

**A BILL for a  
Clerical Ministry Ordinance 2009**

<b>Part 1 – Preliminary</b>		9
1	Short Title	9
2	Ordinances Repealed	9
3	Repealed sections of the Parish Administration Ordinance	9
4	Repealed sections of the Cathedral Ordinance	9
5	Exclusion of the Assistant Bishops’ Canon 1966	9
6	Definitions (or Dictionary)	9
<b>Part 2 – Clerical Offices, Licences and Permissions</b>		11
7	Clerical Offices in the Diocese	11
8	Statement of Particulars of Offices	11
9	Vacancy in an Office	12
10	Forfeit and Deprivation of rights following a vacancy in an office	13
11	Licences	13
12	Bishop may determine licence conditions	13
13	Existing licence conditions are conditions under this Ordinance	13
14	Licence Conditions must be complied with	13
15	Licence Conditions are a ministerial duty	13
16	Bishop may determine conditions relating to permission to officiate	13
17	Existing conditions of a permission to officiate are conditions under this Ordinance	13
18	Conditions of a permission to officiate must be complied with	14
19	Conditions of a permission to officiate are a ministerial duty	14
20	Requirements prior to granting any licence or permission	14
<b>Part 3 – Application of this Ordinance</b>		15
21	Application of this ordinance to officeholders and the Bishop	15
22	Indicates the part relating to the election of the Bishop	15
23	Indicates the part relating to the resignation, retirement and extension of the term of office of the Bishop	15
24	Indicates the part relating to the appointment of an Assistant Bishop	15
25	Indicates the part relating to the election of the Dean	15
26	Indicates the part relating to the appointment of Archdeacons, Canons and Diocesan Clergy	15

27	Indicates the part relating to the appointment of Incumbents (Rectors and Priest in Charge)	15
28	Indicates the part relating to the appointment of Associate Clergy, Assistant Clergy, Chaplains and Deacons or Priests in Local Ministry	15
29	Fixed term appointments of clergy who have reached the retirement age	15
<b>Part 4 – Election of the Bishop of the Diocese</b>		15
30	The Bishop Nomination Board	15
31	Use of the word “Board” in this Part	15
32	Board Membership	15
33	Board Appointment	15
34	Vacancy in the See	15
35	Election Mandate	16
36	Calling the Election Synod	16
37	Nominations	16
38	Closing Date for Nominations	16
39	Nominee must consent to Nomination	16
40	Lack of consent deemed to be decline	17
41	A candidate is a person who consents to nomination	17
42	Consent may be withdrawn	17
43	Final List and other advice on nominations to be given to the Administrator	17
44	Board to be called	17
45	Administrator to Chair the Board unless the Administrator is a Candidate	17
46	Final List to be tabled at the Board	17
47	Further meetings of the Board	17
48	Board responsibilities	17
49	Final Date and communication from the Board	18
50	Final List and Information to be sent to members of Synod	18
51	Candidates excluded from the Election Synod	18
52	President of the Election Synod	18
53	Synod Eucharist	18
54	Synod	18
55	Synod in Committee to consider Final List	18
56	Termination of the Committee Deliberations on the Final List	19
57	Creation of the Select List	19

58	Synod in Committee to consider Select List	19
59	Termination of the Committee Deliberations on the Select List	19
60	The Ballot	19
61	Failure to Elect	21
62	Confirmation, Consent, Consecration and Enthronement	22
<b>Part 5 – Retirement, Resignation and Extension of Term of the Bishop of the Diocese</b>		23
63	Bishop to resign to the Metropolitan	23
64	Notice of Retirement on attaining the Retirement Age	23
65	Application to Extend Term of Office	23
66	Medical Certificate to accompany application	23
67	Determination of extension by Diocesan Council	23
68	Bishop not to be present at Diocesan Council deliberating on extension	23
69	Length of extension to be determined by Diocesan Council	23
70	Voting on Extension by secret ballot	23
71	Further Extension	23
72	No extension past the age of 70	23
<b>Part 6 – Assistant Bishop</b>		24
73	Synod may create the office or offices of Assistant Bishop	24
74	Bishop appoints Assistant Bishop with the concurrence of the Diocesan Council	24
75	Primate to be advised	24
76	Primate and Metropolitans to be satisfied about stipend	24
77	Person must be canonically fit	24
78	Assistant Bishop licensed by the Bishop	24
79	Assistant Bishop continues in office	24
80	No right of succession	24
<b>Part 7 – Election and appointment of the Dean</b>		24
81	Appointment process	24
82	Acceptance by Chapter, Due Diligence Checks and Acceptance	25
83	Failure to respond means appointment declined	25
84	Appointment vests in Bishop following two meetings of Chapter	25
85	Further meeting of chapter	25
86	Procedure to be repeated at the further meeting of chapter	25

<b>Part 8 – Archdeacons, Canons and Diocesan Clergy</b>		25
87	Archdeacons	25
88	Diocesan Clergy	25
89	Honorary Canon Vacancies	25
90	Election by Synod	25
91	Dean to install Canons	26
<b>Part 9 – Incumbency Appointments</b>		26
92	Incumbency Appointment Board	26
93	Use of the word “Board” in this Part	26
94	Board Membership	26
95	Election of Diocesan Representatives	26
96	Election of Parish Representatives	27
97	Three members represent the Parish	27
98	Appointment of alternate members	27
99	Diocesan representatives constitute the Board in the absence of parish representatives	27
100	Right of presentation	27
101	Loss of right of presentation	27
102	Loss of right of presentation due to the failure to elect representatives	28
103	Procedure following a vacancy	28
104	Person to assist the parish	28
105	Parish profile	28
106	Meeting with clergy approved by the Bishop for consideration	28
107	Meetings of the Board	28
108	Bishop offers the parish	29
109	Failure to respond understood to be a decline of the offer	29
110	Further meetings of the Board	29
111	Procedure at further meetings	29
112	Right of appointment vests in the Bishop after two meetings	29
<b>Part 10 – Appointment of Associate Clergy, Assistant Clergy, Chaplains, Deacons and Priests in Local Ministry</b>		29
113	Offices created	29
114	Ministry Leader for the appointment process	30
115	Bishop creates the office and consults with Ministry Leader and Deploying Body	30
116	Deploying Body to certify support of office	30

117	Chaplains in Diocesan Schools	30
118	Deacons and Priests in Local Ministry appointed in accordance with rules approved by the Bishop	30
119	Appointment process for other offices	30
120	Canons to be installed by the Dean	31
<b>Part 11 – Stipend and Accommodation</b>		31
121	Minimum stipends determined by Diocesan Council	31
122	Pro-rata stipends based on six days of ministry per week	31
123	Requirements of bodies providing clergy housing	31
124	Requirements of clergy in provided housing	31
125	Housing in the event of the death of officeholder	32
126	Resolution of disputes	32
<b>Part 12 – Superannuation, Sickness and Accident Insurance</b>		32
127	Superannuation fund details to be provided to the Diocesan Business Manager	32
128	Change of superannuation funds	32
129	Remittance of fund contributions	33
130	Provision of benefit and support to clergy unable to undertake ministry because of sickness and accident	33
131	Contributions towards the cost of sickness and accident benefits	33
<b>Part 13 – Ministerial Development Review, Education and Training</b>		33
132	Ministry Review Panel	33
133	Membership of the Ministry Review Panel	33
134	Ministerial Duty to cooperate with Ministerial Development Review	33
135	Bishop and Diocesan Council to establish review guidelines	33
136	Review report for the officeholder and the Bishop	33
137	Bishop to arrange ministry review	33
138	Continuing Ministry Education leave	33
139	No accumulation of leave	33
140	Continuing Ministry Education leave allowance	34
141	Pro-rata leave and allowances for part ministry	34
142	Continuing Ministry Education report	34
143	Continuing Ministry Education report to the Bishop	34
144	Incumbency Appointment Board may be advised of Continuing Ministry Education undertaken	34
145	Bishop's continuing ministry education arrangements	34

<b>Part 14 – Time off Ministry, Time spent on other duties and sickness</b>		34
146	Weekly rest period	34
147	Additional day each month	34
148	Annual Leave	34
149	Leave of absence	35
150	Ministry in the event of extended absence	35
151	Arrangements for leave of absence	35
152	Application for long service leave	35
153	Requirement to take long service leave	35
154	Stipend and allowances during long service leave	36
155	Clergy relief during long service leave	36
156	Maternity Leave	36
157	Reporting sickness to the Area Dean or Diocesan Business Manager	36
158	Medical Certification	36
159	Clergy relief during illness	36
160	Bishop permission for leave during long illness	36
161	Medical examination	36
162	Medical examiner may limit ministerial duties	37
163	Proceedings in the event of long term illness	37
<b>Part 15 – Duration and Termination of Appointments</b>		37
164	This Part subject to section 228	37
165	Fixed term appointment for Rectors, Priests in Charge, the Dean and Assistant Bishops	37
166	Fixed or limited appointments for other clergy	37
167	Statement of particulars to contain statement of limited term	37
168	Training Offices	37
169	Probationary Offices	37
170	Offices for specific periods	38
171	Applying to extend fixed or limited term appointments	38
172	Applications related to retirement age must include medical certificate	38
173	Extension of term limited to three years	38
174	Bishop may seek advice from the Ministry Extension Board	38
175	Ministry Extension Board	38
176	Use of the word “Board” in this Part	38
177	Board Membership	38

178	Person reviewed cannot be a member of the Board	39
179	Board functions	39
180	Board to advise Bishop within 21 days	39
181	Board recommendation limited to three years	39
182	Bishop not bound by Board recommendation	39
183	Bishop may offer another office or financial support	39
184	Length of extension granted by the Bishop may not exceed Board recommendation	39
<b>Part 16 – Ministry Issues Procedures</b>		40
185	Nature of Ministry Issues	40
186	Bishop may initiate Ministry Issues Procedures	40
187	Diocesan Council, Deploying Body or the Officeholder may ask the Bishop to initiate Ministry Issues Procedures	40
188	Bishop may appoint a person to offer counselling and mediation	40
189	Bishop convenes Ministry Issues Panel	40
190	Officeholder and Deploying Body may be directed to participate in the procedures	40
191	Panel Membership	40
192	Bishop may decline parish or officeholder nominations	40
193	Current or recent worshippers may not serve on a panel	40
194	Stipendiary priest of at least five years standing to be a member of the panel	41
195	Diocesan Council may select members where an officeholder or deploying body fail to nominate	41
196	Panel to meet promptly	41
197	Chairperson appointed by Bishop must preside	41
198	Panel inform itself of relevant facts but is not bound by the rules of evidence	41
199	No representation by counsel or solicitor unless approved by the Bishop or Chairperson on the grounds of fairness	41
200	No right of cross examination	41
201	Panel must consider affect of the situation on the officeholder, deploying body and area of ministry	41
202	Panel may take written or oral report	41
203	Panel to prepare a report	41
204	Panel may report that no action be taken without comment or suggestions	41
205	Panel may make recommendations	41

206	Chairperson has casting vote but unanimous vote required in certain circumstances	42
207	Report must go to officeholder, Bishop and where appropriate the Churchwardens	42
208	Bishop may take recommended or lesser action	42
<b>Part 17 – Appeals</b>		42
209	Circumstances of appeal	42
210	21 days to make appeal	43
211	Appeal causes stay of proceedings	43
212	Reports of Panels or Boards accepted at face value	43
213	Appeals Committee may determine facts but is not bound by rules of evidence	43
214	Appeals Committee Membership	43
215	Committee may consider appeals	43
216	Person not to serve if there is any risk of conflict of interest	43
217	Committee may consider multiple appeals together or sequentially	44
218	Committee findings	44
219	Committee decision to be made in writing	44
220	Bishop may take lesser action	44
<b>Part 18 – Administrative Provisions</b>		44
221	Funds to be remitted to the Diocesan Business Manager	44
222	Every officeholder to receive statement of particulars within 120 days	44
<b>Part 19 – General</b>		
223	Diocesan Council may make regulations	44
224	Diocesan Council may make special provision to avoid unfairness	45
225	Natural Justice to be preserved	45
226	Confidentiality to be preserved where practical and just	45
227	Ordinance does not create contract for employment or services	45
228	Limited tenure not retrospective	45
229	Existing Board and Committee members remain in office at the commencement of this Ordinance	45
<b>Part 20 – Amendment to Other Ordinances</b>		45
230	Amendment to the Cathedral Ordinance	45



**AN ORDINANCE** to provide for the appointment, care, support and guidance of the Bishop and clergy within the Diocese of Newcastle

BE IT THEREFORE Ordained and Ruled by the Bishop Clergy and Laity of the Diocese of Newcastle in Synod assembled as follows:-

## 5 **PART 1 – PRELIMINARY**

### *Short Title*

1. This Ordinance may be cited as the “**Clerical Ministry Ordinance 2009.**”

### *Repeal*

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2. The following Ordinances are repealed;
  - a) The Appointment of Clergy to Parishes Ordinance 2006
  - b) Retirement Age Ordinance 1997
  - c) Long Service Leave Provisions Ordinance 1968
  - 15 d) Sickness and Accident Benefits Fund Ordinance 1995
  - e) Clergy Superannuation Ordinance 1981
  - f) Bishop Election Ordinance 2006

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3. The following sections of the Parish Administration Ordinance are repealed
  - a) sections 19 – 22 relating to the absence of clerks
  - b) sections 23 – 27 relating to the licences of clerks

4. Sections 6(2), 7, 8, 9, 11 and 12 of the Cathedral Ordinance are repealed.

- 25 5. The Assistant Bishops' Canon, 1966 is hereby excluded in accordance with the provisions of section 30 of the Constitution.

### *Definitions*

6. In this Ordinance, unless the context shall otherwise require
  - 30 a) *Constitution Act* means the Constitutions set out in the Anglican Church of Australia Constitution Act 1902;
  - b) *The Constitution* means the Constitution of the Anglican Church of Australia

- c) *Administrator* means the person appointed by the Bishop or, in the absence of such appointment, the Diocesan Council, to administer the Diocese during a vacancy in the See or the incapacity of the Bishop;
- 5 d) *The Bishop* where the term is capitalized means the Bishop of the Diocese and includes the Bishop's Commissary in the absence of the Bishop;
- e) *The Bishop of the Diocese* means the Bishop and does not mean the Commissary or Administrator;
- 10 f) *Canonical Fitness* means, as regards a person, that the person has attained at least 30 years of age; the person has been baptised; and the person is in priests' orders.
- g) *Church* (where capitalized) means the Anglican Church of Australia;
- h) *Commissary* means the person appointed by the Bishop to exercise the powers vested in the Bishop during the Bishop's absence from the Province;
- i) *Constitutions* means collectively the Constitution Act and the Constitution;
- 15 j) *Dean* means the Dean of the Cathedral
- k) *Deploying Body* means Parish Council in the case of parochial clergy, the Cathedral Chapter in the case of the Dean and Cathedral clergy and such other body as the Bishop determines for other officeholders.
- 20 l) *Diocesan Business Manager* means the person appointed to manage the business of the Diocese;
- m) *Diocesan Council* means the Diocesan Council of the Diocese
- n) *Diocesan School* means an Anglican school which is a member of the Newcastle Anglican Schools Corporation
- o) *Diocese* means the Diocese of Newcastle;
- 25 p) *Holy Orders* means the offices of bishop, priest or deacon;
- q) *Initial Ministry Education* means any education or training required of a deacon or priest prior to ordination and in the five years immediately following ordination as a deacon or priest;
- r) *Incumbent* means the Rector or Priest in Charge of a parish;
- 30 s) *Metropolitan* means the Archbishop of Sydney or in his or her absence or incapacity or of the vacancy of the Metropolitan See, the senior Bishop of the Dioceses of the Province present in the Province and able and willing to act, seniority being seniority of consecration.
- 35 t) *Ministry Extension Board* means the Board established in accordance with Part 15 of this Ordinance.
- u) *Ministry Issues Review Panel* means the panel established in accordance with part 16 of this Ordinance.
- v) *Ministry Issues Procedure* means the procedures established in accordance with part 16 of this Ordinance
- 40 w) *Ministry Leader* means the authority determined in accordance with Part 8

- x) *Officeholder* means a person in Holy Orders holding an office recognised under section 7 of this Ordinance;
- y) *Province* means the Province of New South Wales;
- z) *Retirement Age* means
  - i) 65 years for a person born on or before 30 June 1952;
  - ii) 65 years and 6 months for a person born from 1 July 1952 to 31 December 1953;
  - iii) 66 years for a person born from 1 January 1954 to 30 June 1955;
  - iv) 66 years and 6 months for a person born from 1 July 1955 to 31 December 1956;
  - v) 67 years for a person born on or after 1 January 1957;
- aa) *Superannuation Fund* means any superannuation fund approved by the Diocesan Business Manager which meets the requirements of the relevant Commonwealth Legislation relating to superannuation funds currently in force.
- bb) *Writing* **includes** facsimile transmission or communication by email or such other electronic communication approved by the Bishop.

**THIS SECTION APPROVED IN PRINCIPLE**

**PART 2 – CLERICAL OFFICES, LICENCES AND PERMISSIONS**

***Clerical Offices of the Diocese***

7. The following positions constitute an office for the purpose of this Ordinance

- a) an assistant bishop;
- b) an archdeacon;
- c) the Dean of Newcastle and Rector of the Cathedral Church;
- d) a Canon of the Cathedral Church;
- e) the Incumbent of a Parish or a parochial unit whether appointed as Rector or Priest in Charge;
- f) an Assistant Curate;
- g) a Chaplain where the Chaplain is in Holy Orders;
- h) a deacon or priest in local ministry
- i) such other offices as determined by the Bishop

***Statement of Particulars of Offices***

8. That where the Bishop offers an office to a person the letter of offer shall include a written statement of the particulars of the office. The statement must contain the following particulars –

- a) the body which is to be treated, for the purpose of this Ordinance as the Deploying Body in any tribunal or proceeding

- b) the title of the office to which the officeholder has been appointed,
- c) whether the officeholder is entitled to a stipend and, if so, the amount of the stipend or the method of calculating it,
- d) the person or body responsible for the payment of the stipend if not the Deploying Body
- e) the intervals at which any stipend is payable (that is, weekly, monthly or other specified intervals),
- f) whether the officeholder is entitled to receive parochial fees and the relationship, if any, of the receipt of such fees to any stipend,
- g) any terms and conditions relating to the reimbursement of expenses incurred in connection with the exercise of the office,
- h) whether the office is full-time or part-time and, in the case of a part-time appointment any terms and conditions relating to hours of ministry (including any terms and conditions relating to normal ministering hours),
- i) any terms and conditions relating to any of the following –
  - i) entitlement to rest periods and holidays
  - ii) incapacity for ministry due to sickness or injury, including any provision for sick pay, and
  - iii) superannuation,
  - iv) where the officeholder is required, for the better performance of his or her duties, to occupy any particular residence, details of the address of the property concerned, the person or body to whom or which it belongs, the terms of occupation and any contents to be provided by the Deploying Body ,
  - v) the length of notice which the officeholder is required to give and, if applicable, receive to terminate the appointment, and where the appointment is not intended to be permanent, the circumstances in which it may be terminated or, if it is for a fixed term, the date when it is to end.

### 30 *Vacancy in an Office*

9. (1) An Office becomes vacant if the holder

- a) dies;
- b) resigns his or her office by giving two months notice in writing addressed to the Bishop stating

I.....Clerk in Holy Orders, holding the office of .... in the Diocese of Newcastle do hereby surrender that office effective on the.....day of.....and do by such action surrender unto you all the rights and privileges asking that you will accept this my resignation and that I be discharged from the said office from that date. Signed ... and dated ...

- c) surrenders to the Bishop his or her licence to minister in the office;

- d) is deposed from Holy Orders;
- e) has his or her licence revoked in accordance with an Ordinance of Synod;
- f) subject to Part 15 of this Ordinance, attains the retirement age or the relevant term of appointment expires;
- 5 g) becomes subject to a recommendation under section 205(b) of this Ordinance;
- h) in the case of an person appointed in accordance with Part 10 of this Ordinance, is given two months notice in writing by the Bishop either by the Bishop's own act or at the request of the Ministry Leader that the office is to  
10 be vacated.
- i) in the case of person permitted to officiate upon receiving notice in writing by the Bishop that such permission is withdrawn.

9. (2). An officeholder shall be taken to have been declared incapable if the officeholder has become subject to an order with respect to his or her person  
15 or property by a court or tribunal acting under the Mental Health Act 2007 or any other legislation from time to time in force having similar objects."

10. If the licence of an officeholder is terminated by resignation, revocation, or other cause in accordance with the provisions of any ordinance of the Synod that officeholder shall by such termination forfeit and be absolutely deprived of all  
20 and singular rights, privileges, emoluments and advantages in or respecting that office together with the church, church house, land and appurtenances held by that person by virtue of holding the licence.

### *Licences*

11. The Bishop may issue licences under his hand and seal to any person in Holy  
25 Orders to exercise ministry within the Diocese in such form as the Bishop may from time to time determine.

### *Licence Conditions*

12. The Bishop may determine conditions not inconsistent with this Ordinance which may be included in any licence or permissions to officiate.

30 13. Where before the commencement of this Ordinance a licence has been offered to a person in Holy Orders subject to conditions and where such offer has been accepted by the person, the conditions upon which the licence was offered is deemed to be incorporated as conditions of the licence.

14. A person who has been granted the licence of the Bishop must comply with any  
35 conditions to which the licence is subject.

15. The conditions to which a licence is subject must be understood to be part of the ministerial duty of a licence holder.

### *Permission to Officiate*

16. The Bishop may permit any person in Holy Orders to exercise ministry in the  
40 Diocese subject to conditions or without conditions.

17. Where before the commencement of this Ordinance a permission to officiate has been offered to a person in Holy Orders subject to conditions and where such

offer has been accepted by the person, the conditions upon which the licence was offered is deemed to be incorporated as conditions of that permission.

18. A person who has been give permission to officiate by the Bishop must comply with any conditions to which that permission is subject.

5 19. The conditions to which a permission to officiate is subject must be understood to be part of the ministerial duty of a person to whom permission is given.

***Requirements prior to the granting of any license or permission***

10 20. Before any permission in holy orders is licensed or granted permission to officiate in the Diocese he or she must

a) Lodge the following documents with the Diocesan Business Manager

i) Nomination by the Bishop where the person in holy orders desires to receive a licence to a separate cure of souls or to receive a general licence or to be granted permission to officiate, or

15 ii) Nomination by the Rector or Priest in Charge of the parish if such person desires to be licensed as an assistant clerk in that parish.

iii) Letters of orders.

20 iv) If not a person in holy orders currently licensed or permitted to officiate in the Diocese letters testimonial signed by two priests and countersigned by the Bishop of the Diocese in which the applicant was last previously licensed.

v) The Oath of Canonical obedience to the Bishop.

vi) Declaration of assent to the Thirty-Nine Articles of Religion in the Book of Common Prayer in a form approved by the Bishop

25 vii) Submission to the authority of Synod in the following form –

I, a.b. do declare my submission to the authority of the Synod of the Diocese of Newcastle in the State of New South Wales, and I do solemnly and sincerely declare my assent to be bound by the Constitution of the Anglican Church of Australia and the Constitutions of the Province of New South Wales and of this Diocese and by the Canons, Statutes, Ordinances and Rules (however described) from time to time of the Synod of this Diocese and of the General Synod and the Provincial Synod which have force in the Diocese, and I hereby undertake in consideration of my being appointed to any office in the diocese immediately to resign my appointment, together with all rights or emoluments pertaining thereto, if such resignation is required by the Bishop of Newcastle, acting under the provisions or any rule or ordinance of the Synod of the Diocese of Newcastle

40 b) Demonstrate that he or she is suitable for ministering with children and vulnerable people by satisfactorily completing all screening requirements required by the Bishop or by law in the State of New South Wales.

**THIS SECTION APPROVED IN PRINCIPLE**

**PART 3 - APPLICATION OF THIS ORDINANCE**

21. Parts 1 - 3 and Parts 11 - 20 apply to all officeholders in the Diocese except that any section of the Ordinance only applies to the Bishop of the Diocese if the Bishop of the Diocese is specifically mentioned.
22. Part 4 of this Ordinance applies to the election of the Bishop of the Diocese
23. Part 5 of this Ordinance applies to the resignation, retirement and extension of the term of office for the Bishop.
24. Part 6 of this Ordinance applies to the appointment of an Assistant Bishop
25. Part 7 of this Ordinance applies to the election of the Dean
26. Part 8 of this Ordinance applies to the appointment of Archdeacons, Canons and Diocesan clergy
27. Part 9 of this Ordinance applies to the appointment of an Incumbent of a parish.
28. Part 10 of this Ordinance applies to the appointment of Associate Clergy, Assistant Clergy, Chaplains and Deacons or Priests in Local Ministry
29. No person in Holy Orders is eligible for appointment to any office after reaching the retirement age unless he or she is appointed for a fixed term in accordance with Part of this Ordinance

**THIS SECTION APPROVED IN PRINCIPLE****PART 4 - ELECTION OF THE BISHOP OF THE DIOCESE*****Bishop Nomination Board***

30. There is established a Bishop Nomination Board.
31. In this part, Board means the Bishop Nomination Board.
32. The Board shall comprise six members of the House of Clergy of Synod and six members of the House of Laity of Synod.
33. The Board must be appointed in the following manner:
  - a) At the first session of every Synod the members of Synod will elect by secret ballot:
    - i) Six clergy members of Synod
    - ii) Six lay members of Synod
  - b) Should there be insufficient nominations for members of a House the Diocesan Council may appoint persons from that House so that each House shall be represented by 6 members.
  - c) The Administrator shall be an ex officio a member of the Board and shall preside at meetings of the Board.

***Vacancy in the See***

34. The office of Bishop of the Diocese shall become vacant if the Bishop
  - a) dies;

- b) resigns his or her office to the Metropolitan
- c) is deposed from Holy Orders;
- d) is declared incapable in accordance with any Canon of General Synod having force in this Diocese
- 5 e) is removed from office in accordance with the Constitution or any Canon of General Synod having force in this Diocese
- f) attains the retirement age and is not granted an extension in accordance with Part 5

***Issue of Mandate***

- 10 35. When a vacancy occurs in the office of Bishop of the Diocese the Administrator shall within ten days of such vacancy in writing request the Metropolitan to issue a Mandate for the election of a Bishop.

***Election Synod***

- 15 36. The Administrator shall proceed to summon a special session of Synod (in this Part referred to as the Election Synod) upon receipt of the Mandate or when one calendar month has passed since requesting the Mandate. The Administrator shall issue the summons by giving not less than 90 days notice in writing to each member of Synod of
- a) the date, time of the Election Synod
  - 20 b) the venue for the Synod Eucharist
  - c) the venue for the Election Synod
  - d) the closing date for nominations for a person of canonical fitness to be elected Bishop of the Diocese being not less than 21 days after the date the summons is issued

***Nominations***

- 25 37. Upon receipt of a summons to the Election Synod any member may prior to the closing date nominate persons to be elected Bishop provided that
- a) The nominee is a person who is canonically fit
  - b) The nomination is in writing in a form approved by the Diocesan Business Manager
  - 30 c) The nomination is signed by nominator and assented to by 5 other members of Synod
  - d) be delivered to the Diocesan Business Manager by 5pm on the closing date for nominations.
  - 35 e) A nomination may be accompanied by a written statement providing detail as to the person nominated.
38. The Administrator shall determine the closing date by which consents to a nomination must be received.
- 40 39. Upon receiving a nomination the Diocesan Business Manager shall write to the nominee seeking the consent in writing of that person to the nomination and



inform them that consents close at 5pm on the date determined as the closing date for consents.

40. Where consent in writing is not received from a nominee by the closing date for consents it shall be deemed that the nominee has declined that nomination.

5 41. Where a consent in writing is received from a nominee by the closing date for consents that person shall be deemed a candidate.

42. Any candidate may in writing withdraw their consent delivered to the Diocesan Business Manager.

10 43. The Diocesan Business Manager shall within five days of the closing date for consents forward to the Administrator:

a) An alphabetical list of the nominations received where the nominee has consented to his or her nomination to be known as The Final List together with any information supplied by the nominator

15 b) An alphabetical list of nominations received where the nominee has not consented to his or her nomination or has withdrawn their consent.

c) An alphabetical list of the nominations received where the nominee has been deemed to have declined his or her nomination.

### ***Function of the Board***

20 44. The Administrator shall summon a meeting of the Board within seven days of receiving the Final List.

45. The Administrator shall Chair the Board except where the Administrator is a candidate when the Administrator shall appoint a suitably qualified member of Synod to Chair the Board.

25 46. The Chair of the Board shall table the Final List together with any information supplied by the nominator

47. The Chair of the Board may at any time call further meetings of the Board and shall on the written request of 5 members call a further meeting of the Board.

48. The Board shall

30 a) determine what information relevant to the experience, background and qualifications of each candidate should be provided to members of Synod endeavouring to ensure that the information provided is balanced and fair with respect to each candidate

35 b) ascertain whether the candidate has any negative findings recorded in the National Register or by a Professional Standards Board or Tribunal or equivalent in any Diocese in which the person has been licensed

c) ascertain that the candidate can demonstrate that he or she is suitable for ministering with children and vulnerable people by satisfactorily completing all screening requirements required of clergy in the Diocese or by law in the State of New South Wales

40 d) determine, subject to this Ordinance, the procedure to be followed at the election Synod including the nature of any presentation that may be made on behalf of candidates

49. The Board shall forward its determinations to the Diocesan Business Manager no later than 14 days prior to the commencement of the Election Synod.

***Proceedings of the Election Synod***

50. The Diocesan Business Manager shall no later than 10 days prior to the Election Synod forward to each member of the Synod the Final List together with such material as has been approved by the Board with respect to each person on the Final List.

51. No candidate shall participate in the proceedings of the Election Synod.

52. The President of the Election Synod shall be

- a) The Administrator unless the Administrator is a candidate. Where the Administrator is unable to be the President the person determined by the Diocesan Business Manager in the following order of precedence who is not a candidate and who is willing to preside

- i) The most senior Assistant Bishop determined by date of appointment to the Diocese

- ii) The most senior Archdeacon by order of collation

- iii) The Dean

- iv) The most senior Area Dean by order of appointment

- b) The President shall be entitled to a deliberative but not a casting vote during the Synod

53. A Synod Eucharist shall precede the election Synod at which

- a) The President shall preside and deliver an opening address reminding members of Synod of the significance of their duties

- b) The President and members of Synod shall stand and before the reception of Holy Communion pray together – *Recognising that the community of the Church in this Diocese has entrusted to us the great responsibility of electing a Bishop we earnestly seek God's will; we pray for grace to speak and act with wisdom and charity and with regard to the integrity of those whose names come before us.*

54. Following the Synod Eucharist, the Synod shall assemble at the specified venue when

- a) The President shall read an alphabetical list of candidates.

- b) The Diocesan Business Manager shall advise the Synod of the names of any candidate who has withdrawn his or her consent since the list was circulated to members of Synod.

- c) Any member of Synod who has withdrawn his or her consent as a candidate may then resume his or her place in Synod.

55. The Synod shall immediately resolve itself into a Committee of the whole. Members of the Committee:

- a) shall receive such information by presentation or otherwise as the Board has determined

b) may speak to the nomination in each case

56. Debate shall be terminated on the carrying in both Houses of a motion 'that the Synod proceed to determine the Select List' at which time the Chairman of Committees shall report to the President.

## 5 *Select List*

57. The Select List shall be determined by secret ballot in the following manner:

- a) the Lay Secretary of Synod shall distribute to each lay member of Synod a ballot paper containing the Final List in alphabetical order with the name of any person who has withdrawn their consent removed
- 10 b) the Clerical Secretary of Synod shall distribute to each clerical member of Synod a ballot paper containing the Final List in alphabetical order with the name of any person who has withdrawn their consent removed
- c) Each member of Synod shall place an X next to the names of three candidates of their choice
- 15 d) The Lay and Clerical Secretary shall together tally the formal votes cast by each House;
- e) The Lay and Clerical Secretary shall report to the President the candidates receiving the highest number of votes in each house in descending order by beginning with the highest number of votes.
- 20 f) The Select List shall be formed from the three candidates receiving the highest number of votes from the House of the Laity and the three candidates receiving the highest number of votes from the House of the Clergy provided that where there is an equality of votes for the third position on the Select List all candidates whose votes are equal for that
- 25 position shall be included in the Select List
- g) The President shall report to the Synod the names of the candidates on the Select List and advise the Synod of the number of votes cast for that candidate by each House.

30 58. Following the creation of the Select List the Synod may resolve itself into a Committee of the Whole and may further discuss the candidates on the Select List.

59. Debate shall be terminated on the carrying in both Houses of a motion 'that the Synod proceed to election' at which time the Chairman of Committees shall  
35 report to the President.

## *The Election*

60. The Election shall proceed in this way:

a) The first ballot shall proceed in this way:

- 40 i) the Lay Secretary of Synod shall distribute to each lay member of Synod the Select List in alphabetical order and a blank ballot paper

- ii) the Clerical Secretary of Synod shall distribute to each clerical member of Synod the Select List in alphabetical order and a blank ballot paper
- iii) Members of Synod shall vote for a candidate by writing the name of that candidate on the blank ballot paper.
- 5 iv) The Lay and Clerical Secretary shall together tally the formal votes cast by each House;
- v) If a candidate receives not less than two thirds of the formal votes cast in each House the candidate shall be duly elected.
- 10 b) Where after any ballot a candidate receives a majority of votes in both Houses but less than two thirds of the votes in one or both Houses, the ballot shall proceed in this way:
- i) all names other than that of the candidate are deleted from the Select List and the Synod shall proceed in the following manner:
- 15 ii) the Lay Secretary of Synod shall distribute to each lay member of Synod a blank ballot paper
- iii) the Clerical Secretary of Synod shall distribute to each clerical member of Synod a blank ballot paper
- 20 iv) After the distribution to each member of Synod of a blank ballot paper the President shall put the motion 'That the person whose name remains on the Select List, namely ....., be elected Bishop of this Diocese'.
- v) Voting on the motion shall proceed without debate and members shall vote by writing the word 'yes' or 'no' on the ballot paper.
- 25 vi) If not less than two thirds of the formal votes cast in each House are 'yes' the candidate shall be duly elected.
- vii) If no candidate is elected the result of ballot used at the beginning of this section be considered in accordance with section 57I.
- 30 c) Where after a ballot no candidate receives a majority of the formal votes in both Houses and there are more than two candidates the ballot shall proceed in the following manner
- i) the candidate receiving the least number of total formal votes shall be eliminated
- 35 ii) the Lay Secretary of Synod shall distribute to each lay member of Synod the Select List in alphabetical order and a blank ballot paper
- iii) the Clerical Secretary of Synod shall distribute to each clerical member of Synod the Select List in alphabetical order and a blank ballot paper
- iv) Members of Synod shall vote for a candidate by writing the name of that candidate on the blank ballot paper.
- 40 v) The Lay and Clerical Secretary shall together tally the formal votes cast by each House;

- vi) If a candidate receives not less than two thirds of the formal votes cast in each House the candidate shall be duly elected.
- d) Where the number of candidates has been reduced to 2, the ballot shall proceed in this way
- 5 i) the Synod may again resolve itself into a Committee of the Whole to further discuss those candidates before a further ballot is taken.
- ii) Debate shall be terminated on the carrying in both Houses of a motion 'that the Synod proceed to election' at which time the Chairman of Committees shall report to the President.
- 10 iii) Upon receiving the report the Lay Secretary of Synod shall distribute to each lay member of Synod the Select List in alphabetical order and a blank ballot paper and the Clerical Secretary of Synod shall distribute to each clerical member of Synod the Select List in alphabetical order and a blank ballot paper
- 15 iv) Members of Synod shall vote for a candidate by writing the name of that candidate on the blank ballot paper.
- v) The Lay and Clerical Secretary shall together tally the formal votes cast by each House;
- 20 vi) If a candidate receives not less than two thirds of the formal votes cast in each House the candidate shall be duly elected.
61. If no person has been declared elected in accordance with section 57:
- a) Any member of Synod who was a candidate may resume their place in Synod.
- 25 b) The President shall submit the question to Synod as a whole 'Shall Synod take further action in the election of a Bishop?'
- c) If the question is answered in the negative, Synod shall be deemed to have been unable to elect.
- d) Where a Synod has been unable to elect:
- 30 i) The Diocesan Council shall within ninety days nominate a person of canonical fitness to be Bishop.
- ii) When the Diocesan Council has nominated a suitably qualified person the Administrator shall within 21 days summon the Election Synod.
- iii) Following the Synod Eucharist the President shall put the name of the suitably qualified person to the Synod.
- 35 iv) If the person so nominated is accepted by not less than two thirds of the formal votes in both Houses of Synod that person shall be duly elected.
- v) If the person so nominated is not elected the Synod shall be deemed to have been unable to elect and the procedure outlined in this section shall be repeated.

- e) If the question referred to in subsection 61(b) is answered in the affirmative Synod shall adjourn and the process for election shall recommence provided that any person who has previously been nominated may be re-nominated.

62. If a candidate is duly elected:

- 5           a) The President of the Synod shall advise the candidate that he or she has been elected.
- b) The candidate may within 30 days or such further period as the Administrator may allow accept in writing the office of Bishop.
- 10          c) Where a person fails to notify acceptance he or she shall be deemed to have declined the office.
- d) Where a person has been duly elected Bishop and has accepted the office:
  - i) the Administrator shall forward a certificate of that person's election to the Metropolitan
  - ii) The Metropolitan shall inform the bishops of the Province of the election
  - 15       iii) The Metropolitan and not less than two Bishops of the Province shall confirm the Canonical fitness of the person and his or her election as the Bishop
- 20          e) Any objection or question touching the fitness of the person elected or the validity of the election proceedings shall be submitted to the Metropolitan prior to that persons consecration or, if the person has already been consecrated, before the election is confirmed and no subsequent objection shall be admitted.
- f) If
  - i) an election be declared void; or
  - 25       ii) a person elected declines office; or
  - iii) the Metropolitan or the bishops of the Province fail to confirm the election the process for election shall recommence provided that any person who has previously been nominated may be re-nominated Synod shall proceed to a further election in accordance with this Ordinance.
- 30          g) Where a person has been duly elected and consented to the election and the election has been confirmed by the Metropolitan and not less than two Bishops of the Province the person shall be deemed to be the Bishop-elect.
- h) Where the Bishop-elect is not a Bishop in the Church of God, the Administrator or person appointed by the Administrator shall arrange for
  - 35       the Bishop-elect to be ordained and consecrated.
- i) At such time as the Bishop-elect is a Bishop in the Church of God, the Administrator or person appointed by the Administrator shall arrange for the Bishop-elect to be enthroned in the Cathedral Church of the Diocese.
- 40          j) Every Bishop elect shall either before consecration or if already consecrated before being invested with Episcopal Authority sign and subscribe the following declaration: 'I, ..... chosen Bishop of the Church and See of Newcastle do promise that I will teach and maintain the doctrine and

discipline of the Anglican Church of Australia as acknowledged and received by the Synod of the Diocese of Newcastle, and I do solemnly and sincerely declare my assent to be bound by the Constitution of the Anglican Church of Australia and the Constitutions of the Province of New South Wales and of this Diocese and by the Canons, Statutes, Ordinances and Rules (however described) from time to time of the Synod of this Diocese and of the General Synod and the Provincial Synod which have force in this Diocese; and in consideration of being appointed Bishop of the said church and See of Newcastle I do hereby undertake immediately to resign the said appointment with all rights and emoluments appertaining thereto if sentence requiring such resignation should at any time be passed upon me after due examination had by the Tribunal acknowledged by the said Synod for the trial of a Bishop saving all rights of appeal allowed by the said Synod.'

**THIS SECTION APPROVED IN PRINCIPLE**

**PART 5 - RETIREMENT, RESIGNATION AND EXTENSION OF TERM OF THE BISHOP OF THE DIOCESE**

63. The Bishop of the Diocese intending to resign the bishopric of Newcastle shall tender his resignation in writing to the Metropolitan to take effect at a date to be therein named and a copy thereof shall be given to the Administrator of the Diocese.

64. The Bishop of the Diocese shall subject to section 65 resign his office as Bishop on attaining the retirement age of which the Bishop shall give 90 days notice effected in the manner provided in section 63 and such resignation shall take effect not more than six months from the date thereof.

65. The Bishop of the Diocese may not later than 6 months prior to the date upon which by virtue of this Ordinance he or she is required to resign, give notice to the Diocesan Council of his or her intention to seek an extension of the term of his or her office;

66. A notice of intention to seek an extension shall be accompanied by a certificate of a legally qualified medical practitioner stating the opinion of such practitioner as to the state of health of the Bishop.

67. The Synod shall determine such request within 2 calendar months of the receipt of such notice; . This can be delegated to Diocesan Council from time to time.

68. The Bishop shall not be present for any deliberation by Diocesan Council for determining the granting of such an extension, or the length of such an extension.

69. The Diocesan Council must refer to Synod for decision, any recommendation for an extension of such term.

70. Voting on the granting of such an extension, and the length of such an extension, shall be determined by secret ballot and by simple majority;

71. A term of office extended under this Part may be further extended upon notice of intension to seek a further extension having been given.

72. Nothing in this Part shall authorise the extension of the term of office of a Bishop beyond the age of 70 years.

**THIS SECTION APPROVED IN PRINCIPLE**

**5 PART 6 - ASSISTANT BISHOP**

73. The synod may from time to time create the office of assistant bishop and may create more than one such office.
74. The appointment of an assistant bishop shall be made by the Bishop with the concurrence of the Diocesan Council. The power of the Bishop in this section shall be exercised by the Bishop of the Diocese and not the Commissary or Administrator.
75. Before making any such appointment the Bishop shall notify the Primate of his or her intention of making the appointment and inform the Primate of the stipend provided for the occupant of the office.
76. No appointment shall be made until the Primate has informed the Bishop in writing that the Metropolitans or a majority of them are satisfied that a sufficient stipend has been provided for the occupant of the office.
77. No priest appointed to the office of assistant bishop shall be consecrated unless his or her appointment as to canonical fitness has been confirmed as prescribed by ordinance of the provincial synod or if there be no such ordinance his or her appointment as to canonical fitness has been confirmed by the Primate and one or more metropolitans.
78. An assistant bishop shall be licensed by the Bishop and shall undertake such work and perform such episcopal acts as may be required or permitted by the Bishop.
79. An assistant bishop shall continue in office notwithstanding a vacancy in the see.
80. No assistant bishop shall be appointed with a right of succession to the see.

**THIS SECTION APPROVED IN PRINCIPLE**

**PART 7 - THE DEAN**

**30 *Chapter to elect the Dean***

81. The appointment of the Dean will occur in the following manner:
- a) The Dean shall be elected by the Chapter.
  - b) The Bishop will within six months of a vacancy in the office Dean summon the Chapter.
  - c) The Bishop must chair the meeting of the Chapter if in attendance
  - d) The Bishop may appoint a member of the Chapter to preside in the Bishop's absence.
  - e) The Chapter may discuss the needs of the Cathedral and persons suitable for appointment.
  - f) The Bishop shall nominate and have the casting vote.



g) The Chapter shall vote to accept or reject the nomination made by the Bishop.

h) Any resolution of the Chapter is to be recorded in the minutes of the meeting.

5 82. If the person nominated by the Bishop is accepted by the Chapter the Bishop (having conducted such due diligence as appropriate including Police and Ministering with Children checks and upon being satisfied of the same) will write to the nominated person inviting that person to be the Dean and requesting a response in writing within a period not exceeding 21 days.

10 83. A person who fails to respond in writing within 21 days is deemed to have declined the invitation.

15 84. If the Chapter is unable to elect, the Bishop may submit a second nomination to the Chapter. Where a second meeting of the Chapter called to elect a Dean fails to make such election the Bishop shall submit further nominations, until Chapter is able to elect.

85. If the nomination of the Bishop is not accepted, the person declines the invitation or fails to satisfy any due diligence or other checks then the Bishop may call a further meeting of the Chapter within 30 days.

20 86. The procedure to be adopted by a further meetings of the Chapter called to elect a Dean is as set out in sections 81 to 84 of this Ordinance.

#### **THIS SECTION APPROVED IN PRINCIPLE**

### **PART 8 – THE APPOINTMENT OF ARCHDEACONS, CANONS AND DIOCESAN CLERGY**

#### ***Archdeacons***

87. The Bishop may appoint a suitably qualified person in Holy Orders as an Archdeacon on such terms and conditions as the Bishop determines.

#### ***Diocesan Clergy***

88. The Bishop may appoint a suitably qualified person in Holy Orders to fill a Diocesan Office on such terms and conditions as the Bishop determines.

#### ***Honorary Canons***

35 89. Where the office of Canon becomes vacant because the occupant of the Stall dies, resigns or ceases to hold a licence within the Diocese, the Canonry shall be filled by a member of the clergy who has been in Holy Orders for at least five years and in the following manner:

- a. the first vacancy shall be elected by Synod,
- 40 b. the next vacancy shall be appointed by the Bishop
- c. subsequent vacancies shall be appointed or elected alternately.

90. An election by the Synod shall be made in the following manner:

- a. On the first day of each ordinary session of each Synod the President shall declare the number of elective Canonries which shall then be vacant.
- b. On a day named by the President the Synod shall elect by ballot in accordance with the procedure of the Standing Orders of Synod so many clergy qualified to be Canons as shall be required to fill the Canonries which shall have been declared vacant.

91. It shall be the right of the Dean to install the Canons.

## PART 9 -INCUMBENCY APPOINTMENTS

### *Appointment Board*

92. There is established an Incumbency Appointments Board.

93. In this Part, *Board* means the Incumbency Appointments Board acting with respect to an appointment.

94. The Board must comprise Diocesan Representatives appointed in accordance with section 95 and Parish Representatives appointed in accordance with section 96.

### *Diocesan Representatives*

95. The Diocesan Representatives must be appointed in the following manner:

- a. At the first session of every Synod the members of Synod will elect by secret ballot:
  - i. Six clergy who are members of Synod and have been in holy orders for at least five years at the date of the election; and
  - ii. Six lay persons who are member of Synod
 all of whom may be the Diocesan representatives on any Board.
- b. The persons elected pursuant to sub-section (a) remain in office until the beginning of the first session of the following Synod unless that person's position is declared vacant by the Bishop in accordance with sub-section (c).
- c. A person's position may be declared vacant by the Bishop if an elected person leaves the Diocese, dies, resigns, is incapacitated or becomes ineligible to be a member of Synod.
- d. Upon any such declaration by the Bishop then the Diocesan Secretary must within one month report the matter to Diocesan Council which must appoint a new member or members for the remainder of the term of the Synod from the current Synod roll.
- e. Persons who, immediately prior to the commencement of this Ordinance, were Diocesan Representatives to the Appointments Board established under the Appointment of Clergy to Parishes Ordinance 2006 will continue to be Diocesan Representatives as if elected under this Ordinance until the time at which they would otherwise have ceased to be Diocesan Representatives.

- f. On any occasion when a Board is to meet two clergy members and one lay member must be chosen on a rotational basis by the Bishop from the panel of Diocesan representatives to be the Diocesan representative on the Board.

## 5 *Parish Representatives*

96. The Parish representatives are appointed in the following manner:

- a. At the annual general meeting of a parish at which the parish elects Synod representatives each parish must elect five (5) lay persons from the parish roll as parish representatives.
- 10 b. The first three (3) persons elected are the parish representatives and the remaining two (2) are the alternate parish representatives.
- c. If the annual general meeting fails to elect sufficient representatives as required by sub-section (a) or a parish representative or alternate parish representative vacates either office then the Incumbent must within one  
15 month call a special general meeting of the parish in accordance with the provisions of the Parish Administration Ordinance 1995 to elect persons to fill the vacant positions.
- d. The persons elected pursuant to sub-sections (a) or (c) remain in office until the beginning of the first session of the following Synod unless that person's  
20 position is declared vacant by the Incumbent in accordance with sub-section (e).
- e. A person's position may be declared vacant by the Incumbent if an elected person leaves the parish, dies or is unable to perform their duties.
- 25 97. On any occasion when a Board is to meet the three (3) parish representatives will represent the parish on the appointment board.
98. If at any meeting of a Board any parish representative is unable to attend then that persons place may be filled by an alternate parish representative.
99. If for any reason the parish is not represented at a meeting of a Board then the Diocesan representatives must constitute the Board.

30

### *Parishes with rights of presentation*

100. A parish or other pastoral entity fulfilling the functions of a parish, has a right of presentation if during the twelve months preceding the date the parish became vacant it has:

- 35 a. Paid the stipend and allowances of the outgoing incumbent;
- b. Paid all contributions to the Diocese;
- c. Completed and lodged its annual returns;
- d. Provided a residence for the Incumbent in accordance with the requirements of the Diocese or in accordance with any resolution of Diocesan Council.

101. If a parish fails to comply with any of the requirements of section 100 then the Bishop may in his or her absolute discretion make an appointment or call a meeting of a Board.

102. If a parish fails to elect parish representatives or alternate parish representatives and a vacancy occurs in the parish then the appointment of a Incumbent will be at the discretion of the Bishop and no Board will be called.

### *Procedure following a vacancy*

103. If the Office of Incumbent of a Parish becomes vacant and the Parish has a right of presentation in accordance with section 100 then the Bishop:

- 10 a. must advise the parish representatives and alternate parish representatives in writing of the provisions of this Part; and
- b. may invite any clergy to indicate an interest in being appointed to the parish; and
- 15 c. may receive from the parish the names of clergy they ask the Bishop to consider for appointment to the parish.

104. Upon the Office of Incumbent of a Parish becoming vacant the Bishop may appoint a person to meet with the parish council of that Parish and other parish representatives to explain the process set out in this Ordinance and to assist with the preparation of a parish profile.

- 20 105. The parish profile must
  - a. be prepared in the manner determined by the Bishop.
  - b. be available to all members of the Board
  - c. be provided to any clergy approved by the Bishop for consideration by the parish.

- 25 106. Following completion of the parish profile
  - a. the Bishop or a person appointed by the Bishop will meet with the parish representatives and alternate parish representatives to consider any clergy approved by the Bishop.
  - 30 b. Parish representatives and alternate parish representatives may make enquiries concerning any clergy whose name is before them for consideration by personal interview, video link, telephone conference or other means as deemed appropriate.
  - c. Any expenses incurred by clergy being considered are to be met by the parish.
  - 35 d. The Bishop or any person appointed by the Bishop may meet with the Board or any member or members of the Board to discuss clergy who are being considered for the parish.

### *Meetings of the Board*

107. The Board will meet in the following manner:

- 40 a. The Bishop will summon the diocesan representatives and the parish representatives to meet at a time and place determined by the Bishop by a

notice in writing giving not less than seven (7) clear days notice of the meeting.

b. The Bishop must chair a Board if in attendance

c. The Bishop may appoint the Chair of a Board to preside in the Bishop's absence.

d. The Chair has no vote but may take part in any discussions of a Board.

e. The parish representatives may advise the meeting of the appointment board of any matters concerning the parish and the appointment of a rector.

f. At any time during the discussion the Bishop may nominate a person in writing after which only that person may be further discussed.

g. The parish representatives may request a short recess for discussion between themselves with or without the Diocesan representatives and may withdraw from the meeting for this purpose.

h. The appointment board may accept or reject the nomination made by the Bishop.

i. Any resolution of the appointment board is to be recorded in the minutes of the meeting.

108. If the person nominated by the Bishop is accepted by the appointment board the Bishop (having conducted such due diligence as appropriate including Police and Ministering with Children checks and upon being satisfied of the same) will write to the nominated person offering the parish to that person and requesting a response in writing within a period not exceeding 21 days.

109. A person who fails to respond in writing within 21 days is deemed to have declined the invitation.

#### ***Further Meetings of the Appointment Board***

110. If the nomination of the Bishop is not accepted, the person declines the invitation or fails to satisfy any due diligence or other checks then the Bishop may call up to two more meetings within 90 days.

111. The procedure to be adopted by a second and subsequent meetings of the appointment board is as set out in sections 107 to 109 of this Ordinance.

#### ***Failure of Second Meeting***

84. Where a second and **last subsequent** meetings of an appointment board fails to result in the appointment of an incumbent then the Bishop has the right to appoint an incumbent to the parish.

#### **THIS SECTION APPROVED IN PRINCIPLE**

### **PART 10 - THE APPOINTMENT OF ASSOCIATE CLERGY ASSISTANT CLERGY CHAPLAINS DEACONS AND PRIESTS IN LOCAL MINISTRY**

85. The offices created by this part are:

a. Assistant Curate

b. Associate Priest

- c. Chaplain
- d. Assistant Chaplain
- e. Residentiary Canon
- f. Minor Canon
- 5 g. Deacon in Local Ministry
- h. Priest in Local Ministry
- i. Such other office as the Bishop may approve

86. In this part, the Ministry Leader means:

- 10 a. in the case of the Cathedral, the Dean
- b. in the case of a Parish, the Incumbent
- c. in the case of a School, the Principal,
- d. in the case of another agency, the Chief Executive Officer
- e. in all other cases, a person deemed to be the Ministry Leader by the Bishop.

15 87. The Bishop may create an office covered by this part and shall in consultation with the Ministry Leader and the Deploying Body determine

- a. the duties of that office
- 20 b. the terms and conditions of remuneration for that office not inconsistent with any term and condition established by this ordinance

88. The Deploying Body shall certify to the Bishop that it supports the creation of an office in accordance with section 115 and in its opinion it will be able to meet its obligations to that office and provide any remuneration determined in accordance with section 115.

25 89. Where the office is for a Chaplain in a Diocesan School the Bishop shall appoint the Chaplain following consultation with the Principal.

90. Where the office is for a deacon in local ministry or a priest in local ministry it shall be filled in accordance with any rule determined by the Bishop.

30 91. Where an office created under this part is not a Chaplain in a Diocesan School, a deacon in local ministry or a priest in local ministry it shall be filled in the following manner:

- a. The Bishop may propose to the Ministry Leader the names of suitable persons to be appointed.
- b. The Ministry Leader may consider other names.
- 35 c. The Ministry Leader shall nominate a suitable person to be appointed the office.
- d. The Bishop may decline the nomination without giving reasons.

e. If the person nominated is accepted by the Bishop, the Bishop (having conducted such due diligence as appropriate including Police and Ministering with Children checks and upon being satisfied of the same) will write to the person inviting them to accept the appointment.

f. A person who fails to respond in writing within 21 days is deemed to have declined the invitation.

g. If the nomination is declined the Bishop or the Ministry Leader may submit further names following the procedure detailed by this section.

92. Where the office created under this part is a Residentiary Canon or a Minor Canon it shall be the right of the Dean to install that Canon.

## PART 11 - STIPEND AND ACCOMMODATION

### *Entitlement to stipend*

93. An officeholder who is occupying a stipendiary office which is stated to be such in his or her terms of appointment is entitled to receive an annual stipend of an amount which is not less than the minimum stipend approved by the Diocesan Council determined on a pro-rata basis if the appointment is less than full-time.

### *Pro-rata Basis*

94. An officeholder engaged in part-time ministry shall receive stipend, allowances and other entitlements on a pro-rata basis based on the number of days of ministry per week compared with the normal maximum number of days of ministry which for the purpose of this Ordinance is deemed to be six days.

### *Accommodation*

95. Where it is specified in the appointment of an officeholder that accommodation will be provided, the Deploying Body which provides a house of residence or other accommodation for an officeholder must

- a. keep the property in good repair
- b. ensure the property is subject to a detailed review by a person appointed by the Property Approvals Board once in every five year period.
- c. pay all rates, taxes and other recurring charges payable in respect of the property
- d. insure the property against all such risks as are included in the usual form of house owner's policy relating to buildings.

96. An officeholder who is in occupation of a house of residence or other accommodation provided in accordance with this Ordinance must

- a. permit the Deploying Body or its officers or agents to enter the property in exercise of the deploying body's rights and after giving due notice under this Part
- b. use all reasonable endeavours to keep the property and any contents of the property provided by the Deploying Body, clean and free from deterioration,

with the exception of fair wear and tear, and to keep any garden or other grounds belonging to the property in a reasonable state of upkeep;

c. notify the Deploying Body of any works of repair that may from time to time be needed to the property as soon as reasonably practicable after the officeholder becomes aware of them;

d. if required to do so by the Deploying Body, to the extent that it is not recoverable under any insurance policy, to pay the whole or part of the reasonable cost of any repairs to the property which a report of a property review authorised by the Deploying Body specifies to be necessary as the result of damage caused or aggravated by the deliberate act of the officeholder or a member of the officeholder's household residing with him or her or by a breach of the officeholder's obligations under this regulation;

e. not to use the property except as a private residence for the officeholder and his or her household and for such other purposes as may be agreed by the Deploying Body , which agreement must not be unreasonably withheld;

f. not to make any repairs, alterations or additions to the property without the consent of the Deploying Body;

g. where the property is held on a lease, to observe any term, condition or covenant binding the tenant under the lease and, in any case, indemnify the Deploying Body in respect of any breach by the officeholder or by any member of the officeholder's household living in the property of any term, condition or covenant binding on the occupier; and

h. vacate the property within the period of one month from the date on which the officeholder ceases to hold the office or on which he or she takes up a new office, whichever is sooner or within such longer period as the Deploying Body may allow and to leave the property clean and tidy and clear of all personal possessions belonging to the officeholder or any members of his or her household residing in the property.

i. In the event of a Deploying Body not acting on reports of an Occupational Health and Safety concern an officeholder shall notify the Diocesan Council, or Trustees of Church Property, or WorkCover NSW or its equivalent.

125. If an officeholder dies whilst occupying the property any member of his or her household living in the property at that time may remain in occupation for the period of three months from the date of the officeholder's death or such longer period as the Deploying Body may allow and any such person shall, for the duration of his or her occupation, be subject to the same obligations, so far as relevant, under this regulation as is the officeholder.

126.If there is any dispute about the performance of the respective obligations of the Deploying Body and the officeholder under this Part which cannot be resolved by the grievance procedures arbitrated by the Bishop or an experienced arbiter appointed by the Bishop and any decision of the Bishop or any arbiter so appointed will be final.

**THIS SECTION APPROVED IN PRINCIPLE**



## **PART 12 – SUPERANNUATION SICKNESS AND ACCIDENT INSURANCE**

127. Every officeholder in receipt of a stipend must within twenty-one days of his or her appointment advise the Diocesan Business Manager of the details of his or her superannuation fund.
- 5 128. An officeholder in receipt of a stipend may change their fund once in any calendar year unless otherwise permitted by the Diocesan Business Manager to do so more frequently.
- 129 The Diocesan Business Manager must ensure that contributions to the superannuation fund on behalf of the officeholder are remitted in the manner  
10 required by law.
130. The Diocesan Council must ensure the provision of benefit and support to officeholders in receipt of a stipend unable to undertake ministry due to sickness or accident.
- 131 The Diocesan Council must determine the level of contribution towards the  
15 superannuation and sickness and accident benefits of an officeholder in receipt of a stipend by
- a. The Diocese
  - b. The Deploying Body
  - c. The officeholder

### **20 THIS SECTION APPROVED IN PRINCIPLE**

## **PART 13 - MINISTERIAL DEVELOPMENT REVIEW, EDUCATION AND TRAINING**

### ***Ministerial development review***

- 25 132. The Bishop or a person appointed by the Bishop shall convene a Ministry Review Panel to complete a Ministerial Development Review for an officeholder within three months of that officeholder completing his or her first year in office and every successive four years while they remain in that office.
133. The Ministry Review Panel shall comprise
- 30 a. A person appointed by the Bishop
  - b. A person appointed by the officeholder
  - c. A person appointed by the deploying body
134. It is the ministerial duty of each officeholder to co-operate in any Ministerial Development Review undertaken in accordance with is Ordinance.  
35
135. The review must be undertaken in accordance with any standard review guidelines determined by the Diocesan Council with the concurrence of the Bishop.
136. The Ministry Review Panel shall forward a copy of the final report of the Ministerial Development Review to the officeholder and to the Bishop which must be signed by the  
40 officeholder and the panel.

137. The Bishop of the Diocese must make such arrangements as he or she thinks appropriate for his or her ministerial development review.

### *Continuing ministerial education*

- 5 138. Every officeholder including the Bishop of the Diocese is entitled to seven days not including a Sunday for continuing ministerial education leave in each calendar year such leave must not include training events or retreats determined by the Bishop to be compulsory events.
139. Where leave to undertake continuing ministry education is not utilized in a  
10 calendar year it will not accumulate to subsequent years.
140. An officeholder in receipt of a stipend including the Bishop of the Diocese must receive from the Deploying Body a continuing ministry education allowance of not less than an amount equal to 1% of usual gross stipend.
141. Where an officeholder is in receipt of less than the minimum stipend the  
15 entitlement to leave and to allowances must be reduced pro-rata according to the stipend received.
142. An officeholder 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.
- 20 143. An officeholder minister may be required by the Bishop to provide to the Bishop a copy of the report forwarded to the Deploying Body.
144. The Bishop may advise an Incumbency Appointment Board of the continuing ministry education undertaken by an officeholder.
145. The Bishop must make such arrangements as he or she thinks appropriate for his or  
25 her continuing ministerial education.

### **THIS SECTION APPROVED IN PRINCIPLE**

## **PART 14 - TIME OFF MINISTRY, TIME SPENT ON OTHER DUTIES AND SICKNESS**

### *Weekly rest period*

- 30 146. An officeholder including the Bishop of the Diocese is entitled to an uninterrupted rest period of not less than 24 hours in any period of seven days, but the statement of particulars of office may specify that any rest period may not be taken on or include a Sunday, Ash Wednesday, Good Friday or Christmas Day.

### 35 *Additional rest period each month*

147. An officeholder including the Bishop of the Diocese is entitled to one Monthly Leave day per month. This leave will:
- a. accrue in arrears on a calendar month basis;
  - b. be taken in the month following the month in which it accrued, or be accrued  
40 up to a maximum of 3 days in any calendar year; and

- c. may be taken as determined by the officeholder provided it is not taken on a Sunday; and
- d. where more than one Monthly Leave day is accrued, it must be taken by agreement with the Deploying Body.

## 5 *Annual leave*

148. An officeholder including the Bishop of the Diocese is entitled to annual leave from their position for a period of 28 days including four Sundays in any one calendar year. Annual leave is subject to the following conditions:

- 10 a. The Deploying Body must pay for the services of any relieving person during the Annual Leave of absence of the officeholder unless other arrangements have been approved in writing in advance by the Bishop.
- b. Annual leave must accrue on the basis of seven days for each 13 weeks of ministry.
- 15 c. Annual leave may not be taken until the weeks of service have been completed.
- d. No more than six weeks of annual leave may be accumulated by an officeholder.
- e. The officeholder must advise the Bishop in writing at least seven days prior to taking annual leave.

## 20 *Leave of Absence*

149. No officeholder may be absent from ministry in the Diocese excluding annual leave without the consent of the Bishop.

25 150. In the event of the officeholder applying to be absent from ministry in the Diocese for any period exceeding four weeks such officeholder must nominate to the Bishop a duly qualified person to exercise ministry during his or her absence. The Bishop without reason assigned may reject any nomination thus made and leave of absence must not be granted until a suitable person has been appointed or the Bishop has approved alternate arrangements.

30 151. Before any office holder is granted leave of absence in accordance with section 149 he or she must lodge with the Diocesan Business Manager and his or her Deploying Body an agreement signed by that person and by the person accepted by the Bishop as a suitable Locum Tenens and countersigned by the Bishop setting forth:-

- a. the term during which the officeholder will be absent
- 35 b. The emoluments and advantages to be enjoyed by the person accepted by the Bishop as a suitable Locum Tenens
- c. A provision that if the said officeholder fails to return from absence, upon expiration of the term for which leave of absence has been granted without the consent of the Bishop first obtained in writing, the Bishop may declare the office vacant and proceed to fill the appointment
- 40 d. A provision that if the person accepted by the Bishop as a suitable Locum Tenens must by death, resignation or the revocation of licence cease to hold the

licence of the Bishop then the Bishop may appoint a person on the terms agreed or such other terms as the Bishop may deem fit and necessary.

- e. Upon an agreement aforesaid being lodged the Diocesan Business Manager must issue to the officeholder a document granting leave of absence under the hand and seal of the Bishop.

### *Long Service Leave*

152. An officeholder entitled to long service leave may apply to the Bishop to take his or her leave from a date to be stated in his or her application.

153. The Bishop after consultation with an officeholder and the Deploying Body for the officeholder may require an officeholder entitled to long service leave to take his or her leave from such a date as the Diocesan Council with the concurrence of the Bishop must determine.

154. The officeholder must receive the stipend and allowances the officeholder would have received had they not taken long service leave.

155. The consent and the approval of the Bishop must be obtained before a member of the clergy is invited to perform duties in or for any parish institution or organisation during the absence of an officeholder on long service leave. The Bishop or a person appointed by the Bishop must approve the arrangements with that member of the clergy.

### *Maternity, paternity, parental, carers and adoption leave*

156. An officeholder must be entitled to maternity, paternity, parental and adoption leave and time off ministry to care for dependants in accordance with directions given by the Diocesan Council, and any directions given by the Council under this section must

- a. provide for the payment of his or her stipend during any such periods of leave,
- b. impose conditions on any such entitlement, and
- c. impose requirements as to the procedures for applying for any such entitlement.

### *Sickness*

157. If an officeholder who is in receipt of a stipend is unable to perform the duties of his or her office because of illness for a period of three days or longer he or she must report the absence to the Area Dean or Diocesan Business Manager who must inform the Bishop.

158. If an officeholder is absent from ministry because of illness for a continuous period of more than seven days he or she must supply the Diocesan Business Manager with a certificate signed by a qualified medical practitioner and that person must send a copy of the certificate to the Bishop.

159. An officeholder who is absent from ministry must use all reasonable endeavours to make arrangements for the duties of the office to be performed by another person during the absence.

160. The Bishop may, if he or she is satisfied that the officeholder is, by reason of illness, unable adequately to discharge the duties of his or her office, permit the officeholder to be absent from ministry for such period as the Bishop thinks appropriate and may make provision for the discharge of those duties during the period of absence of the officeholder.

### *Medical examination*

161. The Bishop may, if he or she has reasonable grounds for concern about the physical or mental health of an officeholder, direct that the officeholder must undergo a medical examination by a medical practitioner chosen by the officeholder from a panel of medical practitioners nominated by the Bishop.
162. The officeholder must comply with any direction provided by the medical practitioner appointed in accordance with section 161 to refrain from undertaking his or her ministerial duties.
163. The Bishop, the Diocesan Council or the Deploying Body may initiate ministry issues procedures in accordance with Part 16 where an officeholder is absent from ministry because of illness for a continuous period of 60 days or a total period of 90 days within a twelve month period.

### **THIS SECTION APPROVED IN PRINCIPLE**

## **PART 15 - DURATION AND TERMINATION OF APPOINTMENTS**

### *Fixed and other limited term appointments*

164. Without limiting the generality of section 228, this Part is to be read subject to that section.
165. A person who is appointed to an office created in accordance with parts 6, 7 or 9 of this Ordinance may be appointed for a fixed term in the following manner:
- a. on first appointment to that office for a period of ten years and
  - b. on being granted an extension of office for a period of five years
- provided that where the person will reach retirement age within two years subsequent to the identified end of the fixed term the Bishop may establish a fixed term based on the officeholder's retirement age
166. A person who holds or is to hold office under this Ordinance may be appointed by the Bishop for a fixed term not exceeding five years or under terms which provide for the appointment to be terminated on the occurrence of a specified event if –
- a. the office is designated as a locum ministry in order to cover an officeholder's authorised absence from ministry
  - b. the officeholder has attained the retirement age
  - c. the office is designated as a probationary office;
  - d. the office is designated as a training office,

- e. the office is created by any experimental pastoral or mission order approved by the Diocesan Council
- f. the office is created in accordance with Parts 8 or 10 of this Ordinance.

167. Where a person holds office with a limited term or in any circumstances specified in section 165 the statement of particulars of office required to be given to the officeholder in accordance with section 8 must contain the particulars of the limited term or any relevant term determined in accordance with section 165.

168. An office may be designated as a training office if the officeholder is required by the Bishop to undertake initial ministerial education.

169. An office may be designated as a probationary office if,

- a. on the date of the appointment of the officeholder to the office, the officeholder has not held any ecclesiastical office in any place during the period of twelve months immediately preceding that date
- b. the officer holder has been the subject of Ministry Issues procedures and the Board which adjudicated on the matter has recommended that any subsequent office occupied by the officeholder should be an office other than that held by the officeholder at that time
- c. the officeholder has been the subject of proceedings in accordance with the Clergy Discipline Ordinance or the Professional Standards Ordinance and has had a censure of prohibition, inhibition or suspension imposed on him or her or he or she has resigned, and appointment to the office is made on the recommendation of the bishop of the diocese with a view to facilitating his or her return to the ministry.

170. The term of office of any officeholder appointed for a fixed term or on the occurrence of a specified event will terminate on the expiry of the fixed term (unless that term is extended for a further period or periods) or on the occurrence of the specified event.

### ***Extension of term***

171. An officeholder no later than six months before reaching the retirement age or the conclusion of a fixed term may apply in writing to the Bishop seeking further appointment on a fixed term.

172. An application by a person approaching the retirement age must include a certificate from a legal qualified medical practitioner chosen by the officeholder from a panel of medical practitioners nominated by the Bishop, and such certificate must state what in the opinion of such medical practitioner is the state of health of the officeholder.

173. Where the Bishop resolves to grant an extension he or she may do so for a term not exceeding five years.

174. The Bishop may seek the advice of the Ministry Extension Board.

### ***Ministry Extension Board***

175. There is established a Ministry Extension Board.

176. In this Part, *Board* means the Ministry Extension Board.

177. The Board will comprise

a. In the case of an Incumbent

i. One person nominated by the Bishop from the persons elected to be Diocesan Representatives on the Incumbency Appointment Board appointed in accordance with Part 8.

ii. One person nominated by the Bishop from the persons elected to be Parish Representatives on the Incumbency Appointment Board appointed in accordance with Part 8; and

iii. A person in holy orders of at least ten years standing appointed by the Bishop.

iv. Two people nominated by the officeholder.

b. In the case of other appointments

i. A person in holy orders of at least ten years standing appointed by the Bishop.

ii. A lay member of the Synod appointed by the Bishop.

iii. A person representing the Deploying Body nominated by the Bishop

iv. Two people nominated by the officeholder.

178. No person whose office is being reviewed may act as a member of the Board.

## 20 *Functions of the Board*

179. (1) The Board must meet to discuss the welfare of the officeholder, the wellbeing of the office which the person exercises, strategic planning associated with the office, any matter proposed by the Bishop, any matter proposed by the office holder and any matter or matters raised by members of the Board. The Board must give specific consideration to whether

(2) The Board must undertake its work in accordance with any guidelines determined by the Diocesan Council with the concurrence of the Bishop and must determine if

a. it would be to the best interest of the Diocese, **the officeholder or the Parish** to extend or extend further as the case may be, the term of the office of the officeholder

### **a. Revd Les Forester**

b. the Bishop, Parish Council and person are agreed an extension is appropriate;

c. a specific ministry is in place requiring the person's leadership

d. there are any issues affecting the officeholder's family

e. there are any health issues affecting the officeholder

f. undue hardship may be caused if an extension is not granted

g. other extenuating or exceptional circumstances may apply.

180. The Board must work promptly and must make a recommendation to the Bishop within twenty one days of receiving an application from the Bishop.

181. The Board may recommend that the Bishop extend the office having regard to the vitality of a person's calling, the welfare of that person and the wellbeing of the office to which that person has been appointed and may recommend to the Bishop a term of appointment not exceeding five years.

182. The Bishop is not bound to accept the recommendation of the Board.

183. Where the Bishop does not grant an extension the Bishop may

a. Offer the officeholder another office

b. Provide the officeholder with financial support

184. Where the Bishop grants an extension such extension may not exceed the term recommended by the Board.

#### **THIS SECTION APPROVED IN PRINCIPLE**

### **PART 16 -MINISTRY ISSUES PROCEDURES**

185. In this part a Ministry Issue includes but is not limited to

a. where serious breakdown may have occurred in the pastoral relationship between the officeholder and those whom the officeholder ministers

b. a period of illness in accordance with section 163

c. the incapacity of the parish to provide the stipend

186. If the Bishop considers that a ministry issue has arisen which is impeding or is likely to impede the ministry of the officeholder or the area of ministry in which the officeholder ministers or the ministry of the Diocese; the Bishop may initiate the Ministry Issues Procedures.

187. If

a. The Diocesan Council

b. The Deploying Body or

c. The officeholder

considers that a ministry issue has arisen which is impeding or is likely to impede the ministry of the officeholder or the area of ministry in which the officeholder ministers or the ministry of the Diocese; that party may request that the Bishop initiate the Ministry Issues Procedures.

188. Where the Ministry Issues Procedures are commenced in accordance with section 186 or 187 the Bishop must appoint a suitably qualified person who

a. will attempt to resolve the matter by counselling and discussing the matter with the parties

b. may, if he or she deems it appropriate, refer the parties for mediation if counselling and discussion does not resolve the matter

189. Where mediation is unsuccessful or inappropriate, the Bishop must convene the Ministry Issues Review Panel.



190. The Bishop may direct the officeholder and the Deploying Body to participate in the Ministry Issues Procedures.
191. The Bishop must appoint the Ministry Issues Review Panel in the following manner:
- 5 a. The Bishop shall appoint a chairperson who must be the Convenor;
  - b. The officeholder will nominate one member to the Bishop
  - c. The Deploying Body will nominate one member to the Bishop
192. The Bishop may require the officeholder or deploying body to provide further nominations without giving any reason for declining a previous nomination.
- 10 193. (1) No person may serve on a Ministry Issues Panel if he or she considers that a reasonable observer would conclude that he or she is so closely associated with one or more to the persons involved as to be unable to give completely impartial consideration to the ministry issue.
- 15 (2) Where the Ministry Issue relates to an officeholder in parish ministry no person may serve on a Ministry Issues Panel if they currently worship or within the previous three years habitually worshipped in a church in that parish.
194. At least 1 member of the Ministry Issues Panel must be a person in holy orders of at least five years standing and who is in receipt of a stipend.
195. The Diocesan Council may select a member should the officeholder or the  
20 Deploying Body fail to nominate within 14 days of a request by the Bishop to do so.
- Proceedings of a Ministry Issues Review Panel*
196. The Ministry Issues Review Panel must meet as soon as practicable after it is constituted.
197. The chairperson must preside at meetings and must be the person to whom  
25 communications to the group may be addressed.
198. The Ministry Issues Review Panel must inform itself of the relevant facts in whatever way it considers appropriate and must not be bound by any of the rules of evidence but shall not accept hearsay, and shall make a careful distinction between fact and opinion.
- 30 199. No person is entitled to representation by counsel or solicitor or any other person, unless the Bishop or the Chairperson decides that it would be unfair to that person not to grant such representation. However, anyone who wishes to be accompanied by a support person may be accompanied by such a person, who shall have no right to speak.
- 35 200. No person has the right to cross examine any other person.
201. The Ministry Issues Review Panel must take all reasonable action to enable it to ascertain the situation affecting the officeholder, the deploying body and the area of ministry.
202. The Ministry Issues Review Panel may inform itself of relevant views and  
40 comments by written or by oral report from one or more members of the Ministry Issues Review Panel speaking with people either individually or in groups.

*Report of Ministry Issues Review Panel*

203. The Ministry Issues Review Panel must, as soon as practicable after gathering relevant material, prepare a report of fact and including a set of recommendations.

5 204. The Ministry Issues Review Panel may recommend that no action be taken with or without comments or suggestions.

205. The Ministry Issues Review Panel's report may recommend that the Bishop undertake any one or more of the following:

- 10 a. That specific courses of action be taken in the officeholder's parish, school, agency or organisation (whether or not such action is of a type specified in the succeeding paragraphs of this clause);
- b. That the officeholder's licence be withdrawn;
- c. The officeholder be asked to resign his or her licence under this Ordinance;
- d. That a fixed term be placed on the officeholder's licence;
- 15 e. That conditions be placed on the officeholder's licence;
- f. That certain named lay members of the parish be required from a specified date to stand aside from being a churchwarden or a member of parish council of the parish in question or from holding such other office or offices in the parish as may be Specified in the report for a designated period of up to three years thereafter;
- 20 g. That an officeholder be required or certain named lay persons be requested to undertake counselling;
- h. That an officeholder be required or certain named lay persons be requested to undertake training;
- 25 i. A Parish Council to undertake specified action not inconsistent with any Ordinance of Synod;
- j. That no action be taken at present but that a further meeting of the Ministry Issues Review Panel be held.
- 30 k. Without derogating from the generality of this section, the specific courses of action may include a recommendation that particular clergy do not officiate at particular services, that particular people are not put or left in charge or particular organizations in the parish, that certain organizations in the parish be disbanded, that the parish consider amalgamation or that expert advice be taken on particular issues.

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206. The report must present the view of the majority of the members of the Ministry Issues Review Panel. In the case of an equality of opinions, the view of the chairperson must prevail, provided always that no recommendation that the holder of the licence resign or lose his or her licence must be made unless all members of the Ministry  
40 Issues Review Panel concur.

207. The report must be sent to the officeholder, the deploying body and the Bishop.

208. The Bishop may undertake the action recommended by the Ministry Issues Review Panel or may take any other course of action.

**THIS SECTION APPROVED IN PRINCIPLE**

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**Part 17 – APPEALS**

209. A person who considers that

- 10       a. he or she will be treated unfairly if the Bishop accepts a recommendation of a Ministry Issues Review Panel made in accordance with section 205
- b. a Ministry Issues Review Panel has not acted in accordance with the provisions of this Ordinance
- c. Ministry Extension Board has not acted in accordance with the provisions of this Ordinance
- 15       may appeal to a Clergy Ministry Ordinance Appeals Committee.

***Notice of Intention to Appeal***

210. No appeal may be entertained by the appeal committee unless the appellants give written notice of intention to appeal to the Diocesan Business Manager within twenty one days of receiving notice of a determination by the Ministry Issues Review Panel or the Ministry Extension Board.

20

***Stay of Proceedings***

211. The lodgement of an appeal will operate as a stay of any effect of a recommendation up until 21 days after the appeal committee is constituted. The appeal committee may, for good and proper reasons extend such stay until the determination of the appeal.

25

***Evidence on Appeal***

30 212. The report of the Ministry Issues Review Panel or the Ministry Extension Board be accepted as prima facie evidence of the truth of the matters contained therein.

213. The Clergy Ministry Ordinance Appeals Committee may determine any matters of fact that it considers it needs to determine by way of rehearing as it considers appropriate without being bound by the rules of evidence.

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***Appeals Committee***

214. The Diocesan Council must appoint members of a Clergy Ministry Ordinance Appeals Committee consisting of

- 40       a. the Chancellor or his or her nominee (being a judge, former judge, or a barrister or solicitor of 10 years' standing);

- b. a person in holy orders of at least ten years standing appointed by the Diocesan Council; and
- c. 3 persons to be selected by the Diocesan Council.

5 215. An appeal from a recommendation of a Ministry Issues Review Panel or the Ministry Extension Board may be considered by the Clergy Ministry Ordinance Appeals Committee

216. (1) No person may serve on the Clergy Ministry Ordinance Appeals Committee if he or she considers that a reasonable observer would conclude that he or she is so closely  
10 associated with one or more of the persons involved as to be unable to give completely impartial consideration to the appeal.

(2) Where the Appeal relates to an officeholder in parish ministry no person may serve on the Clergy Ministry Ordinance Appeals Committee if they currently worship or within the previous three years habitually worshipped in a church in  
15 that parish.

217. Should there be more than one appeal from the recommendations of a Ministry Issues Review Panel, such appeals must be considered by the same Clergy Ministry Ordinance Appeals Committee either together or one after the other as the appeal committee in its discretion considers appropriate.

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### *Effect of Appeal Committee's findings*

218. The Clergy Ministry Ordinance Appeals Committee

- a. may affirm, vary or set aside, any recommendation of the Ministry Issues Review Panel that has been appealed against and, if appropriate, substitute  
25 other recommendations and add additional recommendations
- b. may direct a Ministry Issues Review Panel or a Ministry Extension Board to reconsider any matter
- c. may direct such other action as is reasonable to ensure that a matter relating to an officeholder is determined fairly

30 219. The decision of the Clergy Ministry Ordinance Appeals Committee must be in writing attested by the chairperson or some other member, dated and delivered to the appellants, the Bishop, the officeholder and the deploying body.

220. The Bishop may undertake the action recommended by the Clergy Ministry Ordinance Appeals Committee or may take a lesser course of action.

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## **Part 18 – ADMINISTRATIVE PROVISIONS**

221. Every Deploying Body must remit to the Diocesan Business Manager by the fifteenth day of each month such amounts as determined by the Diocesan Council in respect of each officeholder entitled to a stipend

40 a. to provide stipend continuance and other support during any period of leave arising from sickness and accident.

- b. to meet contributions towards long service determined in accordance with the Long Service Leave Canon of General Synod having force in the Diocese
- c. to meet contributions towards superannuation

222. Every officeholder in office at the commencement of this Ordinance may in writing request that the Bishop provide him or her with the statement of particulars prescribed in part 2 provided that:

- a. An officeholder may ask for a review of the statement by the Bishop
- b. Any doubt about the statement will be resolved by determination of the Bishop whose decision shall be final

## 10 **Part 19 - GENERAL**

223. The Diocesan Council shall have power and is hereby authorised to make such regulations not inconsistent with these provisions as may be necessary or expedient to control the operation of this Ordinance within the diocese provided that any regulation so made must be reported to the Synod at its next succeeding session.

15 224. Notwithstanding any other provisions of this Ordinance, if the Diocesan Council is of the opinion that special provision should be made in respect of an officeholder to ensure the officeholder is not unfairly disadvantaged, the Diocesan Council with the consent of the Bishop may in such case make such provision.

225. The Bishop and any panel or board acting in accordance with this Ordinance shall not be bound by the rules of evidence and may seek information in any way considered appropriate provided always that the rules of natural justice are observed.

226. Wherever it is practical and just, the Bishop and any panel or board acting in accordance with this Ordinance must seek to preserve confidentiality

227. Nothing in this Ordinance may be construed as implying employment or a contract for services.

228. (1) No officeholder holding office without limited tenure prior to the commencement of this Ordinance shall by virtue of this Ordinance be subject to fixed term appointment while they remain in that office.

30 (2) An officeholder holding office at the commencement of this Ordinance shall continue to hold such office according to the terms of appointment in place before the commencement of this Ordinance.

229. Persons who were Members of any Board or Committee established prior to the commencement of this Ordinance shall continue to hold office as if elected under this Ordinance until the time at which their appointments would otherwise have terminated.

### **THIS SECTION APPROVED IN PRINCIPLE**

## **PART 20 - AMENDMENT TO OTHER ORDINANCES**

40 229. The Cathedral Ordinance shall be amended in the following manner:

The Clerical Ministry Ordinance 2009

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- a. A new clause 7 shall be inserted reading: “The Dean shall be elected in accordance with the Clerical Ministry Ordinance 2009”
- 5 b. A new clause 8 shall be inserted reading: “In the case of a vacancy in the office of Dean the Bishop shall have the rights of Dean during such vacancy and until a Dean is appointed may appoint a Sub-Dean and may give the Sub-Dean such control and direction of the Services of the Cathedral and for so long a period as the Bishop may think fit.”
- 10 c. A new clause 9 shall be inserted reading “In addition the Residentiary Canons there shall be eight Honorary Canons, appointed in accordance with the Clergy Ministry Ordinance 2009”

**THIS SECTION APPROVED IN PRINCIPLE**