

CHURCH ADMINISTRATION ORDINANCE 1990

TABLE OF PROVISIONS

PART 1 — PRELIMINARY

- 1 Citation
- 2 Definitions

PART 2 — VESTRY MEETINGS

- 3 When and for what purposes may vestry meetings be convened?
- 4 Annual vestry meeting
- 5 Who may convene a vestry meeting
- 6 How is a vestry meeting convened
- 7 Who is entitled to participate in a vestry meeting?
- 8 What are the requirements for a quorum
- 9 Who chairs a vestry meeting?
- 10 What preparations need to be made for an annual vestry meeting?
- 11 In a single-church parish, what is the business of the annual vestry meeting?
- 12 In a multi-church parish, what is the business of the annual vestry meeting?
- 13 Further options for parish management
- 14 Who may be nominated and how are contested elections conducted at vestry meetings?
- 15 Minister's appointments
- 16 In what circumstances may churches in a multi-church parish have a combined annual vestry meeting?
- 17 In what circumstances may a vestry meeting be adjourned?

PART 3 — THE MINISTER

- 18 Minister's rights concerning parochial property
- 19 Minister's responsibility for church registers and records

PART 4 — CHURCHWARDENS

- 20 What are the churchwardens' functions?
- 21 Churchwardens to act by majority decision
- 22 What are the qualifications for a churchwarden?
- 23 How does a person become a churchwarden?
- 24 Declaration to be made by nominee or appointee
- 25 When do churchwardens cease to hold office?
- 26 Delivery of keys, documents, books of account etc to successors
- 27 Calling for accounts from churchwardens

PART 5 — PARISH COUNCILS AND CHURCH COMMITTEES

- 28 What are the functions of a parish council
- 29 What are the functions of a church committee

- 30 What circumstances give rise to the constitution of a parish council?
- 31 What circumstances give rise to the constitution of a church committee?
- 32 What are the qualifications for a member of a parish council or church committee?
- 33 How does a person become a member of a parish council or church committee?
- 34 Declaration to be made by nominee or appointee
- 35 When do members of parish councils and church committees cease to hold office.
- 36 How are meetings of the parish council and church committee convened?
- 37 What are the requirements for a quorum?
- 38 Who chairs a meeting of a parish council or church committee?

PART 6 — OTHER OFFICERS, OFFICES AND ORGANISATIONS

- 39 Organist, choirmaster and choir
- 40 Secretary of church committee or parish council
- 41 Treasurer, accountant or bookkeeper
- 42 Verger, cleaner, gardener etc
- 43 Offices within groups and organisations
- 44 Appointments to be for 12 months unless otherwise specified

PART 7 — ASSISTED PROVISIONAL PARISHES

- 45 Definitions
- 46 Role of the Home Mission Society
- 47 Appointment of churchwardens and interim church committee

PART 8 — DELEGATIONS

- 48 Certain functions of Archbishop to be exercised by Assistant Bishops
- 49 Certain functions of Archbishop-in-Council to be exercised by Bishop-in-Council of Wollongong or Bishop-in-Council of Parramatta
- 50 Acts of regional bishops-in-council to be notified to the Registrar

PART 9 — QUESTIONS AND DISPUTES

- 51 Policy concerning disputes
- 52 Omitted during Committee stage
- 53 Questions and disputes about meetings, elections and appointments
- 54 Questions and disputes about vacancies in offices, principal churches or parishioners of churches
- 55 Disputes and conciliation committees
- 56 Procedure in dealing with questions and disputes
- 57 Decisions which may be given

PART 10 — ABSENCE, ETC OF ARCHBISHOP OR MINISTER

- 58 What happens if the Archbishop is absent from the State
- 59 What happens if the minister is absent from the parish

PART 11 — MISCELLANEOUS

- 60 Exemption of Cathedral
- 61 Archbishop may use buildings for meetings
- 62 Exercise and enjoyment of rights
- 63 Parochial visits and information etc

PART 12 — COMMENCEMENT

- 64 Commencement to be determined by Archbishop-in-Council

CHURCH ADMINISTRATION ORDINANCE 1990

No. 38, 1990

AN ORDINANCE to provide for parochial government and other matters relating to church administration.

NOW the Synod of the Diocese of Sydney ordains as follows —

PART 1 — PRELIMINARY

Citation

1. This Ordinance may be cited as the “Church Administration Ordinance 1990”.

Definitions

2. (1) In this Ordinance —

“annual vestry meeting” means a meeting convened under clause 4 and includes any adjournment of such a meeting;

“Archbishop” means the Archbishop of Sydney for the time being;

“Archbishop-in-Council” means the Archbishop with the advice of the Standing Committee (except as provided by clause 49);

“church”, in relation to a building or part of a building, means a building or part of a building of a parish duly consecrated or licensed for the celebration of divine service.

“clause” means a clause of this Ordinance;

“divine service” means a service provided for in —

- (a) The Book of Common Prayer, or
- (b) An Australian Prayer Book,

with such variations to any service as are lawful in the relevant church;

“financial year” means a year commencing on 1st January;

“minister” means —

- (a) in relation to a provisional parish or an assisted provisional parish, the person licensed thereto for the time being as curate-in-charge;
- (b) in relation to any other parish, the person licensed thereto as incumbent; and
- (c) except in clause 18(1), in the absence or incapacity of a person referred to in paragraph (a) or (b) or during any vacancy in office of the curate-in-charge or incumbent, the person authorised under clause 59 for the time being to exercise all or any of the functions of the curate-in-charge or incumbent, to the extent to which those functions are properly exercisable in accordance with his licence or other authority;

"parish" means a parish, provisional parish or assisted provisional parish constituted under or recognised as such for the purposes of the Parishes Ordinance 1979;

"parishioner" means, subject to subclauses (2) and (3) —

- (a) in relation to a parish, a person —
 - (i) who is a member of the Anglican Church of Australia; and
 - (ii) who has usually during 3 months in the 12 months preceding the time at which the status of the person as a parishioner is to be determined attended divine service in a church of the parish; and
- (b) in relation to a church, a person —
 - (i) who is a member of the Anglican Church of Australia; and
 - (ii) who has usually during 3 months in the 12 months preceding the time at which the status of the person as a parishioner is to be determined attended divine service in that church;

"vestry meeting" means a meeting of parishioners of a church or parish convened under clause 3 and includes an adjourned meeting.

(2) A person may not be a parishioner of more than one parish at the same time. If, but for this subclause, a person would be a parishioner of more than one parish at the same time, the person must elect as to the parish of which he or she considers himself or herself to be a parishioner and any such election, when made, cannot be varied during the 3 months next following the date on which it was made.

(3) A person may not be a parishioner of more than one church at the same time. If, but for this subclause, a person would be a parishioner of more than one church at the same time, the person must elect as to the church of which he or she considers himself or herself to be a parishioner and any such election, when made, cannot be varied during the 3 months following the date on which it was made.

(4) In addition to the words and expressions defined in this clause, the definitions in the Schedule to the Interpretation Ordinance 1985 apply to this Ordinance.

(5) In this Ordinance —

- (a) a reference to a function includes a reference to a power, authority and duty; and
- (b) a reference to the exercise of a function includes, where the function is a duty, a reference to the performance of the duty.

(6) In this Ordinance —

- (a) a reference to a person becoming bankrupt includes a reference to the person applying to take the benefit of any law for the relief of bankrupt or insolvent debtors, compounding with his or her creditors or making an assignment of his or her remuneration for their benefit; and

- (b) a reference to a person becoming mentally ill includes a reference to a person becoming a temporary patient, a continued treatment patient, or a forensic patient within the meaning of the Mental Health Act 1990 or a protected person within the meaning of the Protected Estates Act 1983.
- (7) In this Ordinance
- (a) a reference to the Book of Common Prayer includes a reference to the Form and Manner of Making, Ordaining and Consecrating Bishops, Priests and Deacons; and
 - (b) a reference to An Australian prayer Book includes a reference to any additional form of service authorised by a canon of the General Synod which has been adopted by an ordinance of the Synod.

PART 2 — VESTRY MEETINGS

When and for what purposes may vestry meetings be convened?

3. A vestry meeting of a church may be convened at any time for the consideration of any business connected with the church.

Annual vestry meeting

4. A vestry meeting is to be convened each year for each church and held on a day which is on or after 1 February and not later than 31 March in that year.

Who may convene a vestry meeting?

5. (1) A vestry meeting of a church may be convened by the minister and churchwardens (if any) of the church.

(2) If an ordinance requires any business to be referred to a vestry meeting in a parish in which there are 2 or more churches and the business concerns all of the churches, a combined vestry meeting of parishioners of the whole parish must be convened by the minister and churchwardens of the principal church.

(3) The Archbishop may direct the minister and churchwardens of a church to convene a vestry meeting.

How is a vestry meeting convened?

6. (1) A vestry meeting of a church is convened —

- (a) by notice in writing placed in a prominent position at the main entrances to the church; and
- (b) by announcement at each Sunday service on at least 2 Sundays before the day of the meeting of the date, time and place of the meeting.

(2) If services are celebrated less frequently than once each Sunday, the announcement may be made at the service or services celebrated on one Sunday only before the meeting.

(3) The minister may give notice of a vestry meeting by such means and at such times as he thinks fit in addition to the notice required to be given under this clause.

Who is entitled to participate in a vestry meeting?

7. (1) A person (other than the minister) is not entitled to take part in or to be counted for the purposes of a quorum at a vestry meeting unless the person has first subscribed the following declaration —

"I am a member of the Anglican Church of Australia.
I have been baptised.
I am not less than 18 years of age.
I have usually during 3 months within the past 12 months attended divine service at the church of
I do not claim to be a parishioner of any other church of the Anglican Church of Australia.

Dated this day of 19 ."

(2) In the case of an annual vestry meeting of a church, the following additional subscription is to be added to the declaration in subclause (1) —

"I have not voted at a vestry meeting of any other church of the Anglican Church of Australia within the past 3 months and I do not intend to vote at a vestry meeting of any other church of the Anglican Church of Australia within the next 3 months."

(3) The election of a person to any office is not invalidated by reason only of the omission of any person to make the declaration required by this clause.

(4) It is competent for a vestry meeting to invite any person to be present at the meeting and to speak.

What are the requirements for a quorum?

8. (1) Seven persons who have signed the declaration in clause 7, or the minister and 6 such persons, constitute a quorum at a vestry meeting.

(2) If no quorum is present within half an hour after the time appointed for the meeting, the meeting stands adjourned for 7 days, the time and place for the adjourned meeting being the same as those appointed for the first meeting.

(3) If a quorum is not present within half an hour of the time appointed for the adjourned meeting, the meeting is dissolved and the Archbishop or a person or persons appointed by him —

- (a) may deal as he or they think fit with any or all of the business that could have been dealt with at that meeting had a quorum been present; and
- (b) may fix a date by which the minister may make such appointments as he would have been entitled to make under clause 15 at or within 28 days after the annual vestry meeting.

Who chairs a vestry meeting?

9. (1) The minister, if present, is the chairman of a vestry meeting.

(2) If at any time the minister is not present and no appointment has been made under clause 59, the meeting, before proceeding to or with

any business, must elect a chairman to preside during the absence of the minister.

(3) The chairman has a casting vote only.

(4) Nothing in this clause prevents the minister, if present at a vestry meeting, from authorising a person entitled to take part in the meeting to be chairman.

(5) The minister may revoke his authorisation under subclause (4) at any time.

What preparations need to be made for an annual vestry meeting?

10. Before the annual vestry meeting of a church, the churchwardens of the church will need to have complied with —

- (a) clause 20(1)(k) — as to the preparations of statements and accounts; and
- (b) clause 20(1)(l) — as to the auditing of the statements and accounts; and
- (c) clause 20(1)(m) — as to the making available to parishioners of the statements and auditor's report.

In a single-church parish, what is the business of the annual vestry meeting?

11. In a parish having only one church, the business of the annual vestry meeting of the church is —

- (a) after the meeting has been opened, to receive the declarations of those persons then present (clause 7(1) and (2));
- (b) to determine whether a quorum is present (clause 8(1));
- (c) to appoint a minute secretary;
- (d) to read the notice convening the meeting or to resolve that it be taken as read;
- (e) to receive apologies;
- (f) to give directions as to the reading of the minutes of the meeting at or after its conclusion;
- (g) to receive and pass or otherwise determine on the statements of the churchwardens (clause 20(1)(n));
- (h) to receive notification of the name of the person appointed by the minister as a churchwarden (clauses 15(1), 22 and 23);
- (i) to elect 2 qualified persons to be churchwardens (clause 23);
- (j) to appoint a person or persons of or above the age of 21 years to audit the statements and accounts of the churchwardens;
- (k) to determine whether or not there is to be a parish council and if in the affirmative —
 - (i) to resolve that there be 3, 6 or 9 elected members;
 - (ii) to elect qualified persons to be those members (clauses 32 and 33);

- (iii) to determine whether or not the parish council may fill any vacancy which may occur among the elected members;
- (l) to determine whether the functions listed in clause 29 are to be conferred on the parish council or in the minister and churchwardens (clauses 13 and 29);
- (m) to elect parish representatives if entitled to do so in accordance with the Presentation and Exchange Ordinance 1988 or to postpone the election until an adjourned or subsequent vestry meeting in accordance with that Ordinance;
- (n) to make such recommendations as it may wish on any matter connected with the business of the church, including any matter which it is appropriate for the churchwardens or parish council to deal with; and
- (o) to exercise any other function which may be authorised by any ordinance.

In a multi-church parish, what is the business of the annual vestry meeting?

12. In a parish having more than one church, the business of the annual vestry meeting of each church is —

- (a) after the meeting has been opened, to receive the declarations of those persons then present (clause 7(1));
- (b) to determine whether a quorum is present (clause 8(1));
- (c) to appoint a minute secretary;
- (d) to read the notice convening the meeting or to resolve that it be taken as read;
- (e) to receive apologies;
- (f) to give directions as to the reading of the minutes of the meeting at or after its conclusion;
- (g) to receive and pass or otherwise determine on the statements of the churchwardens (clause 20(1)(n));
- (h) to receive notification of the name of the person appointed by the minister as a churchwarden (clauses 15(1) and 23);
- (i) to elect 2 qualified persons to be churchwardens (clause 23);
- (j) to appoint a person or person of or above the age of 21 years to audit the statements and accounts of the churchwardens;
- (k) to determine whether or not there is to be a church committee (clauses 13 and 29) and if in the affirmative —
 - (i) to resolve that there be 3, 6 or 9 elected members;
 - (ii) to elect qualified persons to be those members (clauses 32 and 33); and
- (iii) to determine whether or not the church committee may fill any vacancy which may occur among the elected members;

- (l) if it is the annual vestry meeting of the principal church of the parish and the meeting has determined that there will not be a church committee for the principal church, to determine whether the functions listed in clause 29 are to be conferred on the parish council or on the minister and churchwardens (clauses 13 and 29);
- (m) if the constitution of the parish council has not been modified under clause 30(3) and it is the annual vestry meeting of the principal church of the parish, to elect 3, 6 or 9 qualified persons to be members of the parish council (clauses 32 and 33); or
- (n) if the constitution of the parish council has been modified under clause 30(3), to elect such qualified persons as the annual vestry meeting is entitled to elect under the terms of the modification to be members of the parish council (clauses 32 and 33);
- (o) if it is the annual vestry meeting of the principal church of the parish, to determine whether or not the parish council may fill any vacancy which may occur among the members of the parish council elected that year;
- (p) to make such recommendations as it may wish on any matter connected with the business of the church or parish, including any matter which it is appropriate for the churchwardens, church committee or parish council to deal with; and
- (q) to exercise any other function which may be authorised by any ordinance.

Further options for parish management

13. (1) If there is only one church of a parish and there is no parish council for the parish, the functions of the parish council vest in the minister and churchwardens until a parish council is constituted.

(2) If the annual vestry meeting of a church in a parish having only one church decides that there is to be a parish council but does not make a determination under clause 11(l), the functions listed in clause 29 are conferred on the parish council.

(3) If the annual vestry meeting of a church in a parish having more than one church does not determine that there is to be a church committee, or in the case of the principal church does not make a determination under clause 12(l) as to whether there is to be a church committee, the functions listed in clause 29 are conferred on the minister and churchwardens.

(4) If 2 or more parishes are amalgamated under the Parishes Ordinance 1979, the parish council consists of the minister and the churchwardens of each church, until a parish council is otherwise constituted under this Ordinance.

Who may be nominated and how are contested elections conducted at vestry meetings?

14. The following rules apply —

- (a) A person may not be nominated unless he or she has consented verbally or in writing to the nominator or another person at the meeting. A person nominated need not be present at the meeting.
- (b) Voting is to be conducted by secret ballot.
- (c) Each person entitled to take part in the meeting may vote for not more than the number of candidates to be elected.
- (d) The candidate who obtains, or the candidates who obtain, the higher or highest number of votes is elected.
- (e) If, in respect of the last vacancy to be filled, 2 or more candidates each obtain an equal number of votes, the election is to be determined on the casting vote of the chairman
- (f) Proxies are not permitted.
- (g) Preferential voting is not permitted.
- (h) Where possible, there are to be a least 2 or more scrutineers, being persons not standing for election.

Minister's appointments

15. (1) Before the election of churchwardens at an annual vestry meeting, the minister must appoint one qualified person to be a churchwarden (clauses 11(h), 12(h), 22 and 23). If the minister does not make the appointment, the minister must comply with clause 23(3).

(2) The minister may, at an annual vestry meeting or within 28 days after the meeting, appoint one qualified person to be a member of the parish council and, if appropriate, one qualified person to be a member of a church committee for each 3 persons elected as members of the parish council or church committee at the annual vestry meeting.

(3) The right to make an appointment under subclause (2) lapses if it has not been exercised within 28 days after the annual vestry meeting.

In what circumstances may churches in a multi-church parish have a combined annual vestry meeting?

16. (1) At the request of the minister and the churchwardens of 2 or more churches in a parish, the Archbishop-in-Council may permit a combined annual vestry meeting of all or some of the churches of the churchwardens making the request to deal with such of the matters referred to in clause 12 as the Archbishop-in-Council considers proper.

(2) The permission must specify —

- (a) the matters that may be dealt with by all persons present and entitled to take part in the meeting; and
- (b) the matters that may be dealt with only by a class or classes of those persons and the class or classes of those persons who may deal with those matters.

(3) The permission may be given unconditionally or subject to conditions.

1990 Synod Summary: Church Administration Ordinance 453

(4) The permission may be given for a specific period or indefinitely.

(5) The churchwardens of a church affected by such a permission may apply to the Archbishop-in-Council to vary or discontinue the permission and the Archbishop-in-Council may deal with the application as is considered appropriate.

In what circumstances may a vestry meeting be adjourned?

17. (1) If a quorum is present at a vestry meeting, the meeting may from time to time be adjourned to such time and place as the meeting may determine.

(2) Where a vestry meeting is adjourned to a day after the next succeeding Sunday, notice of the adjourned meeting must be given by announcement at such service or services as may be held in the church on the Sunday prior to the adjourned meeting.

(3) The minister may give notice of an adjourned vestry meeting by such means and at such times as he thinks fit in addition to the notice required to be given under this clause.

PART 3 — THE MINISTER

Minister's rights concerning parochial property

18. (1) The minister is entitled to free use of the rectory, its garden and outbuildings. Any dispute about such use may be resolved by the Archbishop.

(2) The minister is entitled to access into the church at all times and may, in the church, celebrate divine service without hindrance from any person.

(3) The minister is entitled to free use of any hall for such parochial purposes as he determines, subject to —

- (a) the trusts on which the property is held; and
- (b) any legally binding arrangements made by the trustee of the same with the approval of the parish council.

(4) The minister is entitled to have keys to the buildings to which this clause applies.

(5) Clause 61 applies where there is no minister, or the minister is absent or is not competent and willing to discharge his functions.

Minister's responsibility for church registers and records

19. (1) The minister is responsible for the safe custody of all church registers and records, other than current books of account.

(2) The registers must be kept within the church or in such other place as the Archbishop may from time to time appoint in writing.

(3) If there is no minister, the minister's functions under this clause attach to the churchwardens.

PART 4 — CHURCHWARDENS

What are the churchwardens' functions?

20. (1) The functions of the churchwardens of a church (besides those prescribed in the Book of Common Prayer) are —

- (a) to have the charge and administration of all money and other property of the church (except money or other property excluded from that charge and administration by this Ordinance or the trusts under which it is held);
- (b) in the case of churchwardens of the principal church in a parish having more than one church, to have the charge and administration of all money and other property of or payable to the parish or collected or held in connection with matters affecting the parish as a whole and not being for the use or benefit of, or the responsibility of, any one church in the parish only (except money or other property excluded from that charge and administration by this Ordinance or the trusts under which it is held);
- (c) to collect all money payable to the churchwardens, to count the offertories and collections taken in connection with services in the church and to record, without delay, the amounts of those offertories and collections in the register of services;
- (d) to keep books of account of all money received and expended by them;
- (e) to keep order in the church and its grounds;
- (f) to have the care of the church and its furniture and of other things relating to the celebration of divine service and to see that everything is fit and in proper order for the due performance of divine service;
- (g) to report to the Archbishop any grave irregularities in the performance of divine service and any wilful neglect of duty or any flagrant misconduct on the part of the minister;
- (h) subject to the Church Insurances Ordinance 1981 and except where insurance has been taken out under that Ordinance in respect of matters listed hereunder —
 - (i) to insure the church, the fittings, fixtures and furniture of the church and the rectory, halls and all other buildings and other property of church,
 - (ii) to insure against liability for death or injury to persons and loss or damage occurring in connection with the ownership and use of those buildings and that property, and
 - (iii) to insure such persons as may be required by law to be insured for any purpose,
 and to effect the insurances in accordance with any regulations which may be made from time to time by the Archbishop-in-Council;
- (i) to report promptly to the Registrar of the Diocese the names, addresses and occupations of all persons elected or

- appointed to be trustees, churchwardens, members of church committees or members of parish councils;
- (j) in the case of churchwardens of the principal or only church of the parish, to pay to the persons entitled to receive them all such stipends and other amounts as are authorised by the parish council to be paid in accordance with the powers conferred by this or any other ordinance and, in the case of churchwardens of each church other than the principal church, to pay to the churchwardens of the principal church all amounts required to be paid in respect of each such church in accordance with clause 28(1)(c);
- (k) before the annual vestry meeting, to prepare —
 - (i) a statement of all money received and expended by them during the previous financial year,
 - (ii) a statement of the assets of the church at the close of the financial year (in which the value of any lands and buildings may be shown as the cost price, Valuer-General's current valuation, the estimates provided on behalf of the Property Trust to the parish for the replacement and reinstatement cost calculated in accordance with the terms and conditions of the current insurance policy, or a valuation by an independent qualified valuer),
 - (iii) a statement of the liabilities of the church at the close of the financial year,
 - (iv) if separate accounts are kept by them of money collected, expended or held in connection with matters affecting the parish as a whole and not being the responsibility of any one church only, separate statements in accordance with subparagraphs (i), (ii) and (iii) with regard to such money,
 - (v) a statement in such form as is from time to time prescribed by resolution of Standing Committee setting out full particulars of all current insurances effected by them as required by paragraph (h),
 - (vi) an interim statement showing all money received and expended by them after the termination of the financial year (including payment of stipends, salaries, wages and other expenses),
 - (vii) a statement of outstanding accounts as at the last day of the month immediately preceding the vestry meeting,
 - (viii) a budget for the then current financial year, and
 - (ix) such additional accounts as may be required by the Accounts Ordinance 1975,
 and all such statements must be in the form last laid down pursuant to the Accounts Ordinance 1975;
- (l) before the annual vestry meeting, to call on the auditor or auditors duly appointed under this Ordinance to report on the statements prepared by them pursuant to subparagraphs (i), (ii), (iii)

and (iv) of paragraph (k) and on the accounting records kept by them and to state, in that report —

- (i) whether the statements, in the opinion of the auditor or auditors, are properly drawn up so as to give a true and fair view of the assets, liabilities and money received and expended,
- (ii) whether the statements, in the opinion of the auditor or auditors, comply with the provisions of this Ordinance and of any provisions in or made pursuant to the Accounts Ordinance 1975, and
- (iii) where not so satisfied, the reasons for not being so satisfied;
- (m) on at least one Sunday before the annual vestry meeting, being a Sunday on which at least one service is conducted, to make copies of those statements and reports available for inspection or distribution (or both) at or near each main entrance to the church, in such quantities and manner as the minister and churchwardens may reasonably determine, and to cause an announcement to be made at such service (but if more than one service is conducted on that Sunday, then at all such services) to the effect that those statements and reports are so available;
- (n) at the annual vestry meeting to produce those statements and reports;
- (o) at or within 7 days after the annual vestry meeting, to forward copies of the statements referred to in subparagraphs (i) to (v) and (ix) of paragraph (k) to the Registrar, and to comply with clause 26 concerning the delivery of keys, documents and funds etc.

(2) The functions referred to in paragraphs (a) to (j) of subclause (1) are to be exercised subject to the rights and powers of the parish council and the church committee to authorise payments and determine matters of policy in the control of the funds and property of the church in accordance with the other provisions of this Ordinance.

Churchwardens to act by majority decision

21. An act done by any 2 churchwardens of a church is to be taken to be the act of the churchwardens of that church, provided that all reasonable efforts have been taken to first consult the third churchwarden at the time the act is done.

What are the qualifications for a churchwarden?

22. (1) A parishioner of a church who is of or above the age of 18 years and who is a communicant member of the Anglican Church of Australia is qualified to be elected or appointed as a churchwarden of that church, except as provided by this clause.

(2) The spouse of a person in Holy Orders licensed to the parish is not qualified to be elected or appointed as a churchwarden.

(3) At any one time, a husband and wife may not both be churchwardens of a church.

(4) A person who is engaged on a full-time paid basis and who is paid from the funds of the parish or church may not be appointed or elected as a churchwarden.

How does a person become a churchwarden?

23. (1) Two qualified persons are to be elected as churchwardens in accordance with clauses 11(i), 12(i) or this clause and one is to be appointed by the minister in accordance with clause 15(1) or this clause.

(2) If the annual vestry meeting or any other vestry meeting of a church of a parish fails to elect the requisite number of qualified persons to be churchwardens, the parish council may appoint any qualified parishioner or parishioners of the same or any other church within the parish to fill the remaining vacancy or vacancies.

(3) If the minister fails to nominate a churchwarden prior to the election required by clauses 11(h) or 12(h), he may do so at any time after the relevant meeting but must endeavour to do so as soon as possible.

Declaration to be made by nominee or appointee

24. (1) A person who is proposed or nominated for election or appointment as a churchwarden must make the following declaration:

"I declare that I am a communicant member of the Anglican Church of Australia."

(2) The office to which the person was elected or appointed is to be taken to be vacant if the person fails to make the declaration required by this clause —

- (a) on or before the person's election or appointment;
- (b) within 7 days after the person's election or appointment; or
- (c) if the person is temporarily absent from the Diocese, within 7 days of his return; or
- (d) if the person is otherwise absent or incapacitated, within such further period as may be approved by the Registrar or the Archdeacon of the area within which the parish is situated.

When do churchwardens cease to hold office?

25. (1) The office of a churchwarden becomes vacant —

- (a) if the churchwarden —
 - (i) dies,
 - (ii) resigns,
 - (iii) becomes bankrupt, or
 - (iv) becomes mentally ill or otherwise incapable of acting as a churchwarden; or
- (b) in the case of an elected churchwarden of a church —
 - (i) on appointment as a churchwarden by the minister, or

- (ii) on the election of a successor; or
- (c) in the case of an appointed churchwarden —
 - (i) on the appointment, as referred to in clause 15, of the churchwarden's successor; or
 - (ii) on election as a churchwarden.

(2) A person who ceases to hold office as a churchwarden pursuant to paragraph (b) or (c) of subclause (1) is not prevented from exercising any function which, under this Ordinance or other lawful authority, the person may be entitled or required to exercise after the time at which the person ceased to hold that office.

(3) A vacancy in the office of churchwarden occurring under paragraph (a) of subclause (1) must be filled —

- (a) if the churchwarden was an elected churchwarden, at a vestry meeting convened by the minister and churchwardens and held within 3 months after the vacancy occurred; or
- (b) if the churchwarden was an appointed churchwarden, by an appointment by the minister.

(4) For the purposes of subclause (3), a vacancy occurs when the minister receives the resignation or notice of the fact or circumstance that causes the vacancy.

(5) Churchwardens continue to hold office despite the destruction or delicensing of their church, but those churchwardens cease to hold office 7 days after the Archbishop signs a notice to the Registrar and to those churchwardens that they are to cease to hold office.

Delivery of keys, documents, books of account etc. to successors

26. (1) At or within 7 days after the annual vestry meeting, the churchwardens of a church must deliver to their successors all duplicate keys, church papers, books of account, vouchers for payment and the balance of funds shown by the books of account as being in their hands.

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

- (a) must be delivered to the remaining churchwarden or churchwardens by that person within 7 days after the vacancy occurs; or
- (b) if personal delivery is impossible, must be recovered by the remaining churchwardens as soon as possible and shall be taken to have been delivered.

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

Calling for accounts from churchwardens

27. (1) The Synod may call on any churchwardens for any account of their dealings with any church trust property.

(2) The Synod may submit any such account to auditors appointed by the Synod and the auditor's fees must be paid by the churchwardens out of church trust property administered by the churchwardens.

(3) If the Synod is not in session, its functions under this clause will be exercised by the Standing Committee.

PART 5 — PARISH COUNCILS AND CHURCH COMMITTEES

What are the functions of a parish council?

28. (1) The functions of a parish council (without imposing on its members any legal liability) are —

- (a) to fix the stipend of the minister;
- (b) with the consent of the minister, to fix the stipend or salary of any curate, catechist, deaconess or lay worker;
- (c) where there are 2 or more churches of the parish, to determine what money is to be paid from time to time by each church towards each expense of the parish;
- (d) to confer with the minister in the initiation, conduct and development of church work including such matters as are vital to the spiritual welfare of the church within or outside the parish;
- (e) to consult (on its own motion or on reference by a vestry meeting, the minister or the Archbishop or in accordance with the provisions of any Act or Ordinance) on any measure or project affecting or likely to affect the interest of the parish generally and to take proper action thereon in accordance with the functions conferred on it by this or any other Ordinance or any Act; and
- (f) to cause minutes to be kept of its proceedings.

(2) The parish council must, without delay, give to the churchwardens of each church of the parish notice of any determination under paragraph (c) of subclause (1).

(3) The churchwardens of any such church may appeal from the determination to the Archbishop or the relevant Assistant Bishop and the decision given is final.

What are the functions of a church committee?

29. The functions of a church committee (without imposing on its members any legal liability) are —

- (a) to provide money for special or general church purposes;
- (b) to control the funds and property of the church not by the trusts under which they are held excluded from such control, provided that the church, hall or rectory must not be used for any purpose not sanctioned by the minister;
- (c) to repair the church and its fittings, fixtures and furniture and the rectory, halls and all other buildings and so much of their

contents and appurtenances as are the property of the church;

- (d) to provide the minister with sufficient means for the safe custody of all church registers and records;
- (e) to direct the expenditure or investment of any surplus funds including the allocation of general funds of the church (not being the subject of any trust) for the general or any special work of the Anglican Church of Australia in the Diocese of Sydney;
- (f) to fill any vacancy in the office of auditor;
- (g) to confer with the minister in the initiation, conduct and development of church work, including such matters as are vital to the spiritual welfare of the Church within or outside the parish;
- (h) to confer with the parish council or another committee or other committees on any measure or project affecting or likely to affect the interest of the church or the parish generally and to take proper action thereon in accordance with the powers conferred on it by this or any other Ordinance or any Act; and
- (i) to cause minutes to be kept of its proceedings.

What circumstances give rise to the constitution of a parish council?

30. (1) If —

- (a) there is only one church of the parish; and
- (b) the annual vestry meeting determines that there will be a parish council;

there must be a parish council for the ensuing year consisting of-

- (i) the minister;
- (ii) churchwardens; and
- (iii) the persons elected and appointed to the parish council at and after that annual vestry meeting.

(2) If there is more than one church of the parish, there must be a parish council consisting of —

- (a) the minister;
- (b) the churchwardens of the principal church;
- (c) the persons elected and appointed to the parish council at and after the annual vestry meeting of the principal church; and
- (d) one of the churchwardens of each other church of the parish appointed from time to time by the churchwardens of that church.

(3) The Archbishop-in-Council may, on the application of the churchwardens of any church of the parish, make any modification of the constitution of the parish council in a particular case.

(4) Notwithstanding anything in this Ordinance, on application from the churchwardens of all the churches of a parish having more than one

church, the Archbishop-in-Council may permit a parish council to be elected by a combined vestry meeting of the parishioners of the whole parish convened by the minister.

(5) The Archbishop-in-Council may, on application by the churchwardens of any church of a parish referred to in subclause (4), from time to time revoke or vary the permission.

What circumstances give rise to the constitution of a church committee?

31. If the annual vestry meeting determines under clause 12(k) that there is to be a church committee, there is to be a church committee for the ensuing year which is to consist of the minister and churchwardens and of the persons elected and appointed to the church committee at or after that annual vestry meeting.

What are the qualifications for a member of a parish council or church committee?

32. A person of or above the age of 18 years who is a communicant member of the Anglican Church of Australia is qualified to be elected or appointed —

- (a) as a member of a parish council of a parish if the person is a parishioner of a church in that parish; and
- (b) as a member of a church committee of a church if the person is a parishioner of that church.

How does a person become a member of a parish council or church committee?

33. The requisite number of qualified persons are to be elected in accordance with clause 11(k) or 12(k) or appointed by the minister in accordance with clause 15(2).

Declaration to be made by nominee or appointee

34. (1) A person who is proposed or nominated for election or appointment as a member of a parish council or church committee must make the following declaration —

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

either —

- (a) at the meeting; or
- (b) within 7 days before or after election; or
- (c) if the person is temporarily absent from the diocese within 7 days of his return; or
- (d) if the person is otherwise absent from the parish or incapacitated, within such further period as may be approved by the Registrar or the relevant Archdeacon.

(2) The office to which a person was elected or appointed becomes vacant if that person fails to make the declaration required by this clause.

When do members of parish councils and church committees cease to hold office?

35. (1) The office of a member of a parish council or church committee becomes vacant —

- (a) if the member —
 - (i) dies,
 - (ii) resigns,
 - (iii) becomes bankrupt, or
 - (iv) becomes mentally ill or otherwise incapable of acting; or
- (b) in the case of an elected member, on the election or appointment of a successor; or
- (c) in the case of an appointed member, on the appointment, as referred to in clause 15(2), of the member's successor.

(2) For the purposes of subclause (1), a vacancy occurs when the minister receives the resignation or notice of the other fact or circumstance causing the vacancy.

(3) A vacancy in the office of a member of a parish council or church committee occurring under paragraph (a) of subclause (1) is to be filled —

- (a) if the member was an elected member and the vestry meeting has not given the parish council or church committee authority to fill casual vacancies, at a vestry meeting held within 3 months after the vacancy occurred; or
- (b) if the member was an elected member and the vestry meeting has given the parish council or church committee the authority to fill casual vacancies, at a meeting thereof held within 3 months after the vacancy occurred; or
- (c) if the member was an appointed member, by an appointment by the minister within 2 months after the vacancy occurred.

How are meetings of the parish council and church committee convened?

36. (1) The first meeting of a parish council is to be called by the minister or the churchwardens of the principal or only church of the parish, as the case may be.

(2) The first meeting of a church committee is to be called by the minister or the churchwardens of the church.

(3) All subsequent meetings are to be called in such manner and at such times as the parish council or church committee, respectively, determines.

(4) The minister or a majority of the parish council or church committee, respectively, may call a special meeting of the council or committee at any time by written notice to each member of the council or committee. Any such notice must specify the business to be dealt with at the special meeting and without the consent of all members of the parish council no other business may be dealt with at such meeting.

What are the requirements for a quorum?

37. At meetings of a parish council or a church committee one-third of the existing number of members of the council or committee constitutes a quorum.

Who chairs a meeting of a parish council or church committee?

38. (1) Except as provided by this clause, the minister, if present, is the chairman of a meeting of a parish council or church committee.

(2) If the minister is not present, the members present must elect a chairman to preside during the absence of the minister.

(3) The chairman has a casting vote only.

(4) Nothing in this clause prevents the minister, if he is present at the meeting of the parish council or church committee, from authorising a member of the council or committee, respectively, to be the chairman of the meeting.

(5) An authorisation under subclause (4) may be revoked by the minister at any time.

(6) The minister must, in relation to any matter concerning his stipend or allowances, vacate the chair and the members are to elect a chairman to preside during any discussion or determination of the matter.

(7) The minister must not vote in relation to any matter concerning his stipend and allowances.

(8) A member must not vote in relation to any matter concerning any stipend, salary, wages, allowance or other remuneration paid or to be paid to the member by determination of the churchwardens or the parish council or church committee.

PART 6 — OTHER OFFICERS, OFFICES AND ORGANISATIONS**Organist, choirmaster and choir**

39. An organist, choirmaster and the members of a choir of a church may, from time to time, be appointed or removed by the minister.

Secretary of church committee or parish council

40. A church committee and a parish council, respectively, may appoint one of its members to be its secretary for the time being and may remove any such person from the office.

Treasurer, accountant or bookkeeper

41. (1) The churchwardens of a church may appoint one of their number to act as treasurer or may, with the consent of the minister, appoint any other person to act as treasurer, accountant or bookkeeper to assist them in their functions and may remove any such person from office.

(2) In connection with matters affecting the parish as a whole under clause 20(1)(b) the churchwardens of the principal church in a parish

may appoint one of their members to act as treasurer for any money collected, expended or held, or may, with the consent of the minister, appoint any other person to act as treasurer, accountant, bookkeeper to assist them in such functions and may remove any such person from office.

(3) Nothing in this clause has the effect of removing from the churchwardens or any of them, their, his or her responsibility for the charge and administration of any funds or property of the church.

Verger, cleaner, gardener, etc

42. The churchwardens of a church may, with the concurrence of the minister, appoint a verger, cleaner, gardener or other person to perform duties in or about the church, hall or other building used in connection with the church and may, with the concurrence of the minister, remove any such person from office at any time.

Offices within groups and organisations

43. (1) Subject to the powers of the Archbishop, the minister has control of the policy, organisation and affairs of any Sunday school, bible class, study group, youth fellowship, guild or other organisation of the parish or any church of the parish and for those purposes may appoint and remove such superintendents, teachers, leaders or other officers as he thinks fit.

(2) The minister may delegate all or any of the powers conferred by subclause (1).

(3) The treasurer or other officer acting for the time being as treasurer of each such organisation must —

- (a) prepare a statement of receipts and payments of the organisation for each financial year;
- (b) prepare statements of the assets and liabilities as at the last day of that financial year;
- (c) present the statements for audit to the auditor appointed or approved by the churchwardens of the principal or only church; and
- (d) present the statements duly audited to the minister within 2 calendar months of the last day of each financial year and also to the annual meeting (if any) of the organisation, or if there is no such annual meeting, to the church committee.

(4) Every person appointed to any office under this clause must perform the duties of the office in accordance with this Ordinance.

(5) Every such organisation exists for the furtherance of the work of the church or the parish, the Diocese and the missionary and other work of the Anglican Church of Australia and may raise funds only for such purposes and for its own internal purposes.

(6) If any such organisation ceases to exist for any reason, its remaining funds and property (not being the subject of any trust) become the property of the church or parish, and its books and records must be given to and remain in the custody of the minister.

Appointments to be for 12 months unless otherwise specified

44. A person appointed to any office under this Part is to be taken to have been appointed for a period of 12 months unless, at the time when the appointment is made, some other period is specified in writing by the person or persons making the appointment.

PART 7 — ASSISTED PROVISIONAL PARISHES

Definitions

45. (1) In this Part —

“assisted provisional parish” means an assisted provisional parish constituted under the Parishes Ordinance 1979;

“HMS” means the council referred to in the Sydney Anglican Home Mission Society Ordinance 1981 and constituted a body corporate under the Anglican Church of Australia (Bodies Corporate) Act 1938.

(2) This Part has effect notwithstanding any other provision of this Ordinance.

Role of the HMS

46. (1) HMS, in relation to an assisted provisional parish, is entitled

- (a) to receive a copy of —
 - (i) the minutes of the meeting of the parish council or a church committee or of any vestry meeting, and
 - (ii) the annual accounts;
- (b) to be furnished, on request, or at such intervals as HMS may specify, with such financial or other information as HMS may specify;
- (c) to exercise the power of a vestry meeting or church committee to appoint an auditor or fill any vacancy in the office of an auditor;
- (d) to assist in the preparation of and approve the annual budget and to give directions as to the expenditure for any money provided by HMS including loans negotiated on behalf of the assisted provisional parish of funding from other diocesan sources; and
- (e) to see that the minimum diocesan stipend and appropriate allowances are paid to the incumbent.

(2) An application to the Sydney Church of England Finance and Loans Board in respect of a loan to an assisted provisional parish may only be made by HMS.

(3) The Standing Committee may not deal with any ordinance relating to church trust property held on trust for an assisted provisional parish until the Secretary of Standing Committee has received a report concerning the ordinance from HMS but, if no such report is received by

the Secretary within 90 days of the HMS being informed of the ordinance, the Standing Committee may proceed in the absence of any such report.

(4) The Property Trust may not exercise any power under clause 10 or 17 of the Anglican Church Property Trust Diocese of Sydney Ordinance 1965 in relation to church trust property held on trust for an assisted provisional parish without the prior written approval of HMS (which approval may be given generally or may be limited to a particular case) but, if its approval is withheld, appeal may be made to the Standing Committee which is to determine the matter.

(5) In exercising any right of appointment to an assisted provisional parish, the Archbishop may request a report to be made to him by the Parish Support and Development Division of HMS concerning a possible appointment.

(6) Not later than 30 June each year, HMS is to report to the Standing Committee in respect of each assisted provisional parish —

- (a) the general position;
- (b) the financial position;
- (c) whether in view of all circumstances the stage has been reached when the assisted provisional parish should be formed into a provisional parish;

and in respect of any assisted provisional parish upon which such report recommends accordingly, steps may be taken forthwith by HMS for its formation into a provisional parish.

Appointment of churchwardens and interim church committee

47. (1) Where an assisted provisional parish is created and there is no licensed building, churchwardens or church committee, the minister must, within 3 months of the date of his appointment to the assisted provisional parish, appoint churchwardens and an interim church committee.

(2) The interim church committee is to consist of no less than 3 and no more than 10 persons who are to fulfil the qualifications of clause 35.

(3) The churchwardens and interim church committee continue in office until first appropriate date for holding an annual vestry meeting.

(4) Until the appointment of churchwardens and the formation of any interim church committee, the functions of the churchwardens and the interim church committee are to be exercised by HMS.

PART 8 — DELEGATIONS

Certain functions of Archbishop to be exercised by Assistant Bishops

48. (1) The Archbishop may delegate any or all of his functions under this Ordinance to an Assistant Bishop or to an Archdeacon.

(2) In Part 9, the functions conferred on the Archbishop are to be exercised —

- (a) in the region in which the Assistant Bishop appointed as the Bishop of Parramatta exercises episcopal duties — by the Bishop of Parramatta; and
- (b) in the region in which the Assistant Bishop appointed as the Bishop of Wollongong exercises episcopal duties — by the Bishop of Wollongong.

(3) The minister or parishioners involved in any question or dispute determined pursuant to this ordinance by an Assistant Bishop or an Archdeacon may appeal against the determination to the Archbishop.

(4) Wherever under this Ordinance a matter is committed to the Archbishop, a decision on that matter signed by an Assistant Bishop or an Archdeacon is to be taken to be the decision of the Archbishop.

Certain functions of Archbishop-in-Council to be exercised by Bishop-in-Council of Wollongong or Bishop-in-Council of Parramatta

49. (1) In clauses 16 and 30 and in Part 9, the functions conferred on the Archbishop-in-Council are to be exercised —

- (a) in the region in which the Bishop of Parramatta exercises episcopal duties — by the Bishop of Parramatta on the advice of the Parramatta Anglican Regional Council; and
- (b) in the region in which the Bishop of Wollongong exercises episcopal duties — by the Bishop of Wollongong on the advice of the Wollongong Anglican Regional Council.

(2) The minister or parishioners involved in any question or dispute determined pursuant to this clause may appeal against the determination to the Archbishop-in-Council.

Acts of regional bishops-in-council to be notified to the Registrar

50. All acts of an Assistant Bishop or Archdeacon under delegation from the Archbishop pursuant to this Ordinance, and all acts of the Bishop of Parramatta on the advice of the Parramatta Anglican Regional Council and of the Bishop of Wollongong on the advice of the Wollongong Anglican Regional Council pursuant to this ordinance must be notified to the Registrar of the Diocese.

PART 9 — QUESTIONS AND DISPUTES

Policy concerning disputes

51. The policy of the Anglican Church of Australia in the Diocese is that any dispute between the minister and any of the members of this Church should be solved in a prayerful and pastoral manner, having regard to the rights and duties of those persons, rather than by legal decision.

*52.

**Omitted during the Committee Stage and not renumbered.*

Questions and disputes about meetings, elections, and appointments

53. (1) If any question or dispute arises as to whether —

- (a) any meeting has been properly called or conducted in accordance with the provisions of this Ordinance; or
- (b) any election or appointment of any person or persons to any office established or provided for by this Ordinance has been conducted or made in accordance with the provisions of this Ordinance;

the question or dispute may be determined by the Archbishop-in-Council or, if the Archbishop-in-Council so decides, by a disputes and conciliation committee.

(2) If, under this Part, it is determined that the election or appointment of a person to an office has not been validly made, the determination does not of itself have the effect of invalidating the election or appointment of any other person or persons.

Questions and disputes about vacancies in offices, principal churches or parishioners of churches

54. If any question or dispute arises —

- (a) as to whether any vacancy has arisen in the office of a churchwarden or of a member of a parish council or a church committee;
- (b) as to which is for the time being the principal church of any parish, or in a parish where there is no principal church, as to which church is for any of the purposes of this Ordinance deemed for the time being the principal church of such parish; or
- (c) as to which is the church if any in respect of which any person is for the time being a parishioner;

the question or dispute may be determined by the Archbishop.

Disputes and conciliation committees

55. (1) The Archbishop-in-Council may from time to time establish one or more disputes and conciliation committees.

(2) The members of each disputes and conciliation committee are to consist of at least 3 persons appointed by the Archbishop-in-Council of whom at least one is to be a minister licensed to a parish and at least one is to be a lay person.

(3) A member of a disputes and conciliation committee holds office for such term and in accordance with such conditions as may be specified by the Archbishop-in-Council.

Procedure in dealing with questions and disputes

56. (1) The Archbishop, the Archbishop-in-Council or a disputes and conciliation committee, as the case may be, may enter into the consider-

ation of any question or dispute, only on the application of some person or persons interested in the dispute.

(2) For the purpose of determining the question or dispute, the Archbishop, the Archbishop-in-Council or a disputes and conciliation committee, as the case may be, may give all such notices may make such inquiries and do all such things as appear reasonable and proper in the circumstances.

Decisions which may be given

57. (1) If it is determined under clause 53 that any meeting has not been effectively or properly called or conducted in accordance with the provisions of this Ordinance, the Archbishop-in-Council or a disputes and conciliation committee, as the case may be, may —

- (a) declare that in the circumstances of the case the meeting was called and conducted substantially in accordance with the provisions of this Ordinance, that no injury has been caused and that no further meeting is required to be called; or
- (b) declare that the meeting was not called and conducted substantially in accordance with the provisions of this Ordinance, that no injury has been caused and that no further meeting is required to be called; or
- (c) direct that another meeting be called for all or any of the purposes for which the original meeting was or should have been called, as the circumstances of the case may require, specifying the purposes for which the meeting is to be called.

(2) If it is determined under clause 53 that the election or appointment of any person has not been conducted or made in accordance with the provisions of this Ordinance on the ground that the person was not qualified for election or appointment to the office, the Archbishop-in-Council or a disputes and conciliation committee, as the case may be, must direct that a new election or appointment must be conducted or made, as the case may be, to replace the person.

(3) If it is determined under clause 53 that the election or appointment of any person has not been conducted or made in accordance with the provisions of this Ordinance on any ground other than that specified in subclause (2) the Archbishop-in-Council or a disputes and conciliation committee, as the case may be, may either —

- (a) declare that in the circumstances of the case the election or appointment is to stand as if it had been validly and properly conducted or made; or
- (b) direct that the election or appointment is not to stand and that a vacancy be declared as from the date of the direction.

(4) If any meeting has been ineffectively provided for or has not been called within the time and in the manner required by this Ordinance, the Archbishop may call the meeting by such notice and for such time and place as he thinks fit or may by writing appoint some other person to call the meeting and to act as chairman.

(5) If any election or appointment of any person either originally or in case of a vacancy to any office established or provided for by this Ordinance has been ineffectively provided for or has not been made in accordance with the preceding provisions of this Ordinance, the Archbishop may call a meeting in accordance with subclause (4) to hold the election or may himself make such appointment by writing provided that any person so to be elected or appointed must be duly qualified for the office under this Ordinance.

(6) All meetings, elections and appointments authorised, held and made under this clause have the same authority, validity and effect and are to be taken to be the same in all respects as if they had been called, held and made respectively in accordance with the other provisions of this Ordinance.

PART 10 — ABSENCE, ETC OF ARCHBISHOP OR MINISTER

What happens if the Archbishop is absent from the State?

58. In the absence of the Archbishop from the State of New South Wales the powers by this Ordinance vested in him (subject to such limitations as he may prescribe) will be exercised by a Commissary appointed by him and in default of such appointment or if the Archbishop is incapable of acting then by the person who if the See were vacant would be the administrator of the Diocese and if the See be vacant then by such administrator.

What happens if the minister is absent from the parish?

59. (1) In any case where—

- (a) a minister is absent from the parish with leave of the Archbishop; or
- (b) there is no minister; or
- (c) a minister is not competent and willing to discharge the functions or any of the functions devolving upon him under this Ordinance;

any person appointed by the Archbishop by writing may discharge such functions and such discharge has the same validity and effect in all respects as if there had been a minister competent and willing to discharge such functions and he had discharged the same.

(2) The churchwardens of the principal or only church must pay out of moneys under their control the stipend or other moneys payable to any such person appointed with their consent by the Archbishop under this clause.

PART 11 — MISCELLANEOUS

Exemption of Cathedral

60. Nothing in this Ordinance refers to the Cathedral Church of St. Andrew Sydney or to the lands and property belonging thereto.

Archbishop may use buildings for meetings

61. A parochial building, if required by the Archbishop, must be available for the purpose of any meeting which may be called under this Ordinance by the Archbishop or a person appointed by him.

Exercise and enjoyment of rights

62. Wherever by this or another ordinance, rights or powers are conferred upon any minister, churchwardens or other church officer, such rights and powers are to be taken to be conferred in order that they may be enjoyed and exercised for the benefit of the Anglican Church of Australia in the parish concerned and not otherwise. This clause does not apply to the rights given to a minister under clause 18(1).

Parochial visits and information etc

63. (1) An Archdeacon or an area dean may from time to time visit the minister and churchwardens of a church or parish within his area for the purpose of being satisfied that —

- (a) services are being duly and properly conducted in each church in the parish substantially in accordance with the Book of Common Prayer or An Australian Prayer Book or any variations thereto as are lawful in that place;
- (b) any buildings or property held upon trust for the parish are being properly maintained and repaired;
- (c) the parish is being otherwise properly administered; and
- (d) records are being maintained in accordance with this Ordinance and the law of the Church.

(2) An Archdeacon or area dean may, with the approval of the Standing Committee, request the minister or churchwardens of a church or parish within his area to furnish him with any return as to any matter, act or thing occurring within the parish and the minister or churchwardens as the case may be must use their best endeavours to comply with such request.

PART 12 — COMMENCEMENT

Commencement to be determined by the Archbishop-in-Council

64. (1) This Ordinance commences on a day to be determined by the Archbishop-in-Council.

(2) The Diocesan Secretary is to notify the minister of each parish and the churchwardens of each church of the date so determined.

I CERTIFY that the Ordinance as printed is in accordance with the Ordinance as reported.

E.D. Cameron
Deputy Chairman of Committees

WE CERTIFY that this Ordinance was passed by the Synod of the Diocese of Sydney on this 11th day of October 1990.

W.G.S. Gotley
G.K. Clifton
Secretaries of Synod

I ASSENT to this Ordinance

Donald Robinson
Archbishop of Sydney

29/10/1990