

## DIOCESE OF ARMIDALE

### GOVERNANCE OF THE DIOCESE ORDINANCE 2016-2023

#### Preamble and Definitions

In order to make provision for the governance and administration of the Diocese of Armidale, the Synod of the Diocese in pursuance of the powers conferred upon it ordains and rules as follows:-

1. The *Administration Ordinance 1935-1983*, the *Bishop Appointment Ordinance 1984-1999*, the *Diocesan Council Ordinance 1935-1997*, the *Membership of Synod Ordinance 1985-1998* and the *Synodal Elections Ordinance 1935-2002* are hereby repealed but such repeal shall not revive any Ordinance heretofore repealed and shall not affect the past operations thereof nor anything done or commenced nor any rights, privileges, obligations or liabilities acquired, accrued or incurred thereunder.

2. In this Ordinance, unless the context or subject matter indicates otherwise:

“**Archdeacon**” means a member of the clergy appointed by the Bishop after consultation with the senior priests in the Diocese to assist him in the administration of the Diocese;

“**Assistant Bishop**” means a priest appointed by the Bishop in accordance with the procedures set out in the *Assistant Bishops’ Canon 1966* and the concurrence of Diocesan Council;

“**Assistant Clergy**” means a member of the clergy who has been licensed by the Bishop and is either a curate or a priest;

“**Associate Clergy**” means a member of the clergy who has been licensed by the Bishop and either has previously been an Incumbent of a parish or special district or has had at least five years ordained ministry experience;

“**Bill**” is legislation emanating from the General Synod of the Anglican Church of Australia that a Diocesan Synod is required to consider, particularly if an alteration to the Constitution of the Anglican Church of Australia is to be made. (Bills to alter the Constitution require the assent of at least three-fourths of the Diocesan Synods including all the Synods of the metropolitan Sees if they are to come into effect.);

“**Bishop**” means the Bishop of Armidale;

“**Canon**” means a legislative instrument passed by the General Synod of the Anglican Church of Australia for the order and good government of the Anglican Church in Australia to which Diocesan Synods can, depending on the nature of the Canon, either give their assent or adopt;

“**Chairman of Committees**” means the person elected by the Synod to chair those parts of a Synod session as provided for in the Synod Standing Orders;

“**Chancellor**” means the person referred to in section 161 of this Ordinance;

“**Church**” means the Anglican Church of Australia of which the Diocese of Armidale is part;

“**Commissary**” means a member of the clergy appointed by the Bishop to exercise powers conferred on him by the Bishop;

“**Constitution**” means the Constitution of the Anglican Church of Australia;

**“Dean”** means the member of the clergy appointed and licensed by the Bishop to lead the Cathedral Parish;

**“Deputy Chairman of Committees”** means the person elected by the Synod to chair those parts of a Synod session as provided for in the Synod Standing Orders when required to do so by the Chairman of Committees;

**“Deputy Chancellor”** means the person referred to in section 167 of this Ordinance;

**“Diocesan Council”** means the body that oversees the affairs of the Diocese between sessions of Synod;

**“Diocesan Solicitor”** means the person referred to in section 169 of this Ordinance;

**“Diocese”** means the Diocese of Armidale;

**“Emergent Lay Synod Representative”** means a person elected by a parish or special district to represent it at a Synod session in the place of a Lay Synod Representative when that person is unable to participate in a Synod session;

**“House”** means either the members of clergy sitting or voting together during a Synod or the lay members of Synod sitting or voting together during a Synod as required by Ordinance or as requested by its members;

**“Incumbent”** means a member of the clergy holding the position of Vicar in a parish or special district of the Diocese;

**“Lay Synod Representative”** means a person elected by a parish or special district to represent it at Synod;

**“Metropolitan”** means the Archbishop of Sydney;

**“Metropolitans”** means the Archbishops of Adelaide, Brisbane, Melbourne, Perth and Sydney;

**“Metropolitan Sees”** means the Dioceses of Adelaide, Brisbane, Melbourne, Perth and Sydney;

**“Ministry Leader”** means a lay person appointed and licensed by the Bishop to oversee a special district in the Diocese;

**“Ordinance”** means legislation enacted by the Synod for the governance and good order of the Diocese;

**“Parish”** means an area of the Diocese of Armidale so designated in the *Parish Governance and Administration Ordinance 2015*;

**“President”** means the Bishop or the person chairing an Electoral Synod;

**“Province”** means the ecclesiastical entity comprising the State of New South Wales and the Australian Capital Territory;

**“Registrar”** means the person referred to in section 176 of this Ordinance;

**“Sacraments”** means baptism and Holy Communion;

**“See”** means the Diocese of Armidale;

**“Special District”** means an area of the Diocese of Armidale so designated in the *Parish Governance and Administration Ordinance 2015*;

**“Standing Orders”** means the arrangements agreed by Synod to govern its processes and procedures;

**“Synod”** means the Synod of the Diocese of Armidale;

**“Synod Secretary”** means the member of the House of Clergy and the member of the House of Laity who are elected by their respective Houses at Synod to assist with, and record, the proceedings of Synod;

**“Vicar-General”** means the member of the clergy appointed by the Bishop to discharge the responsibilities set out in this Ordinance.

### **The Diocese**

3. The Diocese consists of parishes, special districts and other ministries and is the unit of organisation, under the Bishop, for carrying out the Church’s mission and ministry within the geographical area of the Diocese and to the ends of the earth having regard, in particular, to the Great Commission as set down in Matthew 28: 18-20, and consistent with the doctrine and principles of the Anglican Church, embodied in the 39 Articles and the Book of Common Prayer, together with the form and manner of making, ordaining and consecrating Bishops, Priests and Deacons.

### **Objectives**

4. Within its sphere of mission and ministry, the Church in the Diocese, under God, seeks to realise the Diocese’s mission and vision as adopted from time to time by the Synod. In so doing it:

(a) proclaims the Gospel;

(b) provides for the worship of God through the gathering together of His people;

(c) administers the sacraments and teaches and nurtures all believers;

(d) conducts marriages between men and women according to the divine pattern as revealed in the Bible;

(e) responds to human need through loving service; and

(f) is involved in the education of children and young people within the Church and through schools affiliated with the Diocese or in the teaching of Special Religious Education.

### **The Bishop**

#### **Authority and Responsibility of the Bishop**

5. The Bishop as the overseer and shepherd (1 Timothy 3 and 1 Peter 5):

(a) provides, in a collegial manner, leadership and vision to the Church in the Diocese; and

(b) has, in addition to the functions conferred by the law of the Church, all of the authority and responsibility vested in a Bishop of a Diocese.

The Bishop’s exercise of his authority and responsibility is subject to the laws of the Church.

6. The Bishop shall exercise his episcopal authority and responsibility only after due consultation with any Assistant Bishop, the Dean, Archdeacons, other senior clergy and lay leaders or, where this Ordinance requires, after consultation with the relevant Diocesan entity and in accordance with the relevant procedures.

7. As overseer and shepherd, the Bishop's role includes:

(a) being ultimately responsible for the work of the Church in parishes, special districts and that undertaken by licensed chaplains;

(b) appointing Incumbents consistent with the terms of the *Patronage Ordinance 2013* and licensing other clergy and places for public worship;

(c) being a pastor to the clergy;

(d) having full and free access to all places licensed for public worship in the Diocese;

(e) attending and chairing, should he wish, all parish council meetings of parishes and special districts;

(f) convening and chairing, when he wishes, special general meetings of a parish or special district, or when he has acceded to a request for such a meeting from members of a parish or special district consistent with the terms of the *Parish Governance and Administration Ordinance 2015*; and

(g) overseeing the work of other Diocesan entities, consistent with the Ordinances governing them.

### **Tenure**

8. Except in the case of death while in office or deposition, the Bishop holds office, subject to the Constitution, the Canons of General Synod and the Ordinances of this Diocese, until resignation or until he attains such age of retirement as is fixed by the *Bishop Retirement Ordinance 2013*.

### **Resignation**

9. The Bishop resigns his office by writing under the Bishop's seal delivered to the Metropolitan.

10. The Bishop's resignation takes effect as provided for in the *Bishop Retirement Ordinance 2013*.

### **Removal from Office**

11. The Bishop may only be deposed from office in accordance with the Constitution and the Canons of General Synod.

12. Procedures relating to the removal of the Bishop from office on the grounds of incapacity are contained in the *Bishop (Incapacity) Canon 1995* of General Synod.

## **Convening an Electoral Synod**

13. When the See becomes vacant due to death, deposition or incapacity, or is known to be becoming vacant by virtue of the outgoing Bishop notifying his intention to the Metropolitan either to resign or to retire, the Vicar-General should seek from the Metropolitan the authority to convene an Electoral Synod within six months of the vacancy occurring as a result of death, deposition or incapacity or when the intention to resign or retire is notified to the Metropolitan.

14. Should the office of Vicar-General be vacant at that time, a Commissary should seek from the Metropolitan the authority to convene an Electoral Synod. If a Commissary has either not been appointed or is unavailable an administrator should be appointed by Diocesan Council from the other offices specified in section 18.

## **Nominations for the Office of Bishop**

15. Those nominated for election to the office of Bishop must be persons who:

- (a) have attained the age of at least 30 years;
- (b) have been baptised and confirmed;
- (c) are in Priests orders within the Anglican Church; and
- (d) accept the Christian faith which is grounded in the Bible, expressed in the 39 Articles and the Book of Common Prayer and are willing to be bound by the Diocese's *Faithfulness in Service* code, or any succeeding code of conduct.

16. Nominations for election as Bishop must:

- (a) be made in writing;
- (b) be signed by both a lay member of Synod and a member of the clergy;
- (c) contain the written consent of the nominee;
- (d) include the nominee's curriculum vitae;
- (e) contain a declaration from the nominee that he is willing to undergo a comprehensive medical examination and a professional standards check, including a police check, and to allow the results of the examination and the check to be disclosed to the members of the committee with responsibility for organising the Electoral Synod, as provided for in Schedule A to this Ordinance; and
- (f) be delivered to the Registrar no later than two months prior to the day the election proceedings are to commence.

## **Vicar-General to preside at an Electoral Synod**

17. The President of the Electoral Synod shall be the Vicar-General or, if the Vicar-General has been nominated for the office of Bishop or has nominated a person for the office of Bishop,

shall be the Commissary, or, if the Commissary has been nominated or has nominated a person for the office of Bishop, shall be the member of the clergy in full-time service in the Diocese who is then next in ecclesiastical rank in the Diocese (see section 18) and who has neither been nominated nor has nominated a person for the office of Bishop.

### **Ecclesiastical Rank of Persons in the Order of Priests**

18. The ecclesiastical rank of persons in the order of priests shall be:
- (a) any assistant Bishop;
  - (b) the Vicar-General (section 36);
  - (c) any Commissary (section 47);
  - (d) the Dean;
  - (e) the Archdeacons in order of collation as Archdeacons in the Diocese of Armidale; and
  - (f) Parish Priests in order of their ordination as a Priest in the Church.

### **Participation in an Electoral Synod**

19. All licensed clergy in the Diocese who are members of Synod at the time the Electoral Synod is convened are able to participate in its proceedings provided they have not been nominated for the office of Bishop. All lay members of Synod at the time of the Electoral Synod are able to participate in its proceedings.

### **Procedures and Voting Arrangements**

20. The procedures and the voting arrangements for the election of the Bishop are set out in Schedule A to this Ordinance.
21. Once a person has received the required majorities in the Houses of Clergy and Laity, the President of the Electoral Synod:
- (a) shall declare to the Electoral Synod the clergyman to be the Bishop-elect of Armidale;
  - (b) inform the person of the fact; and
  - (c) asks the clergyman whether he accepts the office.

### **Name of the Bishop-elect to be sent to the Metropolitan**

22. When the Bishop-elect has accepted the office, the President of the Electoral Synod is to transmit the name of the Bishop-elect to the Metropolitan.

### **The Announcement of the Election Result**

23. No member of the Electoral Synod may disclose the name of the Bishop-elect until it has been published by the President of the Electoral Synod.

24. The name of the Bishop-elect must not be published until:
- (a) the name of the Bishop-elect has been communicated to the Metropolitan and the Bishops of the Province in accordance with the provisions of the *Provincial Ordinance for the Confirmation of Bishops' Elections Ordinance 1965*; and
  - (b) if the Bishop-elect is not a Bishop of the Anglican Church of Australia, the election has been confirmed by the Metropolitan and the Bishops of the Province in accordance with the Ordinance cited in sub-section 24(a).

### **Consecration and Installation of the New Bishop**

25. Where the Bishop-elect is not a Bishop and the election has been confirmed, the Bishop-elect is to be consecrated in accordance with the *Consecration of Bishops Canon 1966* as amended by General Synod.
26. Provided he is not the Bishop-elect, the Vicar-General is responsible for taking all of the steps required to effect the consecration of the Bishop-elect. Should the Vicar-General be the Bishop-elect, the Commissary should perform this role. If a Commissary has either not been appointed or is unavailable, an administrator to undertake the role should be appointed by Diocesan Council from the other offices specified in section 18.
27. When the Bishop-elect has been consecrated (if consecration is necessary), the Bishop-elect is installed in the Cathedral.
28. The installation is to be carried out by the Metropolitan, the Vicar-General or the administrator appointed by Diocesan Council consistent with section 26.
29. The Bishop-elect must make the declaration set out in Schedule B.
30. The Bishop-elect, having been duly installed, becomes for all purposes the Bishop of Armidale and successor to the last preceding Bishop of Armidale.

### **Absence of the Bishop**

31. The Bishop must not be absent from the Diocese for a period of more than ninety (90) days without the consent of Diocesan Council.

### **Administration of the Diocese during the Absence or Incapacity of the Bishop or a Vacancy in the See**

32. The person responsible for the administration of the Diocese during the absence or incapacity of the Bishop or during a vacancy in the See is:
- (a) any Assistant Bishop;
  - (b) the Vicar-General;
  - (c) if there is no Vicar-General or the Vicar-General is not available, the Commissary appointed by the Bishop; or

(d) if no Commissary has been appointed or the Commissary is not available, the member of the clergy in full-time service in the Diocese who:

- (i) is then the next in ecclesiastical rank in the Diocese (see section 18),
- (ii) is present in the Diocese, and
- (iii) consents to do so.

33. The person responsible for the administration of the Diocese may exercise all of the powers and authorities of the Bishop that may be lawfully exercised or that are conferred on the Bishop by an Ordinance of the Diocese.

### **Conditions of Service of the Bishop**

34. Certain conditions of service of the Bishop are set out in Schedule C.

### **Other Provisions relating to the Functions of the Bishop**

35. Sections 117-121 set out the relationship between the Bishop and Diocesan Council.

### **The Vicar-General**

36. The Vicar-General is a member of the clergy who is licensed by the Bishop for service within the Diocese.

37. Where no Assistant Bishop has been appointed, the Vicar-General is appointed by the Bishop having consulted with the Diocesan Council.

38. The Vicar-General, if he is not an Assistant Bishop, ceases to hold office:

- (a) if his appointment is withdrawn by the Bishop; or
- (b) if the Vicar-General tenders a written resignation to the Bishop; or
- (c) if the Vicar-General ceases to hold office under section 39; or
- (d) if the Vicar-General ceases to be licensed by the Bishop for service within the Diocese.

39. The person, who is not an Assistant Bishop, holding the office of Vicar-General at the expiration of one year from the election of a new Bishop, is taken to have resigned on that date.

40. A person taken to have resigned under section 39 is eligible for appointment as the Vicar-General by the new Bishop.

### **Powers and Functions of the Vicar-General**

41. The Vicar-General administers the Diocese when the Bishop is absent from the Diocese or is otherwise absent from duty or during a vacancy in the See.

42. The Vicar-General may exercise the powers and perform the functions vested in the Bishop under any Ordinance of the Diocese during the absence from duty of the Bishop due to incapacity or otherwise, whether the Bishop is within or outside the Diocese.



43. The Vicar-General may exercise and perform:
- (a) such powers and functions as are delegated to the Vicar-General by the Bishop under section 44; and
  - (b) such other powers and functions as are conferred on the Vicar-General by or under an Ordinance.

### **The Bishop may delegate Matters to the Vicar-General**

44. The Bishop may delegate to the Vicar-General all or any of the powers conferred upon the Bishop by an Ordinance, other than this power of delegation.

45. Any delegation of power, provided for in section 44, must be signed in writing by the Bishop. Such delegation does not, however, prevent the Bishop from exercising any power delegated by him.

46. A delegated power exercised by the Vicar-General has, to all intents and purposes, the same effect as if it had been exercised by the Bishop.

### **Commissary**

47. The Bishop may appoint a member of the clergy, who has been licensed by him for service within the Diocese, as a Commissary.

48. The Bishop may delegate in writing to a Commissary any of the powers conferred on the Bishop by an Ordinance, other than the power of delegation, and to act on his behalf outside the Diocese.

49. A Commissary ceases to hold office:

- (a) if his appointment is withdrawn by the Bishop; or
- (b) if the Commissary tenders a written resignation to the Bishop; or
- (c) if the Commissary ceases to hold office under section 50; or
- (d) if the Commissary ceases to be licensed by the Bishop for service within the Diocese.

50. A person holding the office of Commissary at the expiration of one year from the election of a new Bishop is taken to have resigned on that date.

51. A person taken to have resigned under section 50 is eligible for appointment as a Commissary by the new Bishop.

### **The Synod**

#### **Mission and Objectives**

52. The Synod is a meeting of the Bishop, licensed clergy from parishes, special districts and chaplaincies and representatives of the laity of the Diocese:

- (a) to affirm and celebrate their common life in the Lord Jesus Christ; and
- (b) to conduct the business of the Synod which:-
  - (i) through resolutions, expresses the mind of the people of the Diocese on matters of common concern,
  - (ii) in the enacting of Ordinances and giving assent to other instruments, governs and orders the life of the Diocese, and
  - (iii) is to oversee and review the conduct of Diocesan agencies and schools and the officers of the Diocese.

### **Term of a Synod**

53. The term of a Synod is three years commencing on the first day of the first session of a Synod and concludes on the final day before the commencement of the first session of a new Synod.

54. Unless otherwise determined by the 49<sup>th</sup> Synod, section 53 shall not come into effect until this Ordinance has been assented to by the Bishop and until the first day of the first session of the 50<sup>th</sup> Synod.

### **Meeting of Synod**

55. The Synod, in the ordinary course of events, meets once in each year at a time and place determined by the Bishop, or, in the event of a vacancy in the See, by the Vicar-General having consulted with Diocesan Council. Its proceedings are to be governed by the Standing Orders set out in Schedule F to this Ordinance.

### **Membership of the Synod**

56. The Synod shall comprise the following:

- (a) the Bishop except in the case of an Electoral Synod;
- (b) any Assistant Bishop;
- (c) the Chancellor;
- (d) the Diocesan Solicitor;
- (e) the Registrar;
- (f) the Incumbents of parishes and special districts;
- (g) those clergy who are licensed as chaplains in the Diocese;
- (h) other licensed associate clergy and full-time assistant clergy;
- (i) any licensed clergy, not included in 56(a) to (h) above, who serve the Diocese in a full-time stipendiary capacity;

(j) such other persons resident in the Diocese and holding the Bishop's general licence as the Bishop may summon as members of the House of Clergy;

(k) lay representatives who have been elected to represent their parish or special district;  
and

(l) other lay representatives appointed by Diocesan Council, being two in number for each person summoned under sub-sections 56 (g), (i) and (j) with the total number of these representatives not to exceed ten (10) in number.

### **Elected Lay Representatives**

57. Each parish is entitled to elect and send two lay people to represent it at Synod. Where a parish has, at the time the Synod session is to be held, an Incumbent as well as associate clergy or full-time assistant clergy, it is able to elect and send one additional lay person for each associate and each full-time assistant clergy.

58. Should a parish be vacant at the time of a Synod session, it is only able to send more than two lay people to represent it at Synod if it has at least two associate clergy or full-time assistant clergy. In these circumstances, it is able to send either one or more additional lay persons for the second and each additional clergy person.

59. For the purposes of this Ordinance, St Mark's Chapel in the University of New England shall be treated as a parish.

60. Each special district is entitled to elect and send two lay people to represent it at Synod provided there is an Incumbent at the time the Synod session is to be held. Where a special district does not have an Incumbent it is entitled to elect and send one person to represent it at Synod.

61. Where a Special District has a licensed Ministry Leader it shall be entitled to elect and send one lay person to represent it at Synod in addition to the licensed Ministry Leader.

62. When deciding if two or more parishes or special districts are to be linked for pastoral administration, Diocesan Council shall determine the number of lay representatives to represent them at Synod.

63. In the ordinary course of events, those elected to represent a parish or special district at Synod will do so for the term of the Synod. Where, however, the number of clergy in a parish or special district declines during the term of a Synod, the number of lay representatives a parish or special district is able to send to a session of the Synod will depend on the number of clergy in a parish or special district at the time of the Synod session.

64. Upon receipt of the Bishop's mandate for the election of lay representatives, or the Vicar-General's mandate should the Bishop be absent from the Diocese or the See is vacant, the Incumbent, Ministry Leader or, in the absence of an Incumbent or Ministry Leader, the Regional Archdeacon shall put in place the arrangements for the election of the lay representative or representatives.

65. The Bishop's mandate, or Vicar-General's mandate, is to specify the last possible date an electoral meeting can be held and the date by which the Registrar is to be notified of those elected by a parish or special district to represent it at Synod over the following three years.

66. No less than thirty (30) days' notice is to be given by the Incumbent, Ministry Leader or Regional Archdeacon of a meeting of the parish or special district to elect its representative or representatives to Synod.

67. Desirably, nominations for election as parish or special district lay representative or representatives should be received no later than one week prior to the meeting by the Incumbent, or in the event of a vacancy, the church wardens. This does not preclude, however, nominations being received up until 24 hours before the electoral meeting commences. Each nomination is to be signed by two people eligible to vote in the election and contain the consent and declaration of the nominee (see Schedule D).

68. If not more than the number specified in the Bishop's mandate, or in the Bishop's absence or a vacancy in the See the Vicar-General's mandate, are nominated the Incumbent, Ministry Leader or the Regional Archdeacon shall inform the Registrar of those nominated to represent the parish or special district at Synod.

69. In the event that an election is required, those eligible to participate in the election:

(a) are parishioners (as defined in the *Parish Governance and Administration Ordinance 2015*);

(b) are not less than 18 years of age;

(c) have primarily and usually, during the past three months, attended services of public worship at the church building of the parish or special district or other place duly licensed for divine service within the parish or special district or as part of an associated congregation of the parish or special district;

(d) do not claim to be a parishioner of any other parish or special district of the Anglican Church of Australia; and

(e) have not voted at a general meeting of parishioners of any other parish or special district of the Anglican Church of Australia within the past three months and do not intend to vote at a general meeting of parishioners of any other parish or special district of the Anglican Church of Australia within the next three months.

70. The Incumbent, Ministry Leader or, if present, the Regional Archdeacon shall preside at the electoral meeting provided at least six people eligible to vote are present. Those wishing to vote must sign the declaration at Schedule E.

71. In the case of an election the following is to apply:

(a) voting is to be conducted by secret ballot with the surnames of those nominated placed on the ballot paper in alphabetical order;

(b) each person entitled to take part in the meeting is not able to vote for more than the number of representatives to be elected;

(c) the nominee who obtains the highest number of votes is, or the nominees who obtain the higher or highest number of votes are, elected; and

(d) if, in respect of the last vacancy to be filled, two or more nominees each obtain an equal number of votes, the election is to be determined on the casting vote of the chair.

72. In conducting any secret ballot:

(a) proxies are not permitted; and

(b) there are to be at least two scrutineers appointed by the meeting, being persons not standing for election.

73. Any lay representative may resign their position on Synod by informing the Bishop in writing of their intention to do so.

74. Any lay representative who has been absent from Synod for an entire session without the leave of Synod may have their position declared vacant by Diocesan Council.

75. Any lay representative who ceases to be a member of the Anglican Church of Australia shall be deemed to have forfeited their position and their position on Synod is thereby vacant.

76. The position of a lay representative also becomes vacant if the representative:

(a) dies;

(b) is declared by a court or tribunal as being incompetent by virtue of incapacity to manage his or her own affairs;

(c) is convicted of an indictable offence in any court and sentenced to a term of imprisonment for more than seven days; or

(d) is convicted of a disqualifying offence listed in the *Child Protection (Working with Children) Act 2012*, or any succeeding Act.

### **Emergent Lay Representatives**

77. When a parish or special district is seeking nominations for lay representatives to Synod it may also seek nominations for those willing to serve as parish or special district emergent lay representatives.

78. The number of emergent lay representatives is equal to the number of lay representatives a parish or special district is able to have represent it, as provided for in sections 57, 58, 59, 60 and 61.

79. As with nominations for election as parish or special district lay representative or representatives, desirably nominations for emergent lay representatives should be received no

later than one week prior to the electoral meeting. This does not preclude, however, nominations being received up until 24 hours before the electoral meeting commences. Each nomination is to be signed by two people eligible to vote in the election and contain the consent and declaration of the nominee as provided for in section 67.

80. If not more than the number of lay representatives specified in the Bishop's mandate, or should the Bishop be absent or in the case of a vacancy in the See the Vicar-General's mandate, are nominated the Incumbent, Ministry Leader or the Regional Archdeacon shall inform the Registrar of those nominated to represent the parish or special district at Synod as emergent lay representatives.

81. Should an election be required to elect an emergent lay representative from a parish or special district, the same arrangements as provided for in sections 71 and 72 should apply and ordinarily be held in conjunction with the Annual General Meeting of a parish or special district.

82. In the event that a vacancy occurs where a parish or special district does not have an emergent lay representative immediately to fill the vacancy, it should commence a process to ensure that it has a full complement of lay representatives to represent it at Synod. The arrangements should be the same as provided for in sections 66 and 67. Should time not permit an election to be held, a parish council may appoint a lay person to represent the parish or special district as an emergent lay representative for the remaining term of the Synod.

83. Where an election is not required the procedure provided for under section 68 should apply.

84. Where an election is required the arrangements set out in sections 69, 70, 71 and 72 should apply.

### **Synod President**

85. The President of Synod is:

(a) the Bishop;

(b) where the Bishop is absent from the Synod, the Vicar-General; or

(c) if the Bishop and the Vicar-General are both absent from Synod, the Commissary.

86. The President shall not vote on any question or matter arising during a sitting of Synod.

87. Section 86 does not affect the power of the President, in accordance with the Standing Orders of Synod, to appoint a Synod member to act in his place during any temporary absence of the President from a sitting of the Synod.

### **Appointment of the Chairman of Committees and the Secretaries of Synod**

88. Consistent with the Standing Orders, at the beginning of the first session of each Synod, Synod shall elect a Chairman of Committees and a Deputy Chairman of Committees and the

House of Clergy a clergyperson to be the Clergy Secretary of Synod and the House of Laity a lay representative to be the Lay Secretary of Synod for the duration of the Synod.

89. Should any of these positions become vacant during a Synod, the required election shall be held at the opening of the next session.

### **Procedures of Synod**

90. The procedures of Synod and the conduct of business by Synod shall be in accordance with the rules made by Synod.

### **Assent by Bishop to Ordinances**

91. An Ordinance passed by Synod does not take effect unless the Bishop has assented to the Ordinance within one month after it has been passed.

### **Members of Synod to sign Attendance Book**

92. Each member of Synod must, at some time during each session of Synod, enter his or her name in an attendance book kept for that purpose.

93. A member whose name is not so entered in the attendance book is presumed, unless it is otherwise shown, to have been absent from Synod during the whole of that session.

### **Record to be kept of Ordinances and Rules made by Synod**

94. The Registrar shall maintain a register of all Ordinances passed by the Synod.

95. The register shall comprise a printed or written copy of each Ordinance which shall be:

(a) certified, as appropriate, by the Chairman of Committees or the Deputy Chairman of Committees as having been passed by the Synod; and

(b) when assented to by the Bishop, signed by the Bishop as having received his assent.

### **Synod to make Standing Orders**

96. The Synod is empowered to make orders for the conduct of its business, to be called the Standing Orders of Synod.

### **Election of Diocesan Representatives to General Synod and Provincial Synod**

97. The election of the clerical and lay representatives to the General Synod and to the Provincial Synod must take place during the first session of each Synod.

98. Only persons who are and who continue to be members of Synod may be elected or appointed as representatives to the General Synod or the Provincial Synod and may continue to be such representatives.

## **Casual Vacancies in the Office of General Synod or Provincial Synod Representative**

99. If:

(a) the number of clerical or lay persons elected as representatives to the General Synod or the Provincial Synod is less than the number required to be elected; or

(b) a clerical or lay person elected as a representative is unable to attend any session of the Synod to which he or she is elected,

Diocesan Council may appoint a clerical or lay member, as the case may require, as an acting representative.

## **Conduct of Elections in Synod**

100. Elections to offices to be filled by Synod under this or any other Ordinance are to be held in accordance with the provisions of the Standing Orders of Synod.

## **Observers at Synod**

101. The meeting of the Synod shall be open to the public, who shall have access to the visitors' seats; but at the request of three members, the President, shall, at any time, order visitors to withdraw.

102. Where an observer accompanies a lay representative from a special district that is without an Incumbent or licensed Ministry Leader to a Synod session, that person is able to sit on the floor of Synod for the duration of a session but is unable to vote.

## **Diocesan Council**

### **Responsibilities**

103. Diocesan Council is responsible to Synod for:

(a) overseeing the implementation of the mission and vision of the Diocese as adopted by Synod from time to time;

(b) ensuring the well-being of parishes, special districts and other ministries of the Diocese;

(c) superintending the administrative, financial, legal and property affairs of the Diocese between Synods;

(d) preparing legislation for Synod to consider;

(e) overseeing the operations of Diocesan agencies and bodies; and

(f) obtaining, and having possession of, all requisite deeds and declarations of trust in connection with church lands throughout the Diocese.



### **Composition of Diocesan Council**

104. Diocesan Council shall comprise:

- (a) the Bishop;
- (b) any Assistant Bishop;
- (c) the Vicar-General;
- (d) the Dean;
- (e) the Archdeacons;
- (f) the Chancellor;
- (g) the Diocesan Solicitor;
- (h) the Chairman of Committees;
- (i) the Registrar;
- (j) four clerical and four lay persons elected by the Synod; and
- (k) up to a further two clerical and two lay persons who are members of Synod appointed by the Bishop.

105. Subject to section 109, the appointed members and the elected members of Diocesan Council shall hold office from the date of their appointment or election until the last day of the first session of the next Synod.

### **Election of Members of Diocesan Council**

106. An election for the clerical and lay members of Diocesan Council shall be held during the first session of each Synod.

107. Where a vacancy occurs in the office of an elected member, an election to fill that vacancy shall be held at the next session of Synod.

108. Where a vacancy occurs in the office of an elected member, Diocesan Council may appoint temporarily a member of the clergy or a member of the laity, as the case may be, to fill the vacancy until the next session of Synod.

### **Termination of Membership of Diocesan Council**

109. As Diocesan Council is also the Standing Committee of the Synod exercising legislative powers delegated by the Synod, a person may not become or remain a member of Diocesan Council unless that person is and remains a member of Synod.

110. A clergy member of Diocesan Council ceases to be a member if he or she becomes ineligible to be summoned to Synod.

111. A lay member of Diocesan Council ceases to be a member if he or she ceases to be a member of Synod.
112. A member of Diocesan Council ceases to be a member if he or she ceases to be a member of the Church.
113. A member of Diocesan Council appointed by the Bishop may be removed at any time by the Bishop and another person appointed in the place of the member so removed.
114. A member of Diocesan Council elected by the Synod may be removed by a resolution of the Synod.
115. An elected or appointed member of Diocesan Council:
- (a) may resign in writing to the Bishop, or the Vicar-General when the Bishop is on leave, absent from the See or there is a vacancy in the See, and the resignation takes effect when it is received by the Bishop or the Vicar-General; or
  - (b) ceases to be a member of Diocesan Council if that person is absent from three consecutive meetings of Diocesan Council without Diocesan Council's leave.
116. A person who is a member of Diocesan Council by virtue of holding an office ceases to be a member of Diocesan Council when the person ceases to hold that office.

### **Relationship between the Bishop and Diocesan Council**

117. The Bishop presides at the meetings of Diocesan Council or, should the Bishop be on leave, absent from the See or where there is a vacancy in the See, the Vicar-General should preside.
118. A decision of Diocesan Council does not take effect unless the Bishop agrees to the decision, or, should the Bishop be on leave, absent from the See or where there is a vacancy in the See, the Vicar-General.
119. The Bishop or Vicar-General, should the Bishop be on leave, absent from the See or where there is a vacancy in the See, may not act in any matter that involves:
- (a) the disposal or management of property; or
  - (b) the expenditure of money, other than money in respect of which the Bishop has sole discretion as to its application,
- unless the action is in accordance with a decision of Diocesan Council or provision has been made in the Diocesan budget.
120. Section 119(b) does not apply where urgent action is required and it is impracticable to obtain the formal agreement of Diocesan Council.

121. Where, in accordance with section 120, the Bishop or Vicar-General has taken action as a matter of urgency without first obtaining the agreement of Diocesan Council, the Bishop or Vicar-General must, as soon as practicable thereafter, report the action to Diocesan Council members.

### **Accountability**

122. Diocesan Council must report to each ordinary annual session of Synod.

123. The report must include the audited financial statements of the Diocese for the preceding financial year and an estimate of the financial outcomes for the Diocese in the current financial year consistent with the responsibilities of Diocesan Council.

### **Diocesan Council Procedures**

124. Meetings of Diocesan Council are to be convened by the Registrar at the request of the Bishop or, should the Bishop be on leave, absent from the See or where there is a vacancy in the See, the Vicar-General or a quorum of Diocesan Council.

125. Diocesan Council shall meet at least four times each year.

126. A quorum of Diocesan Council consists of three clerical members other than the Bishop or the Vicar-General, should the Bishop be on leave, absent from the See or where there is a vacancy in the See, and three members who are lay people.

127. The Bishop will usually preside at Diocesan Council meetings at which he is present.

128. In the absence of the Bishop from a meeting or part of a meeting, the Vicar-General or a member of Diocesan Council designated by the Bishop shall preside. When the See is vacant, and the Vicar-General is not able to participate in a meeting, the Vicar-General shall designate a member of Diocesan Council to preside. In these circumstances, a decision of Diocesan Council shall not take effect until the Vicar-General has given his consent consistent with section 118.

129. The procedures to be followed at meetings of Diocesan Council are a matter for the Diocesan Council.

130. The simultaneous linking together by telephone or other electronic means of Diocesan Council members shall constitute a meeting of Diocesan Council provided each member has a reasonable opportunity to participate in the meeting.

131. A member who takes part in a meeting by telephone or other electronic means is taken to be present in person at the meeting.

132. A meeting by telephone or other electronic means is taken as held at the place decided by the Bishop, or in his absence or a vacancy in the See by the Vicar-General, as long as one of the members involved was at that place for the duration of the meeting.

133. A vote of Diocesan Council members otherwise than at a meeting of Diocesan Council may be taken by mail, facsimile transmission, electronic mail, telephone or other means of communication.

134. A resolution on which a vote is taken in accordance with section 133 is taken to have been agreed to by Diocesan Council if a majority of members votes in favour of the resolution and the Bishop gives his assent, or should the Bishop be on leave, absent from the See or where there is a vacancy in the See, the Vicar-General.

135. Where a vote is taken in accordance with section 133 the Registrar is to record the vote of each member who votes.

### **Diocesan Council Committees and Other Groups**

136. Diocesan Council may appoint such committees and other groups as considered necessary to assist it in the discharge of its responsibilities.

137. Diocesan Council may delegate any portion of its powers and duties to such committees and other groups, but the powers so delegated are to be strictly specified, and can be revoked by Diocesan Council at any time.

### **Appointment of an Auditor**

138. At its first meeting after the conclusion of a session of Synod, Diocesan Council shall appoint an Auditor to audit the Diocese's accounts for the current financial year and report to Synod at its next ordinary session.

## **Assistant Bishop**

### **The Office of an Assistant Bishop**

139. The Bishop may appoint an Assistant Bishop.

### **Stipend and Other Emoluments**

140. The stipend and other emoluments of an Assistant Bishop are to be determined by Diocesan Council.

141. Where the Assistant Bishop holds, or is appointed to, another office in the Diocese, or is appointed as the vicar of a parish or special district under the *Parish Governance and Administration Ordinance 2015*, the stipend and other emoluments of that office or appointment form part of the stipend and emoluments of his office as Assistant Bishop.

### **Procedures for the Appointment of an Assistant Bishop**

142. The appointment of an Assistant Bishop shall be made by the Bishop with the concurrence of Diocesan Council after the Bishop has assured Diocesan Council the person accepts the Christian faith as grounded in the Bible, expressed in the 39 Articles and the Book of Common Prayer and is willing to be bound by the Diocese's *Faithfulness in Service* code, or any succeeding code of conduct.

143. Before making any such appointment, the Bishop shall notify the Primate of his intention to make the appointment and inform the Primate of the stipend to be provided to the occupant of the office.

144. 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.

### **Qualifications for Consecration as Bishop**

145. No priest appointed to the office of Assistant Bishop shall be consecrated unless the appointment has been confirmed as to the canonical fitness of the appointee by three or more Diocesan Bishops in the Province.

146. If three or more Diocesan Bishops in the Province confirm the canonical fitness of the appointee, the confirmation of the appointment shall be duly certified under the hand and seal of the Metropolitan.

147. If the appointee is at the time of appointment a Bishop of the Church, the appointment shall not require to be confirmed.

148. In sections 145 and 146 “canonical fitness” means that the person:

- (a) has attained at least 30 years of age;
- (b) has been baptised and confirmed; and
- (c) is in Priest’s orders within the Anglican Church.

### **Licence and Tenure of an Assistant Bishop**

149. The Assistant Bishop shall be licensed by the Bishop and shall exercise the office of Vicar-General and undertake such other work and perform such episcopal acts as may be required or permitted by the Bishop.

150. The Assistant Bishop shall continue in office notwithstanding a vacancy in the See.

151. No Assistant Bishop shall be appointed with a right of succession to the See.

152. A person holding office as the Assistant Bishop may resign from the office by giving notice to the Bishop in writing or retire at the age provided for in the *Bishop Retirement Ordinance 2013*. They may, however, be deposed from office in accordance with the Constitution and the Canons of General Synod or be removed from office on the grounds of incapacity consistent with the *Bishop (Incapacity) Canon 1995* of General Synod.

## **Archdeacons**

### **Appointment of Archdeacons**

153. The Bishop, having consulted with senior priests within the Diocese, is able to appoint priests as Archdeacons for the purpose of assisting the Bishop in the administration of the Diocese.

154. The Bishop may appoint an Archdeacon to exercise, on his behalf:

(a) functions within a region of the Diocese; or

(b) functions throughout the Diocese in respect of particular matters.

155. The functions to be performed by an Archdeacon shall be specified by the Bishop in the licence given to the Archdeacon.

### **Duration of an Archdeacon's Appointment**

156. An Archdeacon holds office at the pleasure of the Bishop who made the appointment.

157. An Archdeacon may resign in writing to the Bishop, or the Vicar-General when there is a vacancy in the See, and the resignation takes effect when it is received by the Bishop or the Vicar-General.

158. The Bishop may, at his discretion, revoke the appointment of an Archdeacon.

159. The persons holding office as Archdeacons at the expiration of one year from the election of a new Bishop are taken to have resigned on that date.

160. A person taken to have resigned under section 159 is eligible for appointment as an Archdeacon by the new Bishop.

## **The Chancellor**

### **Office of Chancellor**

161. The Chancellor:

(a) is the principal confidential adviser to the Bishop in legal and related matters;

(b) subject to the officeholder's overriding duty to the Bishop, may provide advice to the Synod, the Diocesan Council and other agencies of the Diocese;

(c) may preside in a Diocesan tribunal, if appointed to do so by the Bishop pursuant to section 54(1) of the Constitution of the Anglican Church of Australia; and

(d) has such other powers, duties and responsibilities and holds such other positions as may be prescribed by the Constitution of the Anglican Church of Australia, Canons or Ordinances.

## Qualifications

162. A person to be appointed as Chancellor:

- (a) shall be a communicant member of the Anglican Church of Australia, accepts the Christian faith which is grounded in the Bible, expressed in the 39 Articles and the Book of Common Prayer, and is willing to be bound by the Diocese's *Faithfulness in Service* code, or any succeeding code of conduct; and
- (b) shall be or shall have been:-
  - (i) a justice or judge in an Australian court, or
  - (ii) a barrister or solicitor of at least ten (10) years standing in a state or territory Supreme Court, or
  - (iii) a graduate in law and a teacher of law of at least ten (10) years standing as such holding the position of senior lecturer or above in law at an Australian university.

163. When making the appointment, the Bishop should, wherever possible, be satisfied that the person to be appointed has a sound working knowledge of the law and the polity of the Anglican Church of Australia.

## Appointment and Tenure

164. Whenever a vacancy occurs, a Chancellor shall be appointed by the Bishop and the appointment shall be under seal in the form contained in the Schedule to the *Chancellors Canon 2001*.

165. A Chancellor ceases to hold office at the end of the period for which he or she has been appointed or at the end of one year from the election of a new Bishop, whichever occurs first, unless appointed to the position of Chancellor by the new Bishop within that period.

166. Notwithstanding the provisions of section 165, a Chancellor:

- (a) may resign the office by notice in writing to the Bishop; and
- (b) may be removed from office by the Bishop.

## Deputy Chancellor

167. The Bishop may appoint a Deputy Chancellor, either as a continuing office or to act in the absence of the Chancellor or during a vacancy in the office of Chancellor. Sections 162, 165 and 166 shall apply to a Deputy Chancellor.

## Oath and Declaration

168. The Chancellor and a person appointed to act as Deputy Chancellor, before that person enters upon the execution of the office, is required to take and subscribe before the Bishop or a person nominated by the Bishop entitled to administer an oath, the following oath:

**“I, AB, do swear that I will, to the utmost of my understanding, in all things deal uprightly and justly in my office: So help me God”.**

## **Diocesan Solicitor**

### **Appointment of a Diocesan Solicitor**

169. Diocesan Council on the nomination of the Bishop shall appoint a Diocesan Solicitor to advise and act on behalf of the Diocese in relation to legal matters.

### **Qualifications**

170. A person nominated for appointment:

- (a) shall be a communicant member of the Anglican Church of Australia, accepts the Christian faith which is grounded in the Bible, expressed in the 39 Articles and the Book of Common Prayer, and is willing to be bound by the Diocese's *Faithfulness in Service* code, or any succeeding code of conduct; and
- (b) shall be a solicitor of at least seven (7) years standing of the Supreme Court of a state or territory.

### **Duration of the Diocesan Solicitor's Appointment**

171. The Diocesan Solicitor holds office at the pleasure of Diocesan Council.

172. The Diocesan Solicitor may resign in writing to the Bishop, or the Vicar-General when the Bishop is on leave, absent from the See or there is a vacancy in the See, and the resignation takes effect when it is received by the Bishop or the Vicar-General.

173. Diocesan Council may, on the nomination of the Bishop, revoke the appointment of the Diocesan Solicitor.

174. The person holding the office of Diocesan Solicitor at the expiration of one year from the election of a new Bishop is taken to have resigned from that date.

175. A person taken to have resigned under section 174 is eligible to be nominated to Diocesan Council for appointment as the Diocesan Solicitor by the new Bishop.

## **Registrar**

### **Appointment of the Registrar**

176. Diocesan Council, on the nomination of the Bishop, shall appoint a communicant member of the Anglican Church of Australia, who accepts the Christian faith which is grounded in the Bible, expressed in the 39 Articles and the Book of Common Prayer, and is willing to be bound by the Diocese's *Faithfulness in Service* code, or any succeeding code of conduct, as the Registrar of the Diocese.

### **The Registrar's Responsibilities**

177. The Registrar's responsibilities are to include:

- (a) managing the work of the Diocesan Registry;



- (b) subject to the approval of Diocesan Council, appointing staff to the Registry;
- (c) as provided for elsewhere in this Ordinance, participating in the deliberations of the Synod and Diocesan Council;
- (d) undertaking work requested by the Bishop or Diocesan Council and participating, as required, in the work of such committees and other groups as considered necessary to assist Synod or Diocesan Council in the discharge of their responsibilities; and
- (e) ensuring that all monies received by the Diocese are appropriately recorded and, when necessary, banked, and all payments in cash, by cheque or electronic means are duly authorised.

### **Duration of the Registrar's Appointment**

178. The Registrar holds office at the pleasure of Diocesan Council.

179. The Registrar may resign in writing to the Bishop, or the Vicar-General when the Bishop is on leave, absent from the See or there is a vacancy in the See, and the resignation takes effect from the date specified in the Registrar's letter.

180. Diocesan Council may, on the nomination of the Bishop, revoke the appointment of the Registrar.

181. The person holding the Registrar's position at the expiration of one year from the election of a new Bishop is taken to have resigned from that date.

182. A person taken to have resigned under section 181 is eligible to be nominated to Diocesan Council for appointment as the Registrar by the new Bishop.

## **SCHEDULE A**

### **PROCEDURES AND VOTING ARRANGEMENTS FOR THE ELECTION OF A BISHOP**

#### **Vacancy in the See**

1. Where a vacancy in the See occurs as a result of death, deposition, resignation, retirement or incapacity the Vicar-General or the Commissary shall within 14 days forward a request in writing to the Metropolitan to issue a mandate to the Vicar-General or the Commissary to summon an Electoral Session of the Synod to fill the vacancy.
2. As soon as practicable after notice of a vacancy has been received, the Vicar-General or the Commissary shall inform the members of Synod of the fact and the procedures under this Ordinance for the election of a Bishop.
3. Upon receipt of the mandate, the Vicar-General or the Commissary shall summon members at not more than six months' notice to an Electoral Session of Synod to be held at such date and place as the Vicar-General or Commissary decides.

#### **Nomination and Associated Arrangements**

4. The nomination and chairing arrangements for the Electoral Session of the Synod are set out in sections 15, 16 and 17 of this Ordinance.
5. All nominations shall be delivered to the Registrar of the Diocese not less than two months prior to the first sitting day of the Electoral Session of the Synod and if such Electoral Session be adjourned, not less than thirty days prior to each of any subsequent sitting day of the Electoral Session. Each nomination is to include the information specified in section 16 of this Ordinance.
6. Prior to each sitting of the Electoral Session of the Synod, a committee consisting of the Senior Clergyman to preside at the Electoral Session, the Registrar, the Diocesan Solicitor, the Archdeacons where they have not been nominated to fill the vacancy and the lay members of the Diocesan Council shall prepare an alphabetical list of nominees together with uniformly presented information that should be available to Synod members one month before the first sitting of the Electoral Session of the Synod. Similar information should be provided no less than 14 days before any further sitting of the Electoral Session.
7. Where it is considered necessary, the aforementioned committee may interview those who have been nominated to fill the vacancy in a manner that fairly and equally presents them to the Electoral Session of the Synod. The Synod may subsequently direct further action on the part of the committee to assist in its deliberations.

## **Electoral Session Procedures**

8. At each sitting of the Electoral Session:
  - (a) each member of Synod should enter his or her name in an attendance book before the formal commencement of the sitting of the Electoral Session, as well as prior to any subsequent sitting; and
  - (b) the Senior Clergyman shall present a charge to the Synod on the importance of the Bishop's office.
  
9. At the Electoral Session of the Synod:
  - (a) the Senior Clergyman shall ask the Registrar to read the names of the persons who have been nominated;
  
  - (b) if a nominee is a member of Synod he shall, when his name is called, withdraw from the meeting place. Where a member has withdrawn, he shall not be re-admitted to the meeting place until such time as his name is no longer being considered;
  
  - (c) the Synod may thereupon adjourn for such period of time as may be required for the holding of an informal conference behind closed doors to consider the nominations received;
  
  - (d) whether one or more nominations are received, the Synod shall then proceed to vote by Houses and each member of Synod shall vote for one name only at each ballot. No person so nominated shall be deemed to be elected until a majority of votes in each of the Houses then present and voting shall have been given for him at one ballot;
  
  - (e) if the required majority is not achieved on the first ballot for any person nominated, a second and, if necessary, a third ballot shall be conducted. But when there are more than five nominations, no person who fails to obtain a fraction of the votes which is the inverse of the number of candidates of the votes of each House when present and voting shall participate again in the election unless as hereafter provided. And when there are five or less nominations being balloted, no person who fails to obtain one-fifth of the votes of each House when present and voting shall participate in a further round of voting unless again nominated as hereafter provided; and
  
  - (f) should it occur at the conclusion of the first or second ballot to elect a Bishop that there is no election and that there is no person or persons nominated to proceed to a further vote given the terms of (e) above, Synod may adjourn for not less than one hour and on the same day then proceed to accept such nominations of persons who have previously been nominated to that session of the Synod. Voting shall then proceed as hereinbefore provided. No more than four ballots to elect a Bishop shall be held at any one sitting of the Electoral Session of the Synod unless the Synod, by resolution receiving affirmation by not less than two-thirds of the total votes respectively cast for each House, shall authorise each further ballot after the fourth ballot.

10. Should the foregoing arrangements not result in the election of a Bishop:
  - (a) the Senior Clergyman previously mentioned shall summon another sitting of the Electoral Session of the Synod up to two months hence and take advice from the Synod as to the date of meeting. The procedure of nomination and election shall start again as provided for in this Ordinance; and
  - (b) the Electoral Synod at the end of the third sitting, and at the end of any sitting subsequent to such third sitting, shall vote by Houses as to whether such sitting should take a ballot as one House on a preferential system on such nominations of persons previously nominated as may then be made to the Electoral Session of the Synod and the person so elected is the Bishop elect.

### **Post-Election Procedures**

11. When any person has been duly elected, and his consent obtained, the Vicar-General, or the person presiding at the Electoral Synod, shall transmit the name of such person, together with the certificate of his election, to the Metropolitan.
12. The certificate of election shall be along the following lines:

Whereas the Reverend (or Right Reverend, Very Reverend or Venerable) has been elected by the Synod to be the Bishop of this Diocese, subject to the confirmation of the Metropolitan and Bishops of the Province of New South Wales: Notice is hereby given that if any of you know any just cause or impediment why he should not be admitted to that sacred office, you are in writing to declare the same to the Metropolitan within one week from this date, at the same time undertaking to appear personally before the Metropolitan and Bishops in support of such objection at such time and place as the Metropolitan may determine. And every such declaration shall be signed by the person or persons making it, as well as countersigned by two adult communicants of the Church as witnesses to the good character of such person or persons. And before such objection or objections shall be entertained, the Metropolitan shall take security for costs from the objector or objectors as he may deem fit.

13. When any election by reasons of refusal of acceptance, death, or incapacity shall be declared by the Metropolitan to be of no effect, the Synod shall proceed as previously prescribed.
14. All questions in relation to the validity of any proceedings in the election of a Bishop shall be submitted to the Metropolitan before the person appointed is consecrated or translated, and the Metropolitan shall decide thereon. After consecration or translation no objection shall be admitted.

## **SCHEDULE B**

### **DECLARATION TO BE MADE BY THE BISHOP-ELECT**

I (full name) do solemnly and sincerely declare my assent to be bound by the Constitution of the Anglican Church of Australia and the constitution of the Province of New South Wales 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 Provincial Synod which have force in this Diocese.

## **SCHEDULE C**

### **THE BISHOP'S CONDITIONS OF SERVICE**

#### **Bishop's Residence**

1. The Corporate Trustees of the Diocese of Armidale shall provide and maintain a home for the Bishop out of the Bishopric Endowment Fund and, should that be insufficient, out of the general funds of the Diocese.

#### **Leave**

2. The Bishop is entitled to four weeks annual leave per year. On resigning or retiring, the Bishop is able to take the leave he has accrued and not taken, or may instead be paid in full for the leave he has accrued but not taken. The intention is for annual leave to be taken annually, however if the Bishop has more than ten weeks annual leave accumulated, then the Diocesan Council will be able to instruct the Bishop to take annual leave in order to reduce the owed annual leave to less than eight weeks.
3. Special arrangements can be made with Diocesan Council for the Bishop to take an additional two weeks leave a year for refreshment and/or study purposes. Such leave is not cumulative and may be taken in one or a series of segments before 31 December each year.

#### **Other Conditions of Service**

4. The Bishop's other conditions of service, including stipend and allowances, shall be determined by Diocesan Council.

**SCHEDULE D**  
**FORM OF NOMINATION**

We, the undersigned, hereby nominate.....  
as a fit and proper and duly qualified person, who is willing to serve on Synod as a Lay Representative of the Parish or Special District of .....; and we, the undersigned, hereby severally declare ourselves to be members of the Anglican Church of Australia above the age of 18 years, and being accustomed members of a congregation, within the said electoral district.

Signatures of the two nominating electors

Date:

**CONSENT AND DECLARATION OF NOMINEE**

I, the said.....above nominated, do hereby signify my consent to such nomination, I declare myself a Lay Representative of the full age of 18 years and a member of the Anglican Church of Australia. And I do declare my submission to the authority of the Synod of the Diocese of Armidale, and the Provincial Synod of the Anglican Church of Australia in the State of New South Wales, established by or by virtue or in pursuance of the Constitutions for the management and good government of the said Church expressed in the Provincial Synod of 1895 and contained in the Schedule to the Anglican Church of Australia Act 1961, and my consent to be bound by all the provisions of the Constitutions, and by all Rules, Ordinances and Determinations which are now or may be hereafter made under or by virtue or in pursuance thereof by the said Synod of the Diocese of Armidale, or the said Provincial Synod of New South Wales.

Signature

## **SCHEDULE E**

### **DECLARATION**

I, the undersigned, declare:

- (a) I am a parishioner (as defined in the *Parish Governance and Administration Ordinance 2015*);
- (b) I am not less than 18 years of age;
- (c) I have primarily and usually, during the past three months, attended by of public worship at the church building of the parish or special district or other place duly licensed for divine service within the parish or special district or as part of an associated congregation of the parish or special district;
- (d) I do not claim to be a parishioner of any other parish or special district of the Anglican Church of Australia; and
- (e) I have not voted at a general meeting of parishioners of any other parish or special district of the Anglican Church of Australia within the past three months and do not intend to vote at a general meeting of parishioners of any other parish or special district of the Anglican Church of Australia within the next three months.



## **SCHEDULE F**

### **Rules for Conducting the Business of the Synod**

#### **1. Meeting Time, President, Houses of the Synod and Quorum**

##### **1.1. Meetings of Synod**

- (1) The Synod shall ordinarily meet during each calendar year on a date to be determined by the Bishop after consultation with Diocesan Council or, in the event of a vacancy in the See, by the Vicar-General having consulted with Diocesan Council. It shall, however, be in the power of the Bishop (or, in the event of a vacancy in the See, the Vicar-General), with the consent of Diocesan Council, to defer the meeting to a date not later than 31 July in the next succeeding calendar year. At least 60 days' notice of such meeting shall be given.
- (2) The place of meeting shall be determined each year by the Bishop, or, in the event of a vacancy in the See, by the Vicar-General having consulted with Diocesan Council. The members of the Synod shall meet for discussion in one chamber, but either members of the House of Clergy or the House of Laity shall withdraw to a separate chamber for the purpose of discussion, at the request of three members of either House.
- (3) The Synod shall meet at a time ordered by the Bishop and proceed to business as soon as a quorum is present. If, however, after 30 minutes a quorum is not present the President shall adjourn the Synod to a later hour on the same day or to the next regular day of sitting.

##### **1.2. President**

- (1) The Bishop is the President.
- (2) In the absence of the Bishop, the President shall be the person next in ecclesiastical rank (as per Section 18 of the *Governance of the Diocese Ordinance*) who is licensed in the Diocese and is present at the meeting of the Synod.
- (3) If the person who is the President of the Synod is, for any reason, unwilling or unable (otherwise than by absence) to preside in respect of any business of the Synod, the President shall be the person next in ecclesiastical rank who is licensed in the Diocese, a member of the Synod and is present at the meeting of the Synod.
- (4) Nothing in this rule amends the provisions of the Constitutions in the Schedule to the 1902 Constitutions concerning the giving of assent to an ordinance of the Synod. Accordingly, a person who is President of the Synod under rule 1.2(2) or (3) or (4) may not assent to an ordinance unless that person is authorised to do so under those Constitutions.

##### **1.3. Houses of the Synod**

- (1) Each member of the Synod (other than the President) is a member of a House of the Synod.
- (2) A member who is ordained is a member of the House of Clergy.
- (3) A member of the Synod who is not ordained is a member of the House of Laity.

## **1.4. Quorum**

- (1) One quarter of the members of the House of Clergy eligible to attend the Synod and one quarter of the members of the House of Laity eligible to attend the Synod besides the President shall form a quorum.
- (2) The Synod may be counted at any time, on the motion of a member, and if a quorum is not present within 15 minutes, the President shall adjourn the Synod until a later hour on the same day or the next regular day of sitting.
- (3) In Synod in Committee, the same quorum shall be required as for Synod. If at any time, on any member moving that the Committee be counted and a quorum is not present, the Chairman or Deputy Chairman shall report to the President, and he or she shall ask leave to sit again.

## **2. Officers of the Synod**

### **2.1. Introduction**

- (1) The Synod elects several officers from among the members of the Synod to assist it in conducting its business. Those officers are:
  - (a) The Clerical Secretary of the Synod
  - (b) The Lay Secretary of the Synod
  - (c) The Chair of Committees
  - (d) The Deputy Chair of Committees.
- (2) The election of each of the officers set out in 2.1(1) shall be as follows:
  - (a) The President shall call for nominations from the Synod;
  - (b) To be valid, a nomination must be:
    - i. Made by a member of the Synod;
    - ii. Seconded by a member of the Synod;
    - iii. Accepted by the nominee;
  - (c) If there is only one nomination for a position, the President shall declare the nominated person to be elected;
  - (d) If there is more than one nomination for a position, the President shall read the name of the nominees in turn in alphabetical order by surname, asking for a show of hands in favour of each candidate;
  - (e) Members of Synod may only vote for one of the names read out in 2.1(2)d.;
  - (f) The nominee with the most votes wins;
  - (g) In the case of a tie for the most votes where there are other candidates with fewer votes, the vote shall be taken again, with the candidates with fewer votes eliminated from consideration;
  - (h) In the case of a tie for the most votes where there are no other candidates that may be eliminated, the President shall have a casting vote;

### **2.2. The Secretaries**

- (1) The Clerical and Lay Secretaries shall be elected by their respective Houses at the first sitting of each Synod and, subject to rule 2.5, are to hold office until the first day of the first session of the next Synod.

- (2) The Synod Secretaries shall be responsible for taking the minutes of all proceedings of the Synod and keeping a record of all Ordinances and rules passed by the Synod. They shall deposit the minutes, records or letters of the Synod with the Registrar of the Diocese at the conclusion of each session.

### **2.3. The Chair of Committees**

- (1) One member is to be elected as the Chair of Committees at the first sitting of each Synod and, subject to rule 2.5, is to hold office until the first day of the first session of the next Synod.
- (2) The Chair of Committees presides during meetings of the Synod in Committee and, when presiding, has the same authority as the President.

### **2.4. The Deputy Chair of Committees**

- (1) One member is to be elected as the Deputy Chair of Committees at the first sitting of each Synod and, subject to rule 2.5, is to hold office until the first day of the first session of the next Synod.
- (2) The Deputy Chair of Committees presides during meetings of the Synod in Committee if the Chair of Committees is unable or unwilling to act, or if the Chair of Committees requests that the Deputy Chair of Committees act. When presiding, the Deputy Chair has the same authority as the President.
- (3) If the Chair of Committees and the Deputy Chair of Committees are unable or are unwilling to preside during a meeting of the Synod in Committee, the person to preside during that meeting is to be a member appointed by the Synod as a result of a motion without notice passed by the Synod. When presiding, that person has the same authority as the President.

### **2.5. Casual vacancies**

- (1) A casual vacancy in any office elected under this Part 2 arises if the person holding the office –
  - (a) dies,
  - (b) resigns by written notice given to the President, or
  - (c) ceases to be a member of the Synod.
- (2) A casual vacancy in any office held by a person elected under this Part 2 also arises if the Synod declares, as a result of a motion with or without notice passed by the Synod, the office to be vacant.
- (3) A casual vacancy arising under rule 2.5(1) or (2) may be filled by an election of the Synod or, if the Synod is not in session, by an election of the Diocesan Council. A person who is elected by the Diocesan Council to fill a casual vacancy holds office until the next session of the Synod.

### **3. The Order of Business of the Synod**

#### **3.1. Introduction**

This Part sets out the order in which the business of the Synod is to be conducted on each day of a session.

#### **3.2. Order of business for the first day of a session of the Synod**

- (a) The President, or a person appointed by him, is to read prayers;
- (b) Where required under Part 2, the election of the Synod Secretaries;
- (c) The President's address;
- (d) Where required under Part 2, the election of the Chair of Committees and the Deputy Chair of Committees;
- (e) Procedural Motions;
- (f) Petitions as per 6.1
- (g) Notices of Questions as per 6.2;
- (h) Motions for the Consideration of Ordinances as per 5.3; and
- (i) Reports and Presentations.

#### **3.3. Order of business for the second day of a session of the Synod**

- (a) The President, or a person appointed by him, is to read prayers;
- (b) Answers to Questions subject to 6.2(2)(d) and 6.2(5);
- (c) Petitions as per 6.1;
- (d) Notices of Questions as per 6.2;
- (e) Call over of Motions;
- (f) Consideration of Ordinances; and
- (g) Reports, Presentations and Motions.

#### **3.4. Order of business for the third and final day of a session of the Synod**

- (a) The President, or a person appointed by him, is to read prayers;
- (b) Answers to Questions subject to 6.2(2)(d) and 6.2(5);
- (c) Call over of Motions;
- (d) Consideration of Ordinances;
- (e) Reports, Presentations and Motions; and
- (f) The order of business for the last day of a session may include motions of thanks without notice.

#### **3.5. Presentations to Synod**

- (1) The President may invite persons at his discretion to address the Synod;
- (2) The Synod may, as a result of a procedural motion, allow other presentations to be made to the Synod on any subject related to the Synod. Such presentations must be no longer than ten minutes;
- (3) Synod members, or individuals who are not members of Synod but who are named as intended presenters in a procedural motion, may combine for a presentation (including visuals) in accordance with this clause.

### **3.6. Changes to the order of business**

- (1) The order of business of the Synod may be set or changed by a procedural motion passed by the Synod.
- (2) Subject to rule 3.6(1), the President has the discretion to order the consideration of ordinances, reports, presentations and motions and to amend the order of business of the Synod to assist the smooth running of the Synod.

## **4. Resolutions**

### **4.1. Introduction**

The main way in which the Synod expresses a view on a matter is by the making of a resolution.

Generally, a resolution is made in the following way.

- (1) A member of the Synod (referred to in these rules as the “mover”) moves a motion (referred to in these rules as the “principal motion”). Usually, the mover will have given notice of the principal motion on a previous day.
- (2) Except during a meeting of the Synod in Committee, a motion is to be seconded.
- (3) When called by the President, the mover will speak in support of the principal motion and the seconder may also speak in support of the motion.
- (4) Instead of making separate speeches in support of the principal motion, the mover and seconder may, by notice to the Synod, elect to make a joint presentation in support of the principal motion for up to the combined length of time the mover and seconder would otherwise be permitted to speak.
- (5) A speech or presentation referred to in paragraph 4.1(3) or 4.1(4) may, by arrangement with the Secretaries of the Synod, be accompanied by overhead visual material.
- (6) If any member wishes to speak against the principal motion, or move a proposed amendment, debate will proceed.
- (7) If no member wishes to speak against the principal motion or move an amendment, the President is to ask the Synod to vote on the principal motion.
- (8) After debate has concluded, the President is to ask the Synod to vote on any proposed amendments. After any proposed amendments have been accepted or rejected, the President is to ask the Synod to vote on the principal motion, as amended by any amendments which have been accepted.
- (9) If the principal motion, with or without amendments, is passed, it becomes a resolution of the Synod.

The remaining rules in this Part contain the details of this procedure, and the details of the special situations in which the general procedure is modified.

## **4.2. General Rules**

- (1) A member may only address the Synod when called by the President to do so.
- (2) A member who wishes to be called by the President to address the Synod is to stand in his or her place or to stand near a microphone. The President is to call from among those standing the member who may then address the Synod.
- (3) The President may take part in debate subject to rules 4.7 and 4.8(1).
- (4) Any member may speak to a question about procedure. A question about procedure is to be decided by the President whose decision is final unless immediately altered as a result of a motion without notice passed by the Synod.
- (5) The President is to confine each speaker to the subject matter being debated. A member may not interrupt a speaker, except with the permission of the President, or as a result of a motion without notice passed by the Synod.
- (6) A speaker may not make a remark which reflects adversely on the personality of any member or imputes an improper or questionable motive to any member. If a speaker makes such a remark, the President is to
  - (a) ask the speaker to withdraw the remarks and apologise and,
  - (b) warn the speaker against making such remarks in future.If, having been asked, the speaker refuses to withdraw the remark and apologise, the member may be suspended from the Synod as a result of a motion with or without notice passed by the Synod, for the time specified in the motion.
- (7) A member may not act in a disorderly way. If a member acts in a disorderly way, he or she may be suspended from the Synod as a result of a motion with or without notice passed by the Synod, for the time specified in the motion.

## **4.3. Notice of motions required**

- (1) The Synod is not to consider a motion unless notice of the motion was given on a previous day. This is to be done by submitting the motion in writing to either the Registrar or the Synod Secretaries.
- (2) Motions intended to facilitate the consideration of business are known as 'procedural motions'. Rule 4.3(1) does not apply to procedural motions and those other motions for which notice is not required by Parts 4 and 5.
- (3) Rule 4.3(1) does not apply to motions to amend a motion.
- (4) Rule 4.3(1) does not apply if leave is granted by the Synod.

## **4.4. Motions to be seconded**

- (1) No motion, or motion to amend a motion, is to be considered unless it is seconded by a Synod member.
- (2) Rule 4.4(1) does not apply to a motion moved in a meeting of the Synod in Committee.

## **4.5. Call Over of the motions on the business paper**

- (1) At the time required by rule 3.3 or 3.4, the President is to call the motions listed on the Business Paper. This does not include motions about a proposed

ordinance or policy or those motions to be considered at a time fixed by the Synod.

- (2) When a motion is called, unless 8 or more members stand to object or any member calls “amendment”, the President is to ask for the motion to be formally moved and seconded. If the motion is formally moved and seconded, the Synod is to vote on the motion without any speeches or debate.
- (3) If 8 or more members stand to object or any member calls “amendment”
  - (a) the President is to immediately call the next motion on the business paper to be called under this rule or, if there is no such motion, proceed to the next item of business, and
  - (b) any member who calls “amendment” is to deliver a written copy of the proposed amendment to the Secretary of the Synod, and make himself or herself available to discuss the proposed amendment with the mover of the motion on the day on which the call is made.

#### **4.6. Incorporation of amendments in principal motion**

If the mover of a principal motion (the ‘Mover’) notifies the Secretary of the Synod that –

- (a) having discussed a proposed amendment with the mover of the amendment, the Mover agrees to include the proposed amendment in the principal motion, or
- (b) the Mover wishes to move the principal motion in an amended form, the motion in the amended form becomes the principal motion.

#### **4.7. Time limits for speeches**

- (1) The following time limits for speeches apply.
  - (a) For a motion that a proposed ordinance be approved in principle, the mover may speak for up to 10 minutes, and up to 3 minutes in reply. Other members may speak for up to 3 minutes.
  - (b) For a speech to approve a proposed ordinance formally, the mover may speak for up to 5 minutes.
  - (c) For other motions, except the motions referred to in paragraphs (d), (e) and (f), the mover may speak for up to 8 minutes, and up to 3 minutes in reply. The seconder may speak for 5 minutes and other members may speak for up to 3 minutes.
  - (d) For motions to amend a motion, a member may speak for up to 3 minutes.
  - (e) For procedural motions and for motions moved in a meeting of the Synod in Committee, a member may speak for up to 3 minutes.
  - (f) Those presenting reports to Synod may speak for up to 10 minutes.
- (2) A bell shall be rung when the speaker has one minute left of his or her allotted time to speak. It shall be rung a second time when the allotted time has expired. Once the bell has been rung a second time, the speaker must stop immediately.
- (3) A member, not being the speaker at the time, may, without making a speech, move a procedural motion for the speaker to be granted an extension of up to a nominated number of minutes.

#### **4.8. Number of speeches**

- (1) No member may speak more than once on the same motion except
  - (a) during a meeting of the Synod in Committee, or
  - (b) when invited to give an explanation, or
  - (c) when exercising a right of reply under rule 4.12.
- (2) A member who seconds a motion may only speak once to that motion. This may be immediately following the speech by the mover of the motion, or it may be at a later time in the debate. A member who formally seconds a motion is not regarded as having spoken to the motion.
- (3) Once a motion to amend a motion (the principal motion) has been moved, it is a separate motion for the purpose of this clause. Accordingly, if a member has already spoken on the principal motion, they may not move a motion to amend the principal motion at a later time, but they may speak on any amendment to the principal motion.

#### **4.9. After a motion has been seconded**

- (1) After a motion has been moved and seconded, the President may ask a question to the effect, ‘Does any member wish to ask a question of the mover?’ If an indication is given in the affirmative, questions may be asked and the mover is permitted to answer them.
- (2) After a motion has been moved and seconded, the President is to ask a question to the effect  
“Does any member wish to speak against the motion or move an amendment?”
- (2) If no member indicates a wish to speak against the motion or move an amendment, the Synod is to vote on the motion without further debate.
- (3) If a member indicates a wish to speak against the motion or move an amendment, debate on the motion is to proceed, commencing with speeches for and against the motion before considering amendments to the motion, unless the President determines otherwise.

#### **4.10. Amendments to motions**

- (1) A member may move a motion to amend a principal motion at any time before the close of debate. The motion to amend must be in writing and a copy handed to the Secretaries.
- (2) A member may move a motion to amend a motion to amend a principal motion. The motion to amend must be in writing and a copy handed to the Secretaries.
- (3) A motion to amend is not to be irrelevant to the principal motion or give rise to an entirely different subject matter from or a direct negative of the principal motion.
- (4) A member may, with the permission of the Synod, withdraw their own motion to amend at any time before the close of debate.
- (5) If motions to amend have been moved, but not passed by the Synod, the motion to be put to the vote is the principal motion.



- (6) If motions to amend have been moved and passed by the Synod, the motion to be put to the vote is the amended principal motion.

#### **4.11. The end of debate on a motion**

- (1) If, during the time for debate on a motion, no further member indicates a wish to speak to the motion, the President may declare that the debate has ended, subject to the mover of the motion exercising or declining to exercise a right of reply under rule 4.12.
- (2) If the President thinks that sufficient time has been allowed for debate on a motion but there remains one or more members indicating a wish to speak to the motion, the President is to ask the Synod a question to the effect “Does the Synod consider that the motion has been sufficiently debated and should now be voted on?” If the majority of the members present answer “Aye”, the debate on the motion will be regarded as having ended, subject to the mover of the motion exercising or declining to exercise a right of reply under rule 4.12. If the majority of members present answer “No” the President is to allow the debate to continue. Rule 4.11(1) and rule 4.11(2) apply until debate has ended.
- (3) If a member wishes to end debate on a motion, that member may move without notice the procedural motion –  
*“That debate cease and the motion be immediately put to the vote.”*
- (4) When this procedural motion is moved, debate on the principal motion shall be suspended and the Synod shall immediately consider speeches for and against the procedural motion.
- (5) If –
  - (a) the procedural motion is carried, the principal motion, and any amendments that have been moved, are, subject to the mover of the principal motion exercising or declining to exercise a right of reply under rule 4.12, to be voted on immediately without further debate, and
  - (b) the procedural motion is not carried, debate on the principal motion continues.
- (6) The procedural motion in rule 4.11(3) may not be amended and is not to be moved in a meeting of the Synod in Committee.

#### **4.12. Right of reply**

- (1) The mover of a motion has a right of reply after debate on a motion has ended unless the motion is
  - (a) a procedural motion, or
  - (b) a motion for an amendment, or
  - (c) a motion moved in a meeting of the Synod in Committee.
- (2) After the mover has exercised or declined to exercise their right of reply, the motion is to be voted on.

#### **4.13. Voting on a motion**

- (1) A vote on a motion is taken by the President asking members present who are in favour of the motion to say “Aye” and then to ask those members who are against the motion to say “No”. Voting may also take place by a show of hands at the option of the President or if requested by a member. A motion is passed only if a majority of the persons present and voting vote in favour of the motion.
- (2) If requested by 5 or more members, voting on a motion is to be conducted by secret ballot. If a secret ballot is required, the Synod shall vote in accordance with the directions of the Registrar.
- (3) The members of the Synod are to vote collectively unless 8 members of a House request that the vote be taken by Houses.
- (4) If a vote is required to be taken by Houses, each House is to vote separately in accordance with the directions of the Registrar, provided that the House of Laity is to vote first. The motion is passed only if a majority of persons present and voting in each House vote in favour of the motion. If a majority of the persons present and voting in the House of Laity do not vote in favour of the motion, the House of Clergy is not required to vote.
- (5) When a vote is required to be taken by Houses, rule 4.13(2) still applies.

#### **4.14. Adjournment of debate**

- (1) A procedural motion for the adjournment of either the Synod or a debate may be moved without notice at any time between speeches.
- (2) If debate on a motion is adjourned, at the time scheduled for that debate to resume, that debate takes precedence over all other business, unless these rules provide otherwise, or the Synod decides otherwise as a result of a motion without notice passed by the Synod.

#### **4.15. Not voting on a motion**

- (1) If it is desired not to vote on a motion, at any time following the speeches of the mover and seconder and prior to the motion being put to a vote, a member may move without notice the procedural motion –  
*“That the motion not be voted on.”*
- (2) When this procedural motion is moved, debate on the principal motion shall be suspended and the Synod shall immediately consider speeches for and against the procedural motion.
- (3) If –
  - (a) the procedural motion is carried, debate on the principal motion ceases and it is not put to the vote,
  - (b) the procedural motion is not carried, debate on the principal motion continues from that point where the procedural motion was moved.
- (4) The procedural motion in rule 4.15(1) may not be amended and is not to be moved in a meeting of the Synod in Committee.

**4.16. Withdrawal of a motion**

A motion may be withdrawn at any time by its mover with the permission of the Synod.

**4.17. Motions previously disposed of**

- (1) No motion which has been considered by the Synod and disposed of is to be debated again during the same session of the Synod.
- (2) No motion which is substantially the same as one which has been disposed of during the same session is to be considered. However a motion is not to be regarded as substantially the same as one which has been disposed of if –
  - (a) the motion is a direct negative of one that was voted on, and
  - (b) the one voted on was not passed.
- (3) Any question about whether a motion is substantially the same as one which has been disposed of during the same session is to be decided by the President whose decision is final unless immediately altered as a result of a motion without notice agreed to by the Synod.

**4.18. Motions unable to be dealt with**

Where Synod is not able to consider particular motions in the time available, the Synod may direct that they be considered by Diocesan Council, otherwise the motions will lapse.

**4.19. Synod in Committee**

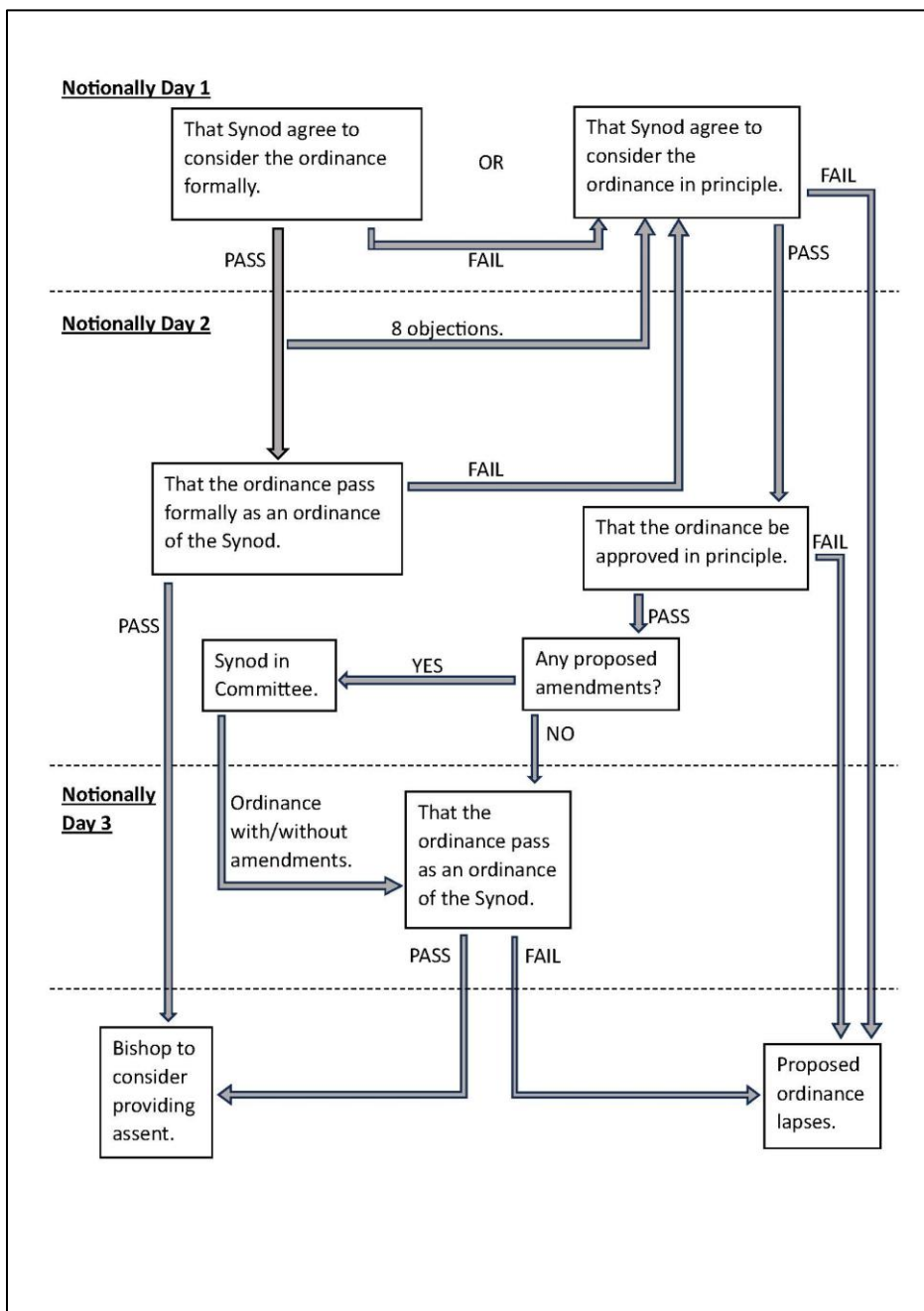
- (1) The Synod may, as a result of a procedural motion passed by the Synod, resolve itself into the Synod in Committee to consider any matter. A motion for the Synod to resolve itself into the Synod in Committee to consider the text of a proposed ordinance (see rule 5.6) is  
*“That Synod resolves itself into the Synod in Committee to consider [further] the text of the [name of proposed ordinance].”*
- (2) During a meeting of the Synod in Committee, the Chair of Committees or the Deputy Chair of Committees has the functions set out in rules 2.3 and 2.4.
- (3) The Synod in Committee may, as a result of a procedural motion passed by the Committee, resolve to adjourn its meeting. A motion to adjourn a meeting of the Synod in Committee is  
*“That the Chair of Committees leaves the chair and reports progress.”*
- (4) On a motion to adjourn a meeting of the Synod in Committee being passed, the Chair of Committees is to report progress to the Synod.
- (5) When the Synod in Committee has concluded consideration of the matter before it, the Chair of Committees is to report to Synod.
- (6) The rules of procedure in this Part 4, so far as applicable, apply to a meeting of the Synod in Committee.

- (7) In a meeting of the Synod in Committee the same number of members constitutes a quorum as in the Synod itself. If a quorum is not present, the Chair of Committees is to leave the chair and report progress.

## 5. Making of Ordinances by the Synod

### 5.1. Introduction

The general procedure for the making of an ordinance by the Synod is summarised in the following diagram.



*Figure 1 - The Passage of an Ordinance through Synod*

The remaining rules in this Part contain the detail of this procedure, and the details of the special situations where the general procedure is modified.

## **5.2. Notice of the proposed ordinance is to be given**

- (1) Prior to Synod considering a proposed ordinance, notice of the proposed ordinance is to be given to members.
- (2) Notice will be regarded as having been given only if a copy of the proposed ordinance has been circulated to members no later than 30 days before the Synod session is scheduled to commence that is to consider it.
- (3) If 75% of the members present and voting permit a proposed ordinance to be introduced without notice, then the consideration of that ordinance may proceed notwithstanding 5.2(1) and 5.2(2).

## **5.3. Consideration of the proposed ordinance**

- (1) At the time permitted by these rules, a member may move that the Synod agree to consider a proposed ordinance by moving a motion as provided in rules 5.3(2) or 5.3(4).
- (2) A member desiring to move a proposed ordinance formally may move a motion to the effect –  
*“That Synod agrees to consider [at a specified time] a motion that the [name of the proposed ordinance] be passed formally.”*
- (3) If the motion to consider passing the proposed ordinance formally is passed, the procedure in rule 5.4 applies. Otherwise the mover may move the motion in 5.3(4).
- (4) A member desiring to move that a proposed ordinance be considered for approval in principle may move a motion to the effect –  
*“That Synod agrees to consider [at a specified time] a motion that the [name of the proposed ordinance] be approved in principle.”*
- (5) If the motion to consider passing the proposed ordinance in principle is passed, the procedure in rule 5.5 applies.

## **5.4. Passing the proposed ordinance formally**

- (1) If the Synod has agreed to consider passing a proposed ordinance formally, the mover is to move the motion –

*“That the [name of the proposed ordinance] pass formally as an ordinance of the Synod.”*

- (2) After the motion has been seconded, the mover may then make a speech in accordance with clause 4.7(1)(b) about the proposed ordinance.
- (3) At the end of the speech, the President is to ask a question of the Synod to the effect  
*“Does any member have a question about the proposed ordinance?”*
- (4) If a member indicates that he or she has a question, the President is to allow the question to be asked and rules 5.4(5), 5.4(6) and 5.4(7) apply. If no member

indicates that he or she has a question, the time for questions will be regarded as having ended.

- (5) A question is to be answered by the mover or seconder unless the President allows another person to answer the question.
- (6) If, during the time for questions, no further member indicates that he or she has a question, the President may declare that the time for questions has ended.
- (7) If the President thinks that sufficient time has been allowed for questions but there remains one or more members indicating a wish to ask a question, the President is to ask the Synod a question to the effect  
*“Does the Synod consider that sufficient time has been allowed for questions?”*

If the majority of members present answer “Aye”, the time for questions will be regarded as having ended. If the majority of members present answer “No”, the President is to allow the time for questions to continue. Rules 5.4(6) and 5.4(7) apply until the time for questions has ended.

- (8) Once the time for questions has ended, the President is to put the motion from 5.4(1) without debate.
- (9) If the Synod passes the proposed ordinance formally as an ordinance of the Synod, as soon as possible the Registrar is to send to the Bishop for him to consider his assent, a printed copy of the ordinance upon which
  - (a) the Chair of Committee has certified the text of the ordinance, and
  - (b) the Registrar has certified that the ordinance has passed as an ordinance of the Synod.
- (10) If
  - (a) at any time after the motion in 5.3(2) is passed and prior to the motion in rule 5.4(1) being voted on, 8 members stand in their place to object to the proposed ordinance being passed formally, or
  - (b) the motion in rule 5.4(1) is not passed,the mover may then move a motion in accordance with rule 5.3(4).

### **5.5. Approving the proposed ordinance in principle**

- (1) If the Synod has agreed to consider passing a proposed ordinance in principle, the mover is to move the motion  
*“That the [name of the proposed ordinance] be approved in principle.”*
- (2) After this motion has been moved and seconded, and the mover and seconder have spoken, the President is to ask the Synod a question to the effect  
*“Does any member have a question about the proposed ordinance?”*
- (3) If a member indicates that he or she has a question, the President is to allow the question to be asked and rules 5.5(4), 5.5(5) and 5.5(6) apply. If no member indicates that he or she has a question, the time for questions will be regarded as having ended.
- (4) A question is to be answered by the mover or seconder unless the President allows another person to answer the question. If, during the time for questions,

no further member indicates that he or she has a question, the President may declare that the time for questions has ended.

- (5) If the President thinks that sufficient time has been allowed for questions but there remains one or more members indicating a wish to ask a question, the President is to ask the Synod a question to the effect –  
*“Does the Synod consider that sufficient time has been allowed for questions?”*
- (6) If the majority of members present answer “Aye”, the time for questions will be regarded as having ended. If the majority of members present answer “No”, the President is to allow the time for questions to continue. Rules 5.5(5) and 5.5(6) apply until the time for questions has ended.
- (7) After the time for questions has ended, the President is to immediately ask the Synod a question to the effect  
*“Does any member wish to speak for or against the motion?”*
- (8) If a member indicates that he or she wishes to speak for or against the motion, the President is to allow debate on the motion to proceed.
- (9) Upon a proposed ordinance being approved in principle, the President is to immediately ask the Synod a question to the effect  
*“Does any member wish to move an amendment to the text of the proposed ordinance?”*
- (10) If a member indicates to the President that he or she wishes to move an amendment to the text of the proposed ordinance, rule 5.6 applies.
- (11) If no member indicates to the President that he or she wishes to move an amendment, the mover is to immediately move a motion to the effect  
*“That Synod agrees to consider [on a specified future day/on a specified future day and at a specified time] a motion that the [name of the proposed ordinance] pass as an ordinance of the Synod.”*
- (12) Notwithstanding 5.5(11), if it is the last sitting day of a session of Synod, the mover of the proposed ordinance may move the motion under rule 5.7(1).

## **5.6. Considering the text of the proposed ordinance**

- (1) If upon the President asking the question under rule 5.5(9) a member indicates that he or she wishes to move an amendment to the text of the proposed ordinance, the Synod is to
  - (a) immediately consider the text of the proposed ordinance in a meeting of the Synod in Committee, or
  - (b) determine another time for such consideration.
- (2) When considering the text of a proposed ordinance in a meeting of the Synod in Committee, the Chair of Committees is to put each clause of the proposed ordinance separately in the order in which the clauses occur in the proposed ordinance (leaving the title and the preamble to be considered last), unless, in the opinion of the Chair of Committees, it is expedient to put 2 or more consecutive clauses together.



- (3) When consideration of the text of the proposed ordinance has been completed by the Synod in Committee, the Chair of Committees is to report the proposed ordinance to the Synod, with or without amendments as the case may be.
- (4) Upon a report being made in accordance with rule 5.6(3), the mover of the proposed ordinance shall move:

*“That the report of the Chair of Committees be adopted”.*

- (5) Upon the report of an ordinance with or without amendments being adopted by the Synod, the mover of the proposed ordinance is to immediately move a motion to the effect

*“That Synod agrees to consider [on a specified future day/on a specified future day and at a specified time] a motion that the [name of the proposed ordinance] pass as an ordinance of the Synod.”*

- (6) Notwithstanding 5.6(5), upon the report of an ordinance with or without amendments being adopted by the Synod on the last sitting day of a session of Synod, the mover of the proposed ordinance may move the motion under rule 5.7(1).

### **5.7. Passing the proposed ordinance**

- (1) When permitted by these rules, the mover may move a motion to the effect

*“That the [name of proposed ordinance] pass as an ordinance of the Synod.”*

- (2) If the Synod passes a motion that a proposed ordinance pass as an ordinance of the Synod, as soon as possible the Registrar is to send to the Bishop for him to consider his assent, a printed copy of the ordinance upon which
  - (a) the Chair of Committee has certified the text of the ordinance, and
  - (b) the Registrar has certified that the ordinance has passed as an ordinance of the Synod.

### **5.8. Further consideration of the text of the proposed ordinance**

At any time before the Synod passes a motion that a proposed ordinance pass as an ordinance of the Synod, the Synod may, as a result of a motion with or without notice passed by the Synod, refer the proposed ordinance, or any clause of the proposed ordinance, or any amendment, to the Synod in Committee for consideration. Rules 5.6, 5.7 and 5.8 then apply, so far as they are relevant.

### **5.9. Reconsideration of the text of the proposed ordinance if assent may be withheld**

If the Bishop indicates to the Synod that he may withhold assent to an ordinance then, ignoring rules 5.3, 5.4 and 5.5, the Synod may, as a result of a motion passed by the Synod, refer the proposed ordinance, or any clause of the proposed ordinance, or any amendment, to the Synod in Committee for consideration. Rules 5.6, 5.7 and 5.8 then apply, so far as they are relevant.

### **5.10. Referral of ordinances by the Synod**

- (1) The Synod may, as a result of a motion with or without notice passed by the Synod, refer a proposed ordinance at any point in the procedure concerning it
  - (a) to the next session of the same Synod, or
  - (b) to a session of the next Synod.
- (2) Consideration of the proposed ordinance at the next session of the Synod or at a session of the next Synod, as the case may be, resumes at the point in the procedure reached when it was referred.

## **6. Other Matters**

### **6.1. Petitions to Synod**

- (1) This rule 6.1 applies to the petitions referred to in rule 3.2(f) and 3.3(c).
- (2) A petition is a formal written request presented by a member of Synod and signed by at least 8 people in support of a shared concern.
- (3) No petition is to
  - (a) be expressed in language which, in the opinion of the President, is disrespectful or offensive, or
  - (b) have been altered by erasure or interlineation.
- (4) A member presenting a petition is to
  - (a) be acquainted with the contents of the petition, and
  - (b) affix his or her name at the beginning of the petition, and
  - (c) state from whom it comes and its contents.
- (5) On the presentation of a petition, the petition may be read to the Synod and the only motion the Synod is to consider is a motion to the effect  
*“That Synod receives the petition.”*
- (6) Each petition received by the Synod shall be recorded in full in the minutes of the Synod.

### **6.2. Questions**

- (1) This rule 6.2 applies to the questions referred to in rules 3.2(g) and 3.3(d).
- (2) A question may be asked by any member using the following procedure –
  - (a) A member seeking to include a question to be tabled on the first day of a session of Synod, must submit the full text of the question to the Registrar prior to the first day of the session in accordance with the schedule advised by the Registrar.
  - (b) The Registrar is to make the full text of each question submitted in accordance with paragraph (a) available in the business paper for the first day of that session of the Synod.
  - (c) On the days of Synod provided for giving notice of questions, a member called on by the President to do so is to make a brief statement informing the Synod of the subject matter of the question and hand the full text of the question to the Secretaries of the Synod to be printed in the business paper for the next day of the session.

- (d) If a member asking a question indicates in writing that they do not require the answer to their question to be read orally to the Synod, the President need not read the answer orally but may do so at his discretion.
- (3) A question is to relate to a matter connected with the business of
  - (a) the Synod, or
  - (b) any committee, board or commission of the Synod, or established by or under an ordinance, or by resolution of the Synod or the Diocesan Council.
- (4) No question is to
  - (a) contain an assertion, or
  - (b) express an opinion, or
  - (c) offer an argument, or
  - (d) make any inference or imputation, or
  - (e) be expressed in language which, in the opinion of the President, is disrespectful or offensive, or
  - (f) seek a legal opinion.
- (5) Except as provided in paragraph 6.2(2)(d), an answer to a question is to be read orally to the Synod by the President on the next day or as soon as convenient after the next day. A written copy of the answer is to be handed to the member asking the question upon request made to the Secretaries of the Synod.
- (6) If the answer includes statistics or other detailed material, the answer may be supplemented with data projected on a screen or a document which need not be read orally.
- (7) Each question and reply is to be recorded in the minutes of the Synod.

### **6.3. Elections for Diocesan Positions**

- (1) Where, under the ordinances of the Armidale Diocese, people need to be elected to fill Diocesan positions, they shall be elected at the first session of a Synod for the term specified in the relevant ordinance.
- (2) This section does not apply to Synod elections for a Bishop, or Synod elections for the officers list in rule 2.1(1).
- (3) The Bishop should advise in his mandate prior to each session of Synod those positions for which an election is to be held.
- (4) In the event a vacancy for a position outlined in 6.3(1) occurs after the Bishop or Vicar-General has issued his mandate, on the first day of the upcoming session the Registrar shall move a procedural motion seeking the leave of Synod to allow an election to be held to fill the vacant position.
- (5) Nominations for those positions for which a vote of Synod is required shall be submitted by the time specified by the President.
- (6) A nomination shall be valid if it is:
  - (a) made in writing on the form for that purpose supplied by the Registrar or Synod Secretaries;
  - (b) it is signed by a separate nominator and seconder, both of whom are members of the Synod; and
  - (c) the person nominated has signed in acceptance of the nomination.

- (7) Where the number of nominations received exceeds the number of positions to be filled, elections shall be held by secret ballot.
- (8) Ballot papers shall be prepared and made available to the members of Synod for which they should sign.
- (9) The Synod shall appoint scrutineers to oversee the voting.
- (10) A voter shall strike out the names of those candidates whom they do not wish to support and return the ballot paper(s) to the scrutineers.
- (11) The scrutineers shall count the votes and advise the President of the outcome of the election who shall, in turn, inform the Synod.
- (12) Those elected shall be those, up to the number of positions available, who have the most votes, with the Synod voting as a whole.
- (13) In the event of a tied vote, a new ballot shall be held between those nominees so affected to achieve the outcome required to ensure that all the positions for which an election is required are filled.

#### **6.4. Personal explanations**

With the permission of the President, a member may explain matters of a personal nature. These matters are not to be debated.

#### **6.5. Suspension of these rules**

Any rule of procedure may be suspended by motion with or without notice by the consent of a majority of the members present and voting.

#### **6.6. Media**

- (1) Unless the Synod otherwise determines as a result of a motion with or without notice passed by the Synod, the proceedings of the Synod are to be open to the media.
- (2) With the permission of the President, the proceedings, or parts of the proceedings, may be televised, broadcast or photographed.

#### **6.7. Rules**

A rule which the Synod is authorised to make by the Constitutions set out in the Schedule to the Anglican Church of Australia Constitutions Act 1902 may be made by resolution, unless those Constitutions require the rule to be made by ordinance. No rule made by resolution is to be contrary to the terms of an ordinance.

#### **6.8. Application of business rules**

- (1) Any question about the application of these rules, the form of motions and ordinances and the voting on motions and ordinances during a session of the Synod is to be decided by the President. The President's decision on all such questions is final unless immediately altered as a result of a motion without notice agreed to by the Synod.

(2) In making a decision under rule 6.8(1), the President may have recourse to the rules, forms and practice of the Legislative Assembly of New South Wales.

**6.9. Amendment of business rules**

These business rules may be amended or repealed provided no less than 30 days' notice is given to an ordinary session of the Synod and that at least one half of the members of each House are present and give their assent to what is proposed.