

Assistant Ministers Ordinance 2017

No 39, 2017

Long Title

An Ordinance to provide terms for the appointment of deacons and presbyters to assist rectors of parishes.

Preamble

Whereas it is expedient to make further provision for the terms of appointment of deacons and presbyters appointed to assist rectors of parishes.

The Synod of the Diocese of Sydney ordains as follows.

1. Name

This Ordinance is the *Assistant Ministers Ordinance 2017*.

2. Definition of terms

(1) In this Ordinance -

“assistant minister” means a deacon or presbyter licensed by the Archbishop to the office of assistant minister in a parish and does not include a senior assistant minister;

“senior assistant minister” means:

(a) a deacon or presbyter who has served:

(i) as an assistant minister in the Diocese; or

(ii) in an equivalent office in another Diocese,

for a period of at least 4 years or periods, which in aggregate total at least 4 years, and who is licensed by the Archbishop, at the request of the rector and the parish council of the parish, to the office of senior assistant minister in the parish; or

(b) a presbyter who has served:

(i) as a rector in the Diocese; or

(ii) in an equivalent office in another Diocese,

who is licensed by the Archbishop, at the request of the minister and the parish council of the parish, to the office of senior assistant minister in the parish.

(2) Any terms appearing in the Schedule to the *Interpretation Ordinance 1985* are defined by reference to the meaning set out in that Ordinance.

3. Term of Appointment

(1) An assistant minister or a senior assistant minister holds office subject to:

(a) the terms of his or her licence; and

(b) where the assistant minister or the senior assistant minister is paid a stipend or is entitled to any other benefit or allowance, written notice of the termination of the appointment and the payment of such stipend and provision of such entitlement given by the rector with the concurrence of the wardens of the principal or only church of the parish in which the assistant minister or senior assistant minister holds office.

(2) For the purposes of clause 3(1)(b), notice is due notice if:

(a) in the case of an assistant minister, the period of notice is at least 3 months; and

(b) in the case of a senior assistant minister, the period of notice is the longest of:

(i) 3 months; or

(ii) the period of notice, to a maximum period of 9 months, calculated at the rate of one month's notice for each year (or part thereof) of continuous service as assistant minister or senior assistant minister, or both, in that parish; or

(iii) such other period of notice, if any, which, at the time the senior assistant minister was licensed as senior assistant minister, was agreed for the purposes of this clause between the senior assistant minister and -

(A) the Archbishop; and

(B) the rector of the parish; and

(C) the parish council.

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- (2A) Notwithstanding subclause (2), the assistant minister or senior assistant minister may choose to waive some of the period of notice and leave their office earlier, provided that they give written notice to the rector and wardens, and the rector and wardens agree to the earlier date in writing.
- (3) Notice must not be given under clause 3(1)(b), unless:
- (a) the regional bishop of the region within which the parish is situated has been notified of the proposal to issue the notice; and
 - (b) the notice is proposed to be given due to -
 - (i) unsatisfactory conduct, performance or capacity on the part of the assistant minister or senior assistant minister where a genuine and recorded performance management program or similar has been unsuccessful in resolving the issue or issues;
 - (ii) the parish council determining that the office held by the assistant minister or senior assistant minister will no longer be funded; or
 - (iii) other reasons determined by the rector having regard to the ministry needs of the parish; and
 - (c) the assistant minister or senior assistant minister has been given a written statement containing -
 - (i) particulars of the grounds or reasons under clause 3(3)(b), and
 - (ii) in the case of unsatisfactory conduct, performance or capacity that is not serious misconduct: a warning that a notice may be issued under clause 3(1)(b) if the relevant conduct is not addressed; and
 - (d) the assistant minister or senior assistant minister has been given a reasonable period in which to provide a written response to the statement of particulars; and
 - (e) the rector and wardens have considered any response given by or on behalf of the assistant minister or senior assistant minister within the period; and
 - (f) the rector and wardens have given due regard to any guidelines issued by the Archbishop-in-Council under clause 7; and

4. Lodgement of material with the Registrar

Any written statement issued under clause 3(3)(c), any response given under clause 3(3)(d) and any record of the consideration specified in clause 3(3)(e) must be lodged with the Registrar of the Diocese.

5. Undertaking by rector

Nothing in this Ordinance prevents the Archbishop from requiring an undertaking of the rector whom the assistant minister or senior assistant minister will assist concerning the work to be undertaken by the assistant minister or the senior assistant minister, as the case may be, or any other matter relating to the office to be exercised by the assistant minister or the senior assistant minister, as the case may be.

6. Vacancy in office of rector and appointment of new rector

Subject to clause 3, the term of office of an assistant minister or a senior assistant minister does not cease by reason of a vacancy occurring in the office of rector of the parish or upon a new rector being appointed to the parish and, in accepting an appointment to the parish, the new rector is taken to have:

- (a) adopted any obligation on the part of a former rector of the parish expressed in the assistant minister's or senior assistant minister's licence as if the new rector was named in the licence as the person subject to that obligation; and
- (b) adopted any agreement in relation to the office of the assistant minister or senior assistant minister made between the former rector and the assistant minister or senior assistant minister with the approval of:
 - (i) the Archbishop; and
 - (ii) the parish council.

7. Guidelines

The Archbishop-in-Council may issue guidelines with respect to the termination of appointments under this Ordinance.

8. Commencement, repeal and transitional

- (1) Except for this clause, this Ordinance commences on 1 January 2018.
- (2) The *Assistant Ministers Ordinance 1990* is repealed on 1 January 2018.

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(3) Notwithstanding subclause (2) and subject to subclause (4), an assistant minister or a senior assistant minister will cease to hold office in accordance with the provisions of the *Assistant Ministers Ordinance 1990* as if that Ordinance had not been repealed if, before 1 January 2018:

- (a) a valid notice was issued under clause 3(1) of the *Assistant Ministers Ordinance 1990*, or
- (b) a new rector was licensed to the same parish to which the assistant minister was also licensed at the time and 90 days have not elapsed since the licence was issued to the rector.

(4) For the purposes of subclause (3), "office" means the office of assistant minister or senior assistant minister in a parish that was held by the member of clergy on 1 January 2018.

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

R TONG
Chair of Committees

I Certify that this Ordinance was passed by the Synod of the Diocese of Sydney on 17 October 2017.

R WICKS
Secretary

I Assent to this Ordinance.

GN DAVIES
Archbishop of Sydney
19/10/2017