be eligible for reappointment for one, but not more than one, consecutive term.
- (4) The Secretary of Synod shall keep a register of all members of the Synod and unless the Synod shall otherwise determine such register shall be *prima facie* evidence as to any person's entitlement to membership of the Synod and his or her lawful election or appointment.

Sessions of Synod

15. (1) Subject to subsection (4), there shall be a session of the Synod at least once in each calendar year to be held at a time and place to be determined by the Bishop after consultation with the Diocesan Council.
- (2) A special session of the Synod may be called at any time by the Bishop and shall be called whenever the Bishop receives a request for a special session under the hand of ten lay members of the Synod from at least three parishes and five members of the clergy and the request is supported by the Diocesan Council.
- (3) The Synod may by Ordinance provide for the exclusion from sessions of the Synod of any member thereof who or whose parish is in default in complying with any provisions of this Constitution or of any Ordinance.
- (4) A session of the Synod may instead of being held at a place with members of the Synod being physically present, be held:-
 - (a) remotely; or
 - (b) with some members of the Synod being physically present at one or more venues and other members participating remotely,

if

 - (c) the Bishop, after consultation with the Diocesan Council, determines that, because of special or extenuating circumstances, the session should be conducted under this subsection;- and
 - (d) arrangements have been put in place (as determined to be appropriate by the Bishop after consultation with the Diocesan Council) so that the session may be conducted insofar as members are participating remotely, by:
 - (i) audio visual means; or
 - (ii) audio means; or
 - (iii) any other means of communication determined by the Bishop after consultation with the Diocesan Council.
- (5) If arrangements are put in place under subsection (4):
 - (a) a member of the Synod will be taken to be at the relevant meeting (and to form part of the quorum for the meeting) if the member registers as a participant at the meeting in a manner determined or approved by the

Bishop as part of the arrangements put in place under subsection (4); and

(b) voting (including voting by orders) on any question or motion will be conducted in a manner (and using technology) determined or approved by the Bishop after consultation with the Diocesan Council; and

(c) other procedures specified, determined or approved by or under an Ordinance for the purposes of facilitating the conduct of the business of the Synod in the relevant circumstances may apply.

Quorum

16. A quorum of the Synod shall comprise not fewer than one fifth of the total number of members of the clergy and not fewer than one fifth of the total number of lay members of the Synod entitled to be present.

President

17. At every meeting of the Synod the Bishop shall preside. In his absence the person who, during any incapacity or absence from the Diocese of the Bishop would be the Administrator, shall preside.

Voting

- 18 (1) Except as otherwise provided in this Constitution the decision of the Synod shall be the decision of the majority of those members present and voting. The President of the Synod, whenever the Synod does not vote by orders, shall have a casting as well as a deliberative vote.
- (2) A decision in the election of a Bishop shall be made in such manner as the Synod shall by Ordinance prescribe: provided that general licence clergy shall not vote in such an election or in any separate meeting of the clergy forming part of the process of election.
- (3) Except as otherwise provided in this Constitution any member of the Synod may before a vote is taken require a vote by orders.
- (4) In the event of a vote by orders being required the question shall be put first to the lay members of the Synod voting separately then to the members of the clergy voting separately and then to the Bishop if present (other than general licence clergy) and no question shall be deemed to be resolved in the

affirmative unless it is so resolved by a vote of the majority of those present in each of the orders of members of the clergy and lay members of the Synod and by the Bishop if present.

- (5) The members of the clergy who are entitled to vote or to require a vote by orders are those members of the clergy who are not general licence clergy.

Validity of Proceedings

19. (1) The Synod may proceed to the despatch of its business notwithstanding the failure of any parish to provide for its representation or any casual vacancy in the office of lay member of the Synod, notwithstanding a vacancy in the office of Bishop or Chancellor.
- (2) Neither the making altering or repealing of any Ordinance nor the exercise of any power of the Synod shall be vitiated by reason of:
- (a) the fact that any person to be elected or appointed to the Synod has not been elected or appointed; or
 - (b) any informality with respect to the election or appointment of any member of the Synod; or
 - (c) the failure to give or send a summons or notice of any kind or a copy of any measure to any member of the Synod, unless at the session of the Synod at which the power is exercised or the measure for the Ordinance is considered the Synod by a majority of two thirds of its members present and voting as a whole shall otherwise determine.

Ordinances

20. An Ordinance shall be made altered or repealed by measure passed in accordance with the following procedure:-
- (a) A copy of the measure shall have been sent to each member of the Synod not less than fourteen days before the first day of the session of the Synod at which the measure is to be presented;
 - (b) On the passing of the measure (with or without amendment) the President may declare that the measure shall not take effect until it has been confirmed at a subsequent session of the Synod, or any member of the Synod may thereupon move that the measure shall not take effect until it has been confirmed at a subsequent session of the Synod. It shall not be possible to require a vote by orders for such a motion, and any such motion shall be

deemed to have been passed if not less than one third of the members of the Synod present and voting vote in favour of the motion;

- (c) If the Bishop be absent or the See be vacant the measure shall not take effect until it has been confirmed at a subsequent session of the Synod at which the Bishop is present;
- (d) Subject to the passing or confirmation of the measure as the case may require, the Ordinance shall take effect from the date specified therein or, if no such date is specified, from the date of such passing or confirmation.

CHAPTER IV - THE DIOCESAN COUNCIL

Composition

21. (1) There shall be a Diocesan Council which shall consist of :-
 - (a) ~~the Bishop, the Assistant Bishop (if any), the Administrator (if not already a member of the Diocesan Council) and the Dean of Adelaide ex officio~~
the Bishop, the Assistant Bishop (if any), the Commissary (if any) or the Administrator (as the case requires and if not already a member of the Diocesan Council) and the Dean ex officio;
 - (b) two Archdeacons appointed by the Bishop;
 - (c) the Chancellor and the Secretary of Synod ex officio, who shall be non-voting members;
 - (d) so many members of the Synod being not fewer than three members of the clergy and six lay members of the Synod as the Synod shall by Ordinance determine;
 - (e) such other communicants not exceeding six in number as the Synod shall by Ordinance determine who need not be members of the Synod;
 - (f) not more than two other communicants whom the Diocesan Council may from time to time appoint and who need not be members of the Synod.
- (2) For the purposes of this section a non-voting member means a person who is entitled to be given notice of and to attend a meeting of the Diocesan Council and to speak at such meeting but not to vote thereat.
- (3) The method of election or appointment of the persons mentioned in paragraphs (d) and (e) of subsection (1) shall be as prescribed by Ordinance.

Powers

22. The Diocesan Council shall be a council of advice to the Bishop and the executive committee of the Synod and subject to the provisions of the several Ordinances of the Synod and to any general or special direction of the Synod shall have power in the name and on behalf of the Synod to exercise or perform all or any of the rights authorities and powers of the Synod save and except the making altering or repealing of any Ordinance the altering or repealing of this Constitution and the exercise of any right authority or power to which the Synod shall by Ordinance declare that this Section shall not apply.

Regulation of Affairs

23. The election or appointment of persons to and the regulation of the affairs of and the term of office of members of the Diocesan Council shall be prescribed by Ordinance of the Synod.

CHAPTER V - PARISHESRegistration

24. Subject to the provisions of Section 25 of this Constitution the conditions for registration and termination of registration of a parish, the qualifications for membership of a parish and the conditions for registration of changes in the composition or name of a parish shall be determined and may be varied from time to time in such manner as the Synod shall by Ordinance determine.

Procedure for Registration of a Parish

25. The Synod shall not register a new parish unless the persons desiring to form it shall have held a meeting presided over by the Bishop or his nominee at which a resolution in the form contained in the Sixth Schedule hereto shall have been passed by a majority of those present and voting and the person presiding thereat shall have signed and delivered to the Secretary of Synod a certificate in the form of the Sixth Schedule.

Church Property

26. The fee simple or any other right title or interest of the Synod or of any parish or congregation or of any members of the Church in any land used for the purposes of the Church within the Diocese shall be vested in the Synod or in such other trustee or trustees as the Synod shall approve and upon such trusts as the Synod shall from time to time have approved or adopted.

CHAPTER VI - THE SEAL

Sealholders

27. The sealholders of the Synod shall comprise the Bishop and seven members of the Synod of whom not fewer than two shall be members of the clergy and not fewer than three shall be lay members of the Synod and who shall be elected by the Synod.

Use of Seal

28. Any deed instrument or document required to be made or executed under the seal of the Synod shall be deemed not to be duly made or executed unless two of the sealholders for the time being shall have signed the same and the Secretary of Synod or some other person authorised by the Diocesan Council to do so shall have countersigned the same.

Authority

29. The seal shall not be affixed to any deed instrument or document without the authority of the Diocesan Council or of a committee of the Diocesan Council if the Diocesan Council shall so determine.

CHAPTER VII - AMENDMENT OF THE CONSTITUTION

Procedure

30. This Constitution may be amended or repealed by measure passed in accordance with the following procedure:-
 - (a) A copy of the measure shall be sent to each member of the Synod not less than fourteen days before the first day of the session of the Synod at which the measure is to be presented;
 - (b) Voting on the measure (with or without amendment) shall be by orders in accordance with the provisions of section 18 hereof provided that the measure shall be deemed not to have been passed unless it is agreed to by two thirds of those present in each of the orders of lay members of the Synod and members of the clergy and by the Bishop and unless it is confirmed in like manner at a subsequent session of the Synod.

CHAPTER VIII - INTERPRETATION

Definitions

31 In this Constitution and in any Ordinance unless the context or subject matter otherwise indicates:-

(a) "Administrator" means the administrator of the Diocese appointed pursuant to section 6A; ~~during any incapacity or absence from the Diocese of the Bishop or during a vacancy of the See and shall be the Assistant Bishop (if any) or (if more than one) the Assistant Bishops in order of their appointment as Assistant Bishops, or if none, or in his or their absence or incapacity to act, the person or persons appointed in order by the Bishop to be the Administrator (which appointments may be made and rescinded from time to time as the Bishop may determine), or if none or in his or her or their absence or incapacity to act, the Dean of Adelaide or in his or her absence or incapacity to act, the Archdeacon of Adelaide, or in his or her absence or incapacity to act the other Archdeacons in order of seniority.~~

"Archdeacon" means a person ~~other than the Archdeacon of Adelaide~~ appointed to such office by the Bishop who shall hold office for such period and shall have such powers and functions as the Bishop may from time to time determine;

~~—"Archdeacon of Adelaide" means the person appointed to such office by the Bishop.~~

"Assistant Bishop" means a person in bishop's orders appointed to such office in accordance with any ordinance provided that where the context requires reference to one such person only and there is more than one office of Assistant Bishop it shall mean the Assistant Bishops in order of seniority.

"Bishop" means the Bishop of the Diocese for the time being who is by virtue of the constitution of the Province of South Australia the Metropolitan Bishop of the Province and is styled the Archbishop of Adelaide. Except for the purposes of Chapters I and II and sections 17, 18, 19, 20 and 30 and the definitions of "Archdeacon", ~~"Archdeacon of Adelaide"~~, and "Dean", the expression shall include the ~~Administrator~~ Commissary or Administrator as the case requires during any incapacity or absence from the Diocese of the Bishop or during any vacancy of the See;

"Chancellor" means the Chancellor of the Diocese appointed pursuant to section 11 hereof;

~~"Clergyman" or "licensed clergyman" or "member of the clergy" or "licensed member of the clergy"~~ means a bishop, priest or deacon holding a licence from the Bishop;

"Commissary" means a Commissary appointed pursuant to section 6A;

"Communicant" means a member of the Church who communicates at least three times in the year ~~of which Easter shall be one;~~

"Congregation" means a congregation of members of the Church who meet regularly for worship and which has been registered as a congregation by the Synod in such manner as the Synod shall by Ordinance determine;

~~—"Dean and Chapter" means the Dean and Chapter of the Diocese of Adelaide Incorporated or if that body ceases to be incorporated, such body as the Synod shall by Ordinance determine;~~

~~"Dean of Adelaide" means the person appointed to such office by the Bishop, subject to such conditions (if any) as may be lawfully prescribed;~~

"Dean" means the person appointed as the Dean of the Cathedral Church of St Peter by the Bishop, subject to such conditions (if any) as may be lawfully prescribed;

—"Diocese" means the Diocese of Adelaide of The Anglican Church of Australia;

~~—"Lay synodsmen" or "lay member of the Synod" means a member of the Synod other than the Bishop, and any member of the clergy, and includes, if the Synod shall by Ordinance provide for the appointment or election of such persons, an alternate lay member of the Synod;~~

—"Member of the Church" means a baptised person who attends the public worship of The Anglican Church of Australia and who declares that he or she is a member of The Anglican Church of Australia and not a member of any other religious denomination;

—"Parish" means an ecclesiastical unit comprising members of the Church the pastoral care of whom has been committed to one or more members of the clergy licensed thereto by the Bishop and which has been registered as a parish in such manner as the Synod shall by Ordinance determine;

—"General licence clergy" means members of the clergy who hold a general licence to officiate and no other licence.

—"Secretary of Synod" means the secretary for the time being of the Synod appointed in such manner as the Synod shall by Ordinance determine. The Secretary of Synod shall be the Public Officer of the Synod;

—"Synod" means The Synod of the Diocese of Adelaide of The Anglican Church of Australia.

- (b) Words importing the masculine shall include the feminine and vice versa;
- (c) Words importing the singular shall include the plural and vice versa;

- (d) Seniority of an Assistant Bishop or Archdeacon ; ~~Archdeacon or member of the Dean and Chapter~~ shall be determined by the length of his or her continuous service in such office, and where two or more have the same length of service, by his or her seniority in priest's orders;
- (e) Headings to sections are for reference only and shall not affect the proper interpretation of this Constitution or any Ordinance;
- (f) Any reference to the Constitution of The Anglican Church of Australia includes any amendment thereof.

Reference of Questions to Appellate Tribunal

32. (1) Any resolution of the Synod referred to in section 63 of the Constitution of The Anglican Church of Australia shall be deemed to have been made if not less than one quarter of all the members of the Synod vote in favour of the resolution.
- (2) It shall not be possible to require a vote of orders for such a resolution.

THE FIRST SCHEDULE

(Section 5)

I _____ having been duly
elected or appointed as Bishop of the See of Adelaide DO HEREBY DECLARE

1. That subject to the provisions of The Anglican Church of Australia Constitution Act 1961-80 I submit to and agree to be bound by the Constitution of The Anglican Church of Australia and the Canons and Rules made thereunder from time to time in force insofar as they may apply.
2. That I submit to and agree to be bound by the Constitution of the Diocese of Adelaide and every Ordinance of the Synod from time to time in force.
3. That I will hold the said Office under and subject to all terms stipulations and provisions of the Trusts of the said See from time to time in force and will well and faithfully observe and perform the same and conform thereto in every respect.
4. That I will submit and conform to any sentence lawfully passed upon me and that I undertake and agree to give up to the Synod or other trustee for the time being on demand of the Administrator, the Synod or other trustee possession of such real and personal estate and effects as I may hold or be entitled to by virtue of my office at the time if and when sentenced according to the Constitution of The Anglican Church of Australia to suspension from office, expulsion from office, deprivation of rights or emoluments appertaining to office or deposition from holy orders and that in the event of such sentence I shall hold such real and personal estate and effects as tenant at will of the Synod or other trustee.

IN WITNESS whereof I have hereunto set my hand and seal this

day of

in the year of our Lord

in the presence of:

THE SECOND SCHEDULE

(Section 11)

I _____ having been appointed
 Chancellor of the Diocese of Adelaide HEREBY ACKNOWLEDGE that The
 Anglican Church of Australia, being an Apostolic Church, receives and retains the
 Catholic Faith, which is grounded in Holy Scripture and expressed in the Creeds,
 and within its own history, in the Thirty-nine Articles, in the Book of Common
 Prayer and in the Ordering of Bishops, Priests and Deacons. Accordingly, I do
 solemnly make the following declarations:

1. I firmly and sincerely believe the Catholic Faith and I give my assent to the doctrine of The Anglican Church of Australia as expressed in the Thirty-nine Articles of Religion, the Book of Common Prayer and the Ordering of Bishops, Priests and Deacons and I believe that doctrine to be agreeable to the Word of God.
2. I submit to and agree to be bound by the Constitution of the Diocese of Adelaide and every Ordinance made thereunder from time to time in force.
3. I promise to perform the duties of my office honestly, impartially, faithfully and to the best of my judgement and ability and in accordance with and subject to the said Constitution and Ordinances.

Signature: _____

Witness: _____

Date: _____

THE THIRD SCHEDULE

(Section 12)

I _____ being about to be licensed as a
member of the clergy in the Diocese of Adelaide DO HEREBY DECLARE

1. That subject to the provisions of The Anglican Church of Australia Constitution Act 1961-80 I submit to and agree to be bound by the Constitution of The Anglican Church of Australia and the Canons and Rules made thereunder from time to time in force insofar as they may apply in the Diocese.
2. That I submit to and agree to be bound by the Constitution of the Diocese of Adelaide and every Ordinance from time to time in force.
3. That as a member of The Synod of the Diocese of Adelaide of The Anglican Church of Australia Incorporated I promise to perform the duties thereof and the duties of any office to which I may be elected or appointed pursuant to the said Constitution and Ordinances honestly, impartially, faithfully and to the best of my judgement and ability and in accordance with and subject to the said Constitution and Ordinances.
4. That I undertake and agree to give up to the Synod or other trustee for the time being on demand by the Bishop possession of such real and personal estate and effects as I may hold or be entitled to by virtue of any office or appointment or charge which I may now or hereafter hold or possess within the Diocese if and when sentenced according to the Constitution and Ordinances of the Diocese to deprivation or suspension or if and when my licence or authority or appointment is lawfully revoked or cancelled by the Bishop and that in the event of such deprivation, suspension, revocation or cancellation I shall hold such real and personal estate and effects as tenant at will of the Bishop for the time being.

Signature: _____

Witness: _____

Date: _____

THE FOURTH SCHEDULE

(Section 13 (1))

~~I DO HEREBY DECLARE that I am a member of The Anglican Church of Australia, that I am a communicant of the said Church, that I belong to no other religious denomination, that I have received the Holy Communion not less than three times during the past twelve months, that I have attained the age of sixteen years, and that I am a member of the parish of:~~

.....

I DO HEREBY DECLARE that I am a member of The Anglican Church of Australia, that I am a communicant of the said Church, that I do not belong to any other religious denomination, that I have received the Holy Communion not less than three times during the past twelve months, that I have attained the age of sixteen years, that I am a member of the parish of:

.....

and that I do not consider myself to be a member of any other parish in the Diocese of Adelaide

Signature: _____ Witness: _____

Date: _____

THE FIFTH SCHEDULE

(Section 13(2))

I

of

DO HEREBY DECLARE

1. ~~That I am a member of The Anglican Church of Australia and that I am a communicant of the said Church;~~
2. ~~That I belong to no other religious denomination;~~
3. ~~That I have received the Holy Communion not less than three times during the past twelve months;~~
4. ~~That I have attained the age of 18 years;~~
5. ~~That I submit to and agree to be bound by the Constitution of the Diocese of Adelaide and every Ordinance from time to time in force;~~
6. ~~That I hereby accept the office of lay member of the Synod and any other office to which I may be elected or appointed pursuant to the said Constitution and Ordinances and promise to perform the duties thereof honestly, impartially, faithfully and to the best of my judgement and ability and in accordance with and subject to the said Constitution and Ordinances.~~

DO HEREBY DECLARE

1. That I am a member of The Anglican Church of Australia and that I am a communicant of the said Church;
2. That I belong to no other religious denomination;
3. That I am a member of the Anglican Parish of and that I do not consider myself to be a member of any other Anglican parish in the Diocese of Adelaide.
4. That I have received the Holy Communion not less than three times during the past twelve months;
5. That I have attained the age of 18 years;

6. That I submit to and agree to be bound by:
(a) the Constitution of the Diocese of Adelaide;
(b) every Ordinance from time to time in force; and
(c) any lawful direction made under the Constitution or any Ordinance that applies to lay members of the Synod.
7. That I hereby accept the office of lay member of the Synod and any other office to which I may be elected or appointed pursuant to the said Constitution and Ordinances and promise to perform the duties thereof honestly, impartially, faithfully and to the best of my judgement and ability and in accordance with and subject to the said Constitution and Ordinances.
8. That I acknowledge that my appointment to the Synod relates to my membership of the Parish of for the duration of the three years of the current Synod triennium and that I may be removed from office if I cease to be a member of that Parish.

Signature: _____ Witness: _____

Date: _____

THE SIXTH SCHEDULE

(Section 25)

I

..... HEREBY CERTIFY
 that at a meeting at which I presided held at
(place) ondate) of persons all of whom
 declared themselves to be members of The Anglican Church of Australia and who
 agreed to be bound by the Constitution of the Diocese of Adelaide and every Ordinance
 from time to time in force thereunder and the pastoral care of whom has been committed
 to one or more members of the clergy licensed thereto by the Bishop the following
 motion was passed:-

"That this meeting, comprising members of The Anglican Church of Australia the
 pastoral care of whom has been committed to one or more members of the clergy
 licensed thereto by the Bishop being desirous of being registered as a parish under the
 title of

.....

hereby requests the Synod to register such parish.

Signature: _____

Date: _____

Passed 19th September 1977. Confirmed 10th April 1980

References: The Constitution has been amended by the following Measures:

Constitution Amendment Measure 1980

Passed 10th April 1980. Confirmed 16th September 1980

Constitution Amendment Measure (No. 1) 1984

Passed 15th September 1984 - Confirmed 22nd September 1985

Constitution Amendment Measure (No. 2) 1984

Passed 17th September 1984 - Confirmed 20th September 1985

Constitution Amendment Measure 1986

Passed 22nd September 1986 - Confirmed 18th September 1987

Constitution Amendment Measure 1987

Passed 20th September 1987 - Confirmed 16th September 1988

The Constitution Amendment (Administrator) Measure 1989

Passed 17th September 1989 - Confirmed 16th September 1990

The Constitution Amendment (Membership of Synod) Measure 1994

Passed 17th September 1994 - Confirmed 28 July 1995.

The Constitution Amendment (Voting Age) Measure 1994

Passed 17th September 1994 - Confirmed 28 July 1995

The Constitution Amendment (Sessions of Synod) Measure 1998

Passed 6th September 1998 – Confirmed 16th December 1998

The Constitution Amendment (Term of Office) Measure 2000

Passed 29 May 1999 – Confirmed 20 May 2000

The Constitution Amendment (Diocesan Council) Measure 2006

Passed 29 October 2006 – Confirmed 26 May 2007

The Constitution Amendment (Date of Synod) Ordinance 2008

Passed 25 October 2008 – Confirmed 23 May 2009

The Constitution Amendment (Election of Lay Members of Synod) Ordinance 2009

Passed 24 October 2009 – Confirmed 22 October 2010

The Constitution Amendment (Section 31, Interpretation “Assistant Bishop”)

Passed 22 October 2010 – Confirmed 21 October 2011

EXPLANATORY MEMORANDUM

The Standing Orders Ordinance Amendment Ordinance 2021

The main purpose of this Measure is to amend The Standing Orders Ordinance 1980.

The amendments can be broken into four main topics:

1. enabling provisions to allow annual sessions of Synod to be conducted electronically
2. updating procedures to reflect current practice during Synod proceedings
3. provisions designed to simplify the process for amending motions during debate
4. miscellaneous amendments to enable more efficient preparation for and conduct of Synod

1. Virtual or hybrid sessions of Synod

COVID related restrictions about how many people can attend meetings at any given time have led many companies and associations to examine their governance requirements about alternative ways to satisfy the need to hold general annual meetings, as most governing documents envisage that people will be able to attend a normal face to face meeting. The Synod is no exception.

The amendments to the Constitution and to the Standing Orders Ordinance would allow for Synod's annual session (annual general meeting) to be held in one of two additional ways:

- one where everyone attends by using electronic means (such as Zoom) - a virtual meeting; and
- one where some people are able to meet face to face, while others attend by using electronic means – a hybrid meeting.

Provided the amendments to the Constitution concerning the holding of virtual or hybrid meetings of Synod are passed (and confirmed in 2022), additional enabling provisions are needed in the Standing Orders Ordinance to flesh out how a virtual or hybrid meeting can take place.

A new section 2A allows the Archbishop (the President) to make a determination in relation to a session of Synod, that would have the following effect:

- allow Synod papers to be delivered by electronic means
- enable participation by members of Synod via electronic means
- overcome procedural formalities, such as members being required to stand when speaking at Synod.

It also allows for simplification of sessions of Synod which cannot be held in the normal way, by giving the President the ability to decide that it is not practical to conduct a Synod service of worship and to determine that the pastoral address can be delivered by electronic means.

2. Streamlining procedures

It has been standard practice in recent years to have a motion at the beginning of sessions of Synod ‘suspending so much of Standing Orders as is necessary’ to allow Synod to implement electronic voting and to allow specific motions to be dealt with at specific times. Two amendments are proposed to streamline procedural matters at Synod.

Electronic voting has been used at a number of sessions of Synod, and it seems timely to recognise electronic voting as an accepted method for conducting voting on questions or motions that are being considered by Synod. Amendments have been prepared that would enable the President to make a determination in advance that electronic voting can be used at Synod at an upcoming session of Synod.

The second matter ensures that items of business which have been allocated a specific time on the notice paper can be dealt with at the allocated time.

3. Amendments to motions before Synod

Concerns have been expressed about the cumbersome way in which motions are amended during debate. The existing procedure is based on Parliamentary procedure. Parliament is arguable better equipped to deal with amendments on the floor of the House, in view of the higher level of resources available to Parliamentarians and in view of their day to day familiarity with Parliamentary processes.

The proposed amendments to section 18 aim to deal with amendments to motions in a more straightforward fashion. In effect, amendments to a motion would be achieved in a one step process, instead of needing two steps, as is currently the case, where the first step

removes certain words, and the second step inserts other words. It is intended that the entire text of the amended motion would be displayed for members of Synod to read during the debate, showing which words of the original motion are to be deleted and which new words (if any) are to be inserted. Note that once an amendment to the wording of the motion has been accepted, a vote on the substantive motion will still be required.

4. Miscellaneous amendments

Synod reports:

At present, members of Synod can lodge a petition, notice of motion or question arising out of the reports up to midday on the day before the session begins. This is an unrealistic timeframe within which to respond to such issues properly. Reports must be forwarded to Synod members three weeks before Synod. It is proposed that issues should be raised a week before Synod is due to commence. This allows members of Synod two weeks to read the papers and raise concerns they may have.

Clause Notes

Part 1 deals with necessary preliminary matters.

Clause 1 provides for the short title of the Ordinance.

Clause 2 is a relatively standard provision stipulating that the measure will come into operation on a date determined by the President.

Clause 3 provides for the amendment of the Ordinance in the manner set out in Part 2 of the Ordinance.

Part 2 contains the amendments proposed to the Ordinance.

Clause 4 of the Measure inserts a new section 2A which enables the President to make a determination various aspects of a specified session of Synod may be conducted by using electronic means. This includes electronic delivery of the summons to Synod and of reports and other paperwork which are required to be provided at or before a session of Synod. It also enables the use of electronic documents instead of printed documents during the session of Synod, the use of electronic signatures and the tabling of documents via electronic delivery to Synod. Where a session is being held at a virtual or hybrid meeting, some rules of debate which require members to stand and/or to resume their seat are not to apply.

Electronic voting can be used at a session of Synod even if it is not a virtual or hybrid meeting, if the President so determines.

The President is to keep members of Synod informed about any determination made under the new section and is to provide details about how papers are to be submitted and what method (if any) of electronic voting is to be used.

Clause 5 amends section 3, which stipulates the details to be included in the summons to attend Synod, allowing for the possibility that the session may be held as a virtual or hybrid meeting.

Clause 6 amends section 12 to stipulate the time by which questions arising from reports circulated to members of Synod must be notified to the Secretary of Synod.

Clause 7 amends section 13 to clarify that if the notice paper specifies that a matter is to be dealt with at a certain time, it will be dealt with at that time. It also makes it possible for the President to determine that it is not practicable to hold a service of worship at Synod and for the President to deliver the pastoral address by electronic or other means.

Clause 8 of the Measure amends section 18 of the principal Ordinance and enables the Secretary of Synod to introduce other ways to deliver proposed amendments to motions during a debate, rather than requiring two handwritten copies of the proposed amendments to be prepared. It also introduces amended procedures for introducing amendments.

Clause 9 amends section 42, so that the procedures that apply to proposed amendments to a measure for an Ordinance during the Committee stages mirror the procedures that apply to amendments to motions.

Clause 10 inserts a new subsection at section 49, providing that when a session of Synod is being held as a virtual or hybrid meeting, it is not necessary to make the session open to people who are not members of Synod.

A MEASURE FOR

AN ORDINANCE to amend *The Standing Orders Ordinance 1980*.

NOW THE SYNOD HEREBY DETERMINES:

Part 1 - Preliminary

1 - Short title

This Ordinance may be cited as *The Standing Orders Ordinance Amendment Ordinance 2021*.

2 - Commencement

This Ordinance will come into operation on a date and at a time to be determined by the President.

3 - Amendment of principal ordinance

The Standing Orders Ordinance 1980 is amended in the manner set out in Part 2.

Part 2 - Amendment of *The Standing Orders Ordinance 1980*

4 – Insertion of section 2A

After section 2 insert:

General provisions about use of electronic documents, procedures and voting

2A. (1) The President may determine, in relation to a session of Synod, any of the following:

- (a) that summonses, and any report, notice, petition, question, notice paper or other document to be provided before the session, or for the purposes of the session, may be in the form of an electronic document (in a format determined or approved by the President) and may be delivered, provided, forwarded or lodged by means of electronic communication or through any other electronic method determined or approved by the President;

- (b) that any report, notice, petition, question, notice paper or other document to be used, tabled, presented or provided at a session may be provided or displayed electronically (in a format, and in a way, determined or approved by the President) and need not be printed for the purposes of the session;
- (c) that any signature will be taken to be provided if it conforms with any requirement, or is represented, provided or acknowledged in a way or by a method, determined or approved by the President;
- (d) that any document will be taken to be tabled at the session if it is to be entered into the electronic records of the Synod in a manner determined or approved by the President;
- (e) if the session is to be conducted at a meeting held at a place with some or all of the members of the Synod not being physically present –
 - (i) that any requirement to speak standing will not apply but that a person will be recognised and heard in a manner determined or approved by the President; and
 - (ii) that any requirement that a member resume their seat will be taken to be a requirement that they cease speaking; and
 - (iii) that a person (not being a member of Synod) may, by a motion without notice duly passed, have the right to participate in the session but not to vote or to move or second motions;
- (f) even if the session is to be conducted at a meeting held at a place with all of the participating members of the Synod being physically present – that voting on any question or motion to be determined at the session will be conducted electronically in a manner (and using such technology) determined or approved by the President after consultation with the Diocesan Council;

- (g) if paragraph (e) or (f) applies – that any requirement that a member vote standing will not apply.
- (2) The President will take reasonable steps to provide information to members of the Synod about any determination of the President under this section, including information about:
 - (a) the procedures to be followed for the purposes of submitting any report, notice, question, petition or other document; and
 - (b) if voting is to be conducted electronically – the method to be used.
- (3) In connection with the operation of subsections (1) and (2), a determination of the President may be varied or revoked at any time by the President, without the need to give any notice or to undertake any consultation if the variation or revocation is to take effect immediately and including at a session of the Synod where it has been previously determined to apply.
- (4) A process, proceeding, step or other action taken under and in accordance with a determination under this section will apply despite any other provision made by this Ordinance (and in the event of an inconsistency between a determination under this section and another section, the determination will prevail to the extent of the inconsistency).

5 – Amendment of section 3 - Summons

- (1) Section 3(1) – delete “Such summons shall state the date, time and place of the session.”
- (2) Section 3 – after subsection (1) insert:
 - (1A) A summons will:
 - (a) state the date and time of the session; and
 - (b) provide information about:
 - (i) the place where the session is to be conducted; or

- (ii) if the session is not to be conducted as a meeting held at a place with members of the Synod being physically present – how the session is to be conducted and how members may register to be a participant at the session.

- (3) Section 3(2) – after “an invitation to attend” insert:

together with relevant information about arrangements for the session if the meeting is not to be held with members of the Synod being physically present

6 – Amendment of section 12 – Notice of Motion Arising out of Reports

Section 12(1) – after “referred to in section 11 of this Ordinance and” insert:

at least seven clear days

7 – Amendment of section 13 – Order of business

- (1) Section 13(1)(o) – after “in the order in which the same shall stand on the notice paper” insert:

and, unless otherwise determined by the President, at the times indicated on the notice paper

- (2) Section 13 – after subsection (2) insert:

- (3) Despite subsection (1)(a), a service of worship need not be conducted before or during a session of the Synod if the President determines that it is not reasonably practicable to conduct any such service.
- (4) The President may determine to deliver a pastoral address to the Diocese under subsection (1)(b) by electronic or other means of communication determined to be appropriate by the President in particular circumstances.

8 – Amendment of section 18 – Amendments

- (1) Section 18(1) – delete “until two written copies thereof shall have been handed to the Secretary of Synod” and substitute:

unless a copy of the proposed amendment has been delivered to the Secretary of Synod in a manner and form determined by the Secretary of Synod

- (2) Section 18(2) and (3) – delete subsections (2) and (3) and substitute:

- (2) If an amendment is proposed, the following provisions will apply:

- (a) If the purpose of the amendment is to add a word or words to the original motion only:

The motion to be moved by the person proposing the amendment will be:

That the word (or words) shown as being inserted be so inserted.

- (b) If the purpose of the amendment is to delete one or more words from the original motion only:

The motion to be moved by the person proposing the amendment will be:

That the word (or words) shown as being struck out be deleted.

- (c) If the purpose of the amendment is to delete one or more words from the original motion and to insert a new word or words (including in a different place):

The motion to be moved by the person proposing the amendment will be:

That the word (or words) shown as being struck out be deleted and that the words shown as being inserted be so inserted.

- (d) Alternative amendments may be moved if a preceding amendment is not agreed to until there is agreement as to the amendment (or amendments) to be made to the motion.

- (3) In connection with the operation of subsection (2), the President or the Chairperson of Committees (as the case may be) may -
- (a) require that a proposed set of amendments be split into two or more separate amendments in order to assist with handling, and voting on, the amendments; and
 - (b) determine the order in which different amendments moved by different persons will be moved, discussed and put; and
 - (c) allow a person, with leave, to move an amendment in an amended form.
- (4) Without limiting the powers of the President or the Chairperson of Committees (as the case may be) (the Chair) to refuse to accept, or to refuse to put, an amendment on any ground, an amendment should not be accepted -
- (a) if the amendment would, in the opinion of the Chair, substantially change the original motion (as members of the Synod or the Committee would then be asked to vote on something completely different to what was being proposed at the first instance); or
 - (b) if the amendment would, in the opinion of the Chair, directly contradict the original motion (as the person seeking to move the amendment should instead vote against the original motion).
- (5) A motion (with or without amendment) must be formally put in its entirety once all amendments have been dealt with.

9 – Amendment of section 42 – Committee Procedure

Section 42(1a)(a), (b) and (c) – delete paragraphs (a), (b) and (c) and substitute:

- (a) a copy of the proposed amendment must be delivered to the Secretary of Synod in a manner and form determined by the Secretary of Synod, with the amendment being presented and considered in a form and according to a process consistent with section 18;

10 – Amendment of section 49 – Synod in Public

Section 49 – after its present contents (now to be designated as subsection (1)) insert:

- (2) Subsection (1) does not apply to a session of Synod that is not to be conducted as a meeting held at a place with members of the Synod being physically present.

THE STANDING ORDERS ORDINANCE 1980

AN ORDINANCE for regulating the proceedings of the Synod and for other purposes.

WHEREAS it is expedient to provide for the orderly conduct of proceedings of the Synod NOW THE SYNOD HEREBY DETERMINES:

PART I - PRELIMINARY**Title**

1. This Ordinance may be cited as "The Standing Orders Ordinance 1980".

Arrangement

2. This Ordinance is divided into parts as follows:-

| | | |
|-----------|---|---|
| PART I | - | PRELIMINARY (Sections 1 - 2) |
| PART II | - | PROCEDURE BEFORE SYNOD (Sections 3 - 12) |
| PART III | - | ORDER OF BUSINESS (Sections 13 - 15) |
| PART IV | - | REGULATIONS OF BUSINESS (Sections 16 - 18) |
| PART V | - | RULES OF DEBATE (Sections 19 - 26) |
| PART VI | - | VOTING (Sections 27 - 28) |
| PART VII | - | COMMITTEE PROCEDURE (Sections 29 - 33) |
| PART VIII | - | CONFERENCE PROCEDURE (Sections 34 - 37) |
| PART IX | - | OPEN DISCUSSION (Section 38 - 40) |
| PART X | - | ORDINANCES (Sections 41 - 46) |
| PART XI | - | MISCELLANEOUS PROVISIONS (Sections 47 - 51) |
| PART XII | - | INTERPRETATION (Section 52) |
| PART XIII | - | TRANSITIONAL AND REPEAL (Sections 53-54) |

General provisions about use of electronic documents, procedures and voting

2A. (1) The President may determine, in relation to a session of Synod, any of the following:

- (a) that summonses, and any report, notice, petition, question, notice paper or other document to be provided before the session, or for the purposes of the session, may be in the form of an electronic document (in a format determined or approved by the President) and may be delivered, provided, forwarded or lodged by means of electronic communication or through any other electronic method determined or approved by the President;
- (b) that any report, notice, petition, question, notice paper or other document to be used, tabled, presented or provided at a session may be provided or displayed electronically (in a format, and in a way, determined or approved by the President) and need not be printed for the purposes of the session;
- (c) that any signature will be taken to be provided if it conforms with any requirement, or is represented, provided or acknowledged in a way or by a method, determined or approved by the President;
- (d) that any document will be taken to be tabled at the session if it is to be entered into the electronic records of the Synod in a manner determined or approved by the President;
- (e) if the session is to be conducted at a meeting held at a place with some or all of the members of the Synod not being physically present –
 - (i) that any requirement to speak standing will not apply but that a person will be recognised and heard in a manner determined or approved by the President; and
 - (ii) that any requirement that a member resume their seat will be taken to be a requirement that they cease speaking; and
 - (iii) that a person (not being a member of Synod) may, by a motion without notice duly passed, have the right to participate in the session but not to vote or to move or second motions;
- (f) even if the session is to be conducted at a meeting held at a place with all of the participating members of the Synod being physically present – that voting on any question or motion to be determined at the session will be conducted electronically in a manner (and using such technology) determined or approved by the President after consultation with the Diocesan Council;
- (g) if paragraph (e) or (f) applies – that any requirement that a member vote standing will not apply.

(2) The President will take reasonable steps to provide information to members of the Synod about any determination of the President under this section, including information about:

(a) the procedures to be followed for the purposes of submitting any report, notice, question, petition or other document; and

(b) if voting is to be conducted electronically – the method to be used.

(3) In connection with the operation of subsections (1) and (2), a determination of the President may be varied or revoked at any time by the President, without the need to give any notice or to undertake any consultation if the variation or revocation is to take effect immediately and including at a session of the Synod where it has been previously determined to apply.

(4) A process, proceeding, step or other action taken under and in accordance with a determination under this section will apply despite any other provision made by this Ordinance (and in the event of an inconsistency between a determination under this section and another section, the determination will prevail to the extent of the inconsistency).

PART II - PROCEDURE BEFORE SYNOD

Summons

3. (1) Sessions of the Synod shall be convened by summons of the Bishop addressed to all members of the Synod entitled to be present at the session. ~~Such summons shall state the date, time and place of the session.~~

(1A) A summons will:

(a) state the date and time of the session; and

(b) provide information about:

(i) the place where the session is to be conducted; or

(ii) if the session is not to be conducted as a meeting held at a place with members of the Synod being physically present – how the session is to be conducted and how members may register to be a participant at the session.

- (2) Notwithstanding the provisions of subsection (1), it shall be sufficient in the case of general licence clergy if a notice of a session is given in the form of an invitation to attend together with relevant information about arrangements

for the session if the meeting is not to be held with members of Synod being physically present.

Annual Sessions

4. In the case of an annual session of the Synod the following provisions shall apply:
 - (a) The summons shall be posted or delivered to all members of the Synod not less than thirteen weeks before the day fixed for commencement of the session;
 - (b) The summons shall specify a date not less than eight weeks before the date of the session of the Synod by which reports for presentation to the Synod and notices of motion, petitions and questions for inclusion in the notice paper shall be in the hands of the Secretary of Synod, and except as hereinafter provided all reports, notices of motions, petitions and questions for consideration at that session of the Synod shall be forwarded in writing to the Secretary of Synod by the date specified in the summons.

Special Sessions

5. In the case of a special session of the Synod the following provisions shall apply:
 - (a) The summons shall be posted or delivered to all **members of the clergy** and lay **members of the Synod** not less than six weeks before the day fixed for commencement of the session;
 - (b) The summons shall specify the matter or matters to be determined at that session.

Motions and Questions

6. Every notice of motion or question shall be legibly written and shall be signed by the mover or questioner.

Petitions

7. Every petition to the Synod shall be couched in respectful and temperate language and shall be signed by the petitioner (if a person) or (if not a person) by some person authorised in that behalf by the petitioner. Consideration of any petition shall be on motion with notice thereof duly given in accordance with the provisions of this Ordinance.

Steering Committee

8. (1) There shall be a Steering Committee which shall consist of the Bishop and two members of the clergy and two lay members of the Synod appointed by the Diocesan Council at its first meeting following the annual session of the Synod in each election year.

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- (2) The Steering Committee shall examine all notices of motion, questions and petitions and may recommend to the proposer of a notice of motion or question the adoption of an alternative form of such notice of motion or question and if the proposer agrees such alternative form shall be substituted for the notice of motion or question submitted.
- (3) If the proposer does not agree to such alternative form the Steering Committee shall be entitled to print on the notice paper below the notice of motion or question the alternative form suggested by it and the reasons therefor.
- (4) No notice of motion which in the opinion of the President contains unbecoming expressions shall be placed on the notice paper.

Drafting Committee

9. (1) There shall be a Drafting Committee which shall consist of three members of whom not fewer than two shall be members of the Synod and at least one shall be a legal practitioner appointed by the Diocesan Council at its first meeting following the annual session of the Synod in each election year.
- (2) The Drafting Committee shall examine any measure for an Ordinance or for an amendment to the Constitution and may recommend to the proposer thereof the adoption of amendments to such measure, and if the proposer agrees, such amended measure shall be substituted for the measure submitted.
- (3) Every measure to be considered by the Synod shall be accompanied by a certificate of the drafting Committee stating whether in its opinion:
 - (a) the Synod has power to pass the proposed measure, and
 - (b) the drafting of the measure is consistent with the Constitution and Ordinances,and may give reasons for its opinion.

Notice Paper

10. The Steering Committee shall arrange all notices of motion and questions on the notice paper in the order which, in the opinion of the committee, will be most convenient for the Synod.

Despatch of Notice Paper and Reports

11. Not less than three weeks before the session of the Synod the Secretary of Synod shall cause to be posted or delivered to all members of the Synod copies of: -
 - (a) The notice paper;
 - (b) In the case of an annual session of the Synod, the annual report of the Diocesan Council; and

- (c) any other reports to be considered at that session except the President's report unless it is by then available.

Notices of Motion Arising out of Reports

- 12. (1) At any time after despatch of the notice paper and reports referred to in section II of this Ordinance and at least seven clear days before the first day of that session there may be lodged with the Secretary of Synod a petition notice of motion or question (in either case legibly written and signed by the mover or questioner) which arises out of or relates to any report to be submitted to the Synod at that session.
- (2) Before the commencement of the session the Steering Committee shall examine any notice of motion or question lodged with the Secretary of Synod in accordance with subsection (1) of this section and may authorise the Secretary of Synod to issue a supplementary notice paper to include any such motion or question and shall direct the order in which such notices of motion or questions shall be included in the notice paper.
- (3) The provisions of sections 8 and 9 of this Ordinance shall apply mutatis mutandis to any notice of motion or question lodged in accordance with this section.

PART III - ORDER OF BUSINESS

Order of Proceedings

13. (1) Except as otherwise provided herein, at every session of the Synod the following provisions shall apply:-
- (a) A service of worship shall be conducted at some convenient time either before or during the session to enable members of the Synod and other members of the Church to attend;
 - (b) At such service the Bishop may at his discretion deliver a pastoral address to the Diocese;
 - (c) At the time appointed in the summons the Synod shall assemble and prayers shall be said;
 - (d) The President shall announce the appointment of the Synod Reporter, Scrutineers and Assistant Secretaries, or such of those officers as he shall consider necessary for that session of the Synod;
 - (e) The President shall table the register of members of the Synod as at the date of that session and unless the attendance of members shall have been recorded in some other manner appointed by the President the roll shall be called;
 - (f) The President shall inform the Synod of the names of those members whom he has excused from attendance;
 - (g) The President shall announce the time at which any elections to be conducted at that session shall be held and the time at which (in the case of an annual session) the period of open discussion shall take place;
 - (h) The President shall report to the Synod;
 - (i) Any member of the Synod may thereupon move that the President's report be received and such motion may make provision for the printing and distribution of the report;
 - (j) The President shall table the synod accounts and parochial statistics;
 - (k) The President shall table the annual report of the Diocesan Council (in the case of an annual session) and any other reports to be considered at that session and submitted in accordance with the provisions of paragraph (b) of section 4 of this Ordinance, and all such reports shall thereupon be taken as read and received provided however that any member of the Synod may thereupon move that a particular report be not received, which motion shall forthwith be debated, and if passed, such

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report shall not be received and shall not form any part of the record of the Synod;

- (l) Petitions shall be presented;
- (m) The President shall call over the notice paper to ascertain whether any matters may be treated formally without debate. Any member of the Synod (except the member in whose name the motion stands on the notice paper) may signify by calling "Object" that he **or she** objects to the matter being disposed of without debate. In the absence of any such objection the President shall call upon the mover of the motion to move the same, and upon its being seconded by another member of the Synod it shall be forthwith put without amendment or debate;
- (n) After the notice paper has been called over it shall be competent for any member of the Synod to move that a specified notice of motion be taken at a particular time and if the Synod by a majority of not less than three quarters of those present and voting shall so determine the matter shall be dealt with at that time notwithstanding its position on the notice paper;
- (o) Subject to paragraph (n) hereof the business of the Synod shall then be dealt with in the order in which the same shall stand on the notice paper, and, unless otherwise determined by the President, at the times indicated on the notice paper;

- (2) Unless the President shall otherwise direct the provisions of paragraphs (a), (h), (j) and (m) of subsection (1) of this section shall not apply to a special session of the Synod.

(3) Despite subsection (1)(a), a service of worship need not be conducted before or during a session of the Synod if the President determines that it is not reasonably practicable to conduct any such service.

(4) The President may determine to deliver a pastoral address to the Diocese under subsection (1)(b) by electronic or other means of communication determined to be appropriate by the President in particular circumstances.

Motions without Notice

- 14. (1) Except as elsewhere provided in this Ordinance motions and questions shall only be considered upon notice duly given in accordance with the provisions of this Ordinance.

(2) The President shall allow to be added to the notice paper at any time any notice of motion or question which -

- (a) in his or her opinion is of an urgent nature, or
- (b) arises out of the President's report, or
- (c) the Synod shall have given leave to be added to the notice paper

Additional Motions without Notice

15. Any notice of motion or question permitted to be added to the notice paper in accordance with the provisions of Section 14 of this Ordinance shall be added at the end of the notice paper and unless the President shall otherwise determine copies thereof shall be made available to members of the Synod as soon as conveniently possible.

PART IV - REGULATIONS OF BUSINESS

Lack of Quorum

16. If at any time during a session of the Synod the attention of the President shall be drawn to the fact that the quorum required by the Constitution is not present the President shall proceed no further with the business of the Synod and the President shall after a lapse of 10 minutes if a quorum is still not present adjourn the Synod until a time to be determined by him or her.

Motions

17. (1) If a motion is called on and the mover is absent the motion shall lapse unless the Synod shall give leave for another member of the Synod to move the same.
- (2) No motion shall be discussed which in the opinion of the President is substantially identical with or which if passed would substantially **negate** a motion already disposed of during the same session.
- (3) No motion shall be presented in a form different from that in which it appears on the notice paper except by leave of the Synod and if such leave is given the President may direct that the motion shall not be considered until members of the Synod have been supplied with a copy of the motion.

Amendments

18. (1) A motion having been moved may be amended but unless the President or **Chairperson** of Committees as the case may be shall otherwise determine no amendment shall be put from the Chair ~~until two written copies thereof shall have been handed to the Secretary of Synod unless a copy of the proposed amendment has been delivered to the Secretary of Synod in a manner and form determined by the Secretary of Synod.~~
- (2) ~~If an amendment is proposed, the following provisions will apply:~~

- ~~(a) — if it is intended to supersede entirely the original motion, the form in which the amendment will be made by the mover will be:~~

~~That all the words after the word “That” of the original motion be omitted with a view to the insertion of the following words in lieu thereof (*words of the amendment*);~~

- ~~(b) — if the purpose of the amendment is to omit certain words only, but not all the words of the original motion, the form will be:~~

~~That all the words after the word (here will be specified the last word that it is desired to retain) be omitted with the view of substituting the following words in lieu thereof (*words of the amendment*)~~

- ~~(c) — the question in either case will be put as follows:~~

~~That the words proposed to be omitted be so omitted~~

- ~~(d) — if the question under paragraph (c) is decided in the negative (so that the omission is not agreed to), the words will be retained;~~

- ~~(e) — if the question under paragraph (c) is decided in the affirmative (so that the omission is agreed to), the question to be put will then be:~~

~~That the words proposed to be inserted be so inserted~~

~~(If this question is not agreed to, other words may be moved until there is agreement as to words to be inserted);~~

- ~~(f) — it will be possible at an appropriate time to move an amendment for the addition of words to words that are being retained;~~

- ~~(g) — any amendment must be disposed of before another amendment to the original question can be put;~~

- ~~(h) — a motion (with or without amendment) must be formally put in its entirety once all amendments have been dealt with.~~

~~—— (3) — When an amendment has or amendments have been proposed but not made, the motion shall be put as originally proposed.~~

(2) If an amendment is proposed, the following provisions will apply:

(a) If the purpose of the amendment is to add a word or words to the original motion only:

The motion to be moved by the person proposing the amendment will be:

That the word (or words) shown as being inserted be so inserted.

(b) If the purpose of the amendment is to delete one or more words from the original motion only:

The motion to be moved by the person proposing the amendment will be:

That the word (or words) shown as being struck out be deleted.

(c) If the purpose of the amendment is to delete one or more words from the original motion and to insert a new word or words (including in a different place):

The motion to be moved by the person proposing the amendment will be:

That the word (or words) shown as being struck out be deleted and that the words shown as being inserted be so inserted.

(d) Alternative amendments may be moved if a preceding amendment is not agreed to until there is agreement as to the amendment (or amendments) to be made to the motion.

(3) In connection with the operation of subsection (2), the President or the Chairperson of Committees (as the case may be) may -

(a) require that a proposed set of amendments be split into two or more separate amendments in order to assist with handling, and voting on, the amendments; and

(b) determine the order in which different amendments moved by different persons will be moved, discussed and put; and

(c) allow a person, with leave, to move an amendment in an amended form.

(4) Without limiting the powers of the President or the Chairperson of Committees (as the case may be) (the **Chair**) to refuse to accept, or to refuse to put, an amendment on any ground, an amendment should not be accepted -

(a) if the amendment would, in the opinion of the Chair, substantially change the original motion (as members of the Synod or the Committee would

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then be asked to vote on something completely different to what was being proposed at the first instance); or

(b) if the amendment would, in the opinion of the Chair, directly contradict the original motion (as the person seeking to move the amendment should instead vote against the original motion).

(5) A motion (with or without amendment) must be formally put in its entirety once all amendments have been dealt with.

PART V - RULES OF DEBATE

Speakers

19. (1) Every member of the Synod shall address the Chair when speaking, shall speak standing and shall be entitled to be heard in silence until he or she resumes his or her seat.
- (2) Except by leave of the Synod no member moving a motion shall speak for more than seven minutes and no member of the Synod in debate shall speak for more than four minutes: provided that a member who is introducing a measure under section 20 or section 30 of the Constitution may speak for 10 minutes.

Lapse or Withdrawal

20. (1) A motion or amendment moved and not seconded shall fall to the ground and the Synod shall at once proceed to the next business.
- (2) A motion or amendment moved and seconded may be withdrawn only by leave of the Synod.

Right to be Heard

21. (1) Except as hereinafter provided no member shall speak twice on the same motion or amendment unless in explanation of something he himself or she herself has said in the same debate on which he or she has been misrepresented or misunderstood or by leave of the President in answer to a question asked in the course of the debate.
- (2) The mover of any motion but not of an amendment shall be permitted to reply which reply shall close the debate.
- (3) Any member who seconds a motion or amendment without speaking to it shall be permitted to speak once at any subsequent period of the debate.
- (4) A member may speak to a motion and to any amendment moved thereto and to the motion as amended.
- (5) If two or more members rise to speak at the same time the President shall name the member entitled to be heard first.
- (6) The President may speak once to any motion or any amendment at any period of the debate and may address the Synod after the close of the debate.

Adjournment

22. A motion "That the debate be now adjourned" or "That the Synod do now adjourn" may be made by any member who has not spoken and, if seconded, may be debated provided however that no member may speak for more than one minute in such debate. The member upon whose motion a debate shall have been adjourned shall be entitled to be heard first on the resumption of the debate.

Requiring Questions to be Put

23. (1) At any time during the debate any member may without notice ask: "In the opinion of the President should the question now be put?" whereupon the President in his discretion may inform the Synod that in his opinion the question has been sufficiently debated.
- (2) If after such expression of opinion by the President a member shall move "That the question be now put" such motion shall then be put without further debate and if it be carried the President shall subject to the provisions of subsections (2) and (6) of section 21 of this Ordinance forthwith put the original question to the vote.

Consideration of Next Business

24. A motion "That the Synod do now pass to consideration of the next business" may be moved by any member and if seconded may thereupon be debated and put. If such motion is carried the main question under discussion shall drop and shall not be entertained again at that session of the Synod.

Restrictions on Certain Motions

25. Whenever a motion referred to in Sections 22 to 24 inclusive of this Ordinance has been put and lost no identical motion shall be entertained within the next fifteen minutes.

Points of Order

26. (1) If any point of order shall arise the member speaking shall resume his or her seat until it is settled. Any member may speak once to such point of order and shall confine himself or herself strictly to the point and the President shall decide the point before the general debate continues.
- (2) If any member shall object to such ruling or decision of the President he or she shall do so at once by moving "That the Synod dissents from the President's ruling" and such question shall be determined by the Synod forthwith.

PART VI - VOTING

Question to be Put

27. Subject to the provisions of subsections (2) and (6) of section 21 of this Ordinance and to the provisions of section 18 of the Constitution, the President shall at the close of the debate put the question to the vote.

Procedure

28. In the event of a vote by orders being required the votes of each order shall be taken by members standing in their places and if no vote by orders is required the President shall call for the voices of the Synod and shall declare whether in his or her opinion the ayes or the noes have it. If his or her decision is challenged the President shall direct the ayes to stand and be counted and then the noes to stand and be counted.

PART VII - COMMITTEE PROCEDURE

Committee of the Whole

29. In addition to the provisions of Part X of this Ordinance relating to procedures in committee it shall be competent for any member of the Synod at any stage of the debate to move that the Synod go into Committee of the whole to consider the question or any aspect of it.

Chairperson

30. In Committee of the whole of Synod the Chairperson of Committees or if he or she be absent or unwilling to act any member elected by the Committee shall preside provided however that the President may preside in committee if he or she shall so desire.

Rules of Debate

31. Except as otherwise provided in this Ordinance the provisions of this Ordinance shall apply in Committee provided however that there shall be no limitation on the number of times a member may speak.

Report to Synod

32. (1) After consideration by the Committee of the question referred to it a member shall move "That the Synod do now resume".

(2) Upon such motion being carried the Synod shall resume and any member may forthwith move any motion to give effect to any decision or recommendation of the Committee.

Adjournment

33. At any time during the consideration by the Committee of the question referred to it the Committee may resolve that the Committee be adjourned until a time or subject to any other condition specified in the motion, and the Committee without further resolution of the Synod shall be adjourned accordingly.

PART VIII - CONFERENCE PROCEDUREInitiation by Bishop

34. The Bishop may, whether or not he has given notice to that effect, at any time during a session of the Synod determine that the Synod go into conference for the purpose of consultation on any matter and the Synod shall thereupon be in conference for such purpose.

Initiation by Synod

35. Any member of the Synod may upon notice duly given in accordance with this Ordinance move that the Synod desires to consult with the Bishop on any matter specified in the notice of motion and upon the passing of such motion and if the Bishop shall signify his assent thereto the Synod shall thereupon be in conference for such purpose.

Procedure in Conference

36. Whilst the Synod is in conference:
- (a) The provisions of Part V of this Ordinance other than subsection (1) of section 19 thereof shall not apply;
 - (b) Any person may speak for five minutes or such longer period as the Bishop may allow;
 - (c) The Bishop may permit any person to speak more than once;
 - (d) It shall not be necessary to have any motion before the conference and any motion if moved -
 - (i) Shall only be moved with leave of the Bishop;
 - (ii) Shall be in such a form as to express the opinion of the conference on a particular matter; and
 - (iii) Shall not form any part of the record of the Synod.

Conclusion of Conference

37. A conference shall be concluded by:
- (a) The Bishop so deciding; or
 - (b) By a resolution of the conference "That this conference be now concluded" which resolution may be moved at any time and if seconded may be debated provided however that no member may speak for more than one minute in such debate.

PART IX - OPEN DISCUSSION

Time Prescribed

38. At every annual session of the Synod at a time determined by the President there shall be a period of not more than thirty minutes set aside for an open discussion.

Procedure

39. During a period of open discussion no member of the Synod shall move any motion and any person may speak for a period not exceeding three minutes on any matter whether or not such matter concerns or arises out of any other matter before the Synod or a conference of the Synod.

Conclusion

40. If after a period of less than thirty minutes no members of the Synod indicate a desire to speak during the open discussion the President shall declare the open discussion closed and the Synod shall resume its normal business.

PART X - ORDINANCES

Introduction of Measure

41. (1) At the session of the Synod for which notice of a proposed measure shall have been given pursuant to Sections 20 or 30 of the Constitution the proposer shall move "That the Synod agrees in principle to a measure for (and here shall be set forth the general object of the measure)". Subject to sub-section (1A), the measure to be debated shall be the measure as circulated to members of the Synod.
- (1A) At the time of moving such motion the proposer may seek the leave of the Synod to introduce the measure with amendments to the measure as circulated to members of the Synod. If such leave is given the measure as so introduced shall be the measure to be debated.
- (1B) After such motion has been moved and seconded, the President shall ask if any member or members wish to ask the mover or seconder any question or

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questions relevant to the subject matter of the measure, and any member may thereupon ask any such question which may thereupon be answered by the mover or seconder. Further such questions may be asked and answered until the President shall announce that debate shall proceed.

- (1C) A person who has asked a question during the period referred to in subsection (1B) shall not, for the purpose of any ensuing debate, be deemed to have spoken on the motion by virtue solely of having asked such question.
- (1D) After the President shall have announced that debate shall proceed, the general principle of the measure shall be debated.
- (2) If the motion referred to in subsection (1) be decided in the negative the measure shall lapse.
- (3) If such motion shall be decided in the affirmative the following provisions of this Part shall apply.

By-passing Committee procedure

- 41A (1) Upon the passing of the motion the President shall ask if any member wishes to debate the measure in committee.
- (2) If any member shall answer "Yes" then the Synod shall thereupon become a Committee of the whole for consideration of the measure in accordance with the provisions of section 42.
- (3) If no member shall answer "Yes" then the proposer shall move "That the measure be now passed."
- (4) If such motion be decided in the affirmative the President shall, subject to the provisions of paragraphs (b) and (c) of section 20 and paragraph (b) of section 30 of the Constitution, declare the measure to have been passed.
- (5) The Secretary of Synod shall certify on a copy of the measure as debated that the copy so certified is a copy of the measure as passed and the date of its passing.

Committee Procedure

42. (1) In Committee the measure shall be considered clause by clause or in such other parts or divisions as may be convenient on motion from the Chair without the requirement of a seconder that each part division or clause of the measure be agreed to.
- (1a) If an amendment is proposed, the following provisions will apply:
- ~~(a) two written copies of the amendment must be provided (one to the Chair and one to the Secretary of Synod);~~
 - ~~(b) once the amendment has been moved, an amendment may be proposed to the original amendment as if the original amendment were an original motion;~~
 - ~~(c) not more than one amendment to an original motion (including as designated under paragraph (b)) may be considered at any one time (although a person speaking to an amendment may foreshadow another amendment if the amendment under consideration is lost);~~
 - (a) a copy of the proposed amendment must be delivered to the Secretary of Synod in a manner and form determined by the Secretary of Synod, with the amendment being presented and considered in a form and according to a process consistent with section 18;
 - (d) when an amendment or amendments have been made the original motion will be put as amended;
 - (e) when an amendment has or amendments have been proposed but not made, the motion will be put as originally proposed.
- (2) Upon completion of consideration of the measure as aforesaid the Committee shall make a recommendation concerning the passing or otherwise of the measure and upon such recommendation being passed the Synod shall resume.
- (3) The **Chairperson** of Committees may announce that he **or she** proposes to make certain specified alterations to the measure of a grammatical or editorial nature and unless a member of the Committee thereupon moves a motion of dissent from such proposal, such alterations shall be deemed to have been made by the Committee.
- (4) If the Committee shall recommend that the measure be passed either with or without amendment then the **Chairperson** of Committees shall certify on a copy of the measure that the copy as certified is a copy of the measure as recommended.

Committee Recommendation

43. Upon the resumption of the Synod and subject to the provisions of Section 44 of this Ordinance a member shall forthwith move a motion to give effect to the decision or recommendation of the Committee.

Passing by Synod

44. (1) If the Committee shall recommend the passing of the measure either with or without amendments the motion "That the measure be now passed" or "That the measure as amended in Committee be now passed" (as the case may require) shall, subject to the **Chairperson** of Committees having provided the certificate referred to in section 42 (4), be put provided that the Synod may defer consideration of such motion until any amendments to the measure made in Committee or the measure as passed in Committee has been printed.
- (2) If such motion be decided in the affirmative the President shall, subject to the provisions of paragraphs (b) and (c) of section 20 and paragraph (b) of Section 30 of the Constitution, declare the measure to have been passed and the Secretary of Synod shall certify on a copy of the measure as recommended by the Committee that the copy so certified is a copy of the measure as passed and the date of its passing.

Confirmation where necessary

45. At any session of the Synod which is required to consider the confirmation of a measure the motion shall be put "That the measure for be now confirmed" which motion shall admit of discussion but not of amendment.

General Synod Legislation

46. Whenever in the opinion of the President a Canon or Rule of the General Synod of The Anglican Church of Australia shall not come into force or take effect within the Diocese unless the Synod by Ordinance adopts or assents to such Canon or Rule he **or she** shall, as soon as practicable after the Secretary of Synod has received a certified copy of such Canon or Rule, nominate a member of the Synod to give notice of motion to consider a measure for an Ordinance to adopt or assent to such Canon or Rule in accordance with section 41 hereof and such motion and measure shall be dealt with in accordance with the provisions of this Part.

PART XI - MISCELLANEOUS PROVISIONS

Minutes - Confirmation

47. (1) The Secretary of Synod and the Assistant Secretary or Secretaries shall be responsible for compiling the minutes of the proceedings of the Synod and such minutes shall be presented to the Diocesan Council for confirmation at its meeting next following the session of the Synod concerned.
- (2) In respect of any session of the Synod at which any Ordinance is passed the draft minutes shall contain a certificate from the person presiding over the Committee that the text of the Ordinance contained in the draft minutes is as passed in Committee.

Minutes - Content and Availability

48. The minutes shall record all proceedings of the Synod other than in conference or open discussion provided that motions or amendments not seconded shall not be recorded. The numbers of those voting for and against a motion decided otherwise than on the voices shall be recorded. The minutes shall be accessible to members of the Synod at all reasonable times.

Synod in Public

49. (1) Subject to the provisions of any Ordinance of the Synod and unless the Synod shall by resolution otherwise determine the discussions of the Synod shall be always open to members of the Church and the public.
- (2) Subsection (1) does not apply to a session of the Synod that is not to be conducted as a meeting held at a place with members of the Synod being physically present.

Suspension of this Ordinance

50. The provisions of this Ordinance may be suspended for any purpose described in the motion by a motion without notice duly seconded and passed.

Rights of Non-members of Synod

51. The Synod may by a motion without notice duly seconded and passed grant any person a seat on the floor of the house for the whole or any portion of a session of the Synod and such person shall have the right to speak but not to vote or to move or second motions.

PART XII - INTERPRETATION**Interpretation**

52. In this Ordinance unless the context or subject matter otherwise indicates:-

- (a) "Annual session of the Synod" means the session of the Synod convened pursuant to subsection (1) of section 15 of the Constitution;

"Election year" means an election year referred to in section 14 of the Constitution;

"General licence clergy" means members of the clergy who hold a general licence_ to officiate and no other licence;

"Special session of the Synod" means any session of the Synod other than an annual session;

"Summons" includes an invitation to attend given under section 3.

- (b) Any reference to a notice of motion shall, in the case of a notice of motion relating to the introduction of a measure, include the text of the measure;
- (c) Any reference to a notice of motion shall include a reference to a notice by the Bishop of his intention to consult with the Synod pursuant to Part VIII of this Ordinance.

PART XIII - TRANSITIONAL AND REPEAL

53. Notice of any business to be conducted by the Synod after the passing of this Ordinance at the session of the Synod at which this Ordinance is passed shall, if it complies with the provisions of this Ordinance, be deemed to have been given pursuant to the provisions of this Ordinance.

54. The provisions of Regulation VI - Of the Mode of Making Altering or Repealing Canons or Regulations and of Regulation X - Of Standing Orders have no further force or effect within the Diocese.

Passed on 10th April 1980.

Amended on 22nd September 1985 - Sections 1, 12(1), 12(2).

Amended 14th September 1990 - Sections 41, 42, 44 and new section 41A

Amended 14th September 1990 by the The Ordinances Publication Ordinance Amendment Ordinance 1990 - Title - Section 1

Amended 17th September 1994 - Sections 3, 13(1)(n), 19, 52

Amended 13th October 2007 – Sections 18, 42

Legislative history notes relating to revisions under the Ordinances Publication Ordinance 2004

- (1) Section 5 – “clergymen” deleted and “members of the clergy” substituted
- (2) Section 5 – “synodsmen” deleted and “members of the Synod” substituted

- (3) Section 8 – “clergymen” deleted and “members of the clergy” substituted
- (4) Section 8 – “synodsmen” deleted and “members of the Synod” substituted
- (5) Section 13(1)(m) – “or she” inserted after “he”
- (6) Section 14(2)(a) – “or her” inserted after “his”
- (7) Section 16 – “or her” inserted after “him”
- (8) Section 18(1) – “Chairman” deleted and “Chairperson” substituted
- (9) Section 19 – “or she” inserted after “he”
- (10) Section 19 – “or her” inserted after “his”
- (11) Section 21(1) – “or she herself” inserted after “he himself”
- (12) Section 21(1) – “or she” inserted after “he”
- (13) Section 26(1) – “or her” inserted after “his”
- (14) Section 26(1) – “or herself” inserted after “himself”
- (15) Section 26(2) – “or she” inserted after “he”
- (16) Section 28 – “or her” inserted after “his” in two places
- (17) Section 30 – heading substituted
- (18) Section 30 – “Chairman” deleted and “Chairperson” substituted
- (19) Section 30 – “or she” inserted after “he” in two places
- (20) Section 42(3) – “Chairman” deleted and “Chairperson” substituted
- (21) Section 42(3) – “or she” inserted after “he”
- (22) Section 42(4) – “Chairman” deleted and “Chairperson” substituted
- (23) Section 44(1) – “Chairman” deleted and “Chairperson” substituted
- (24) Section 46 – “or she” inserted after “he”

**THE SYNOD OF THE DIOCESE OF ADELAIDE OF THE ANGLICAN
CHURCH OF AUSTRALIA INC**

Report of the Drafting Committee – Synod October 2021

In the opinion of the Drafting Committee, the Synod has power to pass the following measures, and the drafting of the measures is consistent with the Constitution and the Ordinances:

*Constitution (Virtual Meetings, Lay Members of Synod and definitions)
Amendment Measure 2021*

Trusts of The See Amendment Ordinance 2021

The Assessment Amendment Ordinance 2021

The Election of Members of The Synod Amendment Ordinance 2021

Insurance of Property Amendment Ordinance 2021

The Retirement Amendment Ordinance 2021

St Barnabas' Theological College Amendment Ordinance 2021

The Standing Orders Amendment Ordinance 2021

Long Service Leave Ordinance Repeal Ordinance 2021

Continuing Ministry Education Ordinance Repeal Ordinance 2021

The Parochial Administration Ordinance Amendment Ordinance 2021



Chair of the Drafting Committee

18 August 2021

10 COMMITMENTS FOR PREVENTING AND RESPONDING TO DOMESTIC AND FAMILY VIOLENCE

1

Our Church acknowledges and laments the violence which has been suffered by some of our members and repents of the part we have played in allowing an environment where violence went unaddressed.

2

Our Church leaders commit to ensure conditions that support the prevention of violence, a church culture that promotes equality, and support for those who experience violence.

3

Our Church consistently teaches about equality, freedom from violence, respectful relationships and the honour/value of every person.

4

Our Church affirms that human relationships are to be based on respect and mutuality.

5

Our Church acknowledges the different experiences of all people and that these have played a part in whether they have been treated with respect and equality.

6

Our Church actions are directed by the gospel of love, peace and justice, and are informed and engaged with local, state and national government initiatives as appropriate.

7

Our church supports cultural change in our communities by communicating effectively to our members.

8

Our Church trains our leaders, pastoral staff and parish councils to understand and be equipped to respond in ways that prevent and address domestic and family violence.

9

Our leaders and pastoral staff hold themselves to account and are guided by the Anglican Church's Code of Conduct: *Faithfulness in Service*.

10

These commitments are regularly reviewed and improved.