

# Synod Membership Ordinance 1995

(Reprinted under the Interpretation Ordinance 1985.)

The Synod Membership Ordinance 1995 as amended by the Miscellaneous Amendments Ordinance 1997, the Assisted Provisional Parishes (Reclassification) Ordinance 1997, the Conduct of the Business of Synod Ordinance 2000, the Synod Membership Ordinance 1995 Amendment Ordinance 2003, the Synod and Standing Committee (Membership) Amendment Ordinance 2003, the Synod Membership (Election of Parochial Representatives) Amendment Ordinance 2004, the Synod Membership (Indigenous Representation) Amendment Ordinance 2006, the Synod Membership (Nominated Indigenous Representatives) Ordinance 2009, the Synod (Electronic Communications) Amendment Ordinance 2013, the Conduct of the Business of Synod Ordinance 2000 Amendment Ordinance 2014, the Synod and Standing Committee (Membership) Amendment Ordinance 2015, the Synod Membership Ordinance 1995 Amendment Ordinance 2016, the Synod Membership Amendment Ordinance 2017, the Synod Membership Ordinance 1995 Amendment Ordinance 2019, the Synod Membership Ordinance 1995 Amendment Ordinance 2021, the Standing Committee Ordinance 1897 and Synod Membership Ordinance 1995 Amendment Ordinance 2022, the Synod Membership Ordinance 1995 Amendment Ordinance 2024, and the Leadership of Indigenous Ministry in the Diocese Amendment Ordinance 2024.

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**Long Title**

An Ordinance to provide for the election, appointment and summoning of Synod members and for matters incidental thereto.

Now the Synod of the Diocese of Sydney Ordains as follows –

**Part 1 – Preliminary**

**1. Citation**

This Ordinance may be cited as the “Synod Membership Ordinance 1995”.

**2. Definitions**

A word or expression used in this Ordinance and which is defined in the Dictionary at the end of this Ordinance has the meaning set out in the Dictionary.

**Part 2 – Frequency and Proceedings of Synod**

**3. Frequency**

A new Synod must be elected and convened at least once in every 3 years.

**4. Rules for Conduct of Business of Synod**

The rules for the conduct of all business coming before the Synod shall be those set out in the Schedule to the *Synod Standing Orders Ordinance 2019*.

**Part 3 – Membership of Synod**

**5. Membership**

Subject to this Ordinance, the members of a Synod comprise –

- (a) Parochial Ministers (see Part 4);
- (b) Parochial Representatives for that Synod (see Part 5);
- (c) Chief Executive Officers of Nominated Organisations for that Synod (see Part 6);
- (d) Nominated Ministers for that Synod (see Part 7);
- (e) Nominated Laypersons for that Synod (see Part 8); and
- (f) Nominated Indigenous Representatives for that Synod (see Part 8A); and
- (g) Other members (see Part 9).

**5A. Consent to use of personal information by Registrar**

(1) Each person elected or appointed as a Parochial Representative, alternate for a Parochial Representative, Nominated Layperson or lay Nominated Indigenous Representative must give the following consent prior to notice of his or her election or appointment being given under this Ordinance to the Registrar –

“I consent to my name, contact details and any other personal information that is reasonably necessary for the proper administration of the Synod and the Diocese being collected, used and disclosed by the Registrar for these purposes.”

(1A) The Registrar is to ensure that each Parochial Minister, alternate for a Parochial Minister, Chief Executive Officer of a Nominated Organisation, Nominated Minister, clergy Nominated Indigenous Representative and Other Member of Synod provides an equivalent form of consent to the consent appearing in subclause 5A(1) for the collection, use and disclosure of their personal information.

(2) The person who or the body which is required to give the Registrar notice of an election or appointment referred to in subclause (1) must retain, or cause to be retained, a written record of the consent.

(3) For the purposes of subclause (1), the proper administration of the Diocese includes any act or practice which is –

- (a) performed pursuant to or under an ordinance or resolution of the Synod or the Standing Committee, or
- (b) reasonably necessary to give effect to an ordinance or resolution of the Synod or the Standing Committee, or
- (c) a discharge of the duties or exercise of the powers and authorities of the Archbishop however arising, or
- (d) for the purpose of maintaining the diocesan registry and publishing a list of Synod members in the Diocesan Year Book,

and the proper administration of the Synod includes any act or practice which is undertaken by the Diocesan Secretary or the Secretary of the Synod in the course of administering the Synod.

## **6. Declaration**

(1) Each Parochial Representative, alternate for a Parochial Representative, Nominated Layperson and lay Nominated Indigenous Representative must sign the following declaration prior to notice of his or her election or appointment being given under this Ordinance to the Registrar –

“I, the undersigned A.B., do declare that I am a communicant member of the Anglican Church of Australia and not a member of any other Church and have not been convicted of a disqualifying offence listed in Schedule 2 of the *Child Protection (Working with Children) Act 2012*.”

(2) The person or body which is required to give the Registrar notice of an election or appointment referred to in subclause (1) must retain, or cause to be retained, the signed declaration.

## Part 3A – Communications

### **6A. Members of Synod to ensure Registrar holds current postal and email addresses**

(1) Each person who holds office as a member of the Synod *ex officio* must ensure that the Registrar holds a current postal and email address for that person.

(2) Each member of the Synod must ensure that each postal and email address held by the Registrar for the member remains current.

### **6B. Synod communications may be sent by email**

(1) Subject to subclauses (2), (3) and (4), a Synod Communication may be sent to a member of the Synod at any email address held by the Registrar for the member instead of the member's postal address.

(2) If the Registrar does not hold an email address for a member of the Synod, any Synod Communication which would otherwise have been sent to the member by email is taken to have been duly sent to and received by the member.

(3) If an email address held by the Registrar for a member of the Synod is not current and a Synod Communication is sent to the member at that email address, the Synod Communication is taken to have been duly sent to and received by the member.

(4) The Standing Committee may make regulations from time to time prescribing –

- (a) the manner in which Synod Communications are to be sent to members of the Synod by email, and
- (b) any type of Synod Communication which must also be sent to members by post.

### **6C. Notifying information about members of the Synod to the Registrar**

(1) The Registrar may make provision for –

- (a) any notice required by ordinance to be given to the Registrar about a member of the Synod, and

- (b) any other information which is or may be held by the Registrar about a member of the Synod,

to be directly provided to or updated on a secure on-line database held by the Registrar.

- (2) To the extent the Registrar makes the provision referred to in subclause (1) –
  - (a) any notice required by ordinance to be given to the Registrar about a member of the Synod is taken to have been given to the Registrar, and
  - (b) any other information about a Synod member is taken to be held by the Registrar, if the notice or information is duly provided to or updated on the secure on-line database.
- (3) In making the provision referred to in subclause (1), the Registrar must take reasonable steps to ensure that –
  - (a) the information held by the Registrar on the database is secure, and
  - (b) a person who provides a notice to or updates information on the secure on-line database is a person entitled to do so.

#### **6D. Communications to members and access to information**

- (1) Without limiting any other powers, functions or entitlements, the Diocesan Secretary may for purposes related to a session or the business of Synod –
  - (a) circulate, or otherwise make available, a Synod Communication,
  - (b) circulate, or otherwise make available, materials to members of Synod upon the request and at the cost of a member of Synod,
  - (c) make the most up to date available list of Synod members' names and basis for Synod membership available to any member of Synod for viewing upon request, and
  - (d) make the contact details of an individual member of Synod available to any other member for reasonable and direct communication on an item of Synod business.
- (2) Any member of the Synod to whom the personal information of another member is disclosed under subclauses 6D(1)(c) or (d) must only use the information for the specific purpose for which it was disclosed and - in the case of subclause 6D(1)(d) - must not retain the contact details in any form after that purpose has been fulfilled, except with the consent of the relevant member.
- (3) A member may opt out of receiving materials, or receiving materials via a particular means, under clause 6D(1)(b) by making a request to the Diocesan Secretary.
- (4) The Standing Committee may from time-to-time –
  - (a) make regulations prescribing requirements to be followed in relation the implementation of this clause 6D, and
  - (b) give directions to the Diocesan Secretary with respect to whether material is related to a session or the business of Synod for the purpose of subclause 6D(1)(b).

### Part 4 – Parochial Ministers

#### *Division 1 – Parochial Ministers*

#### **7. Each Parochial Minister must be summoned to Synod**

Subject to subclauses 8D(1) and (2), each Parochial Minister is a member of the Synod and must be summoned to each session of the Synod convened after that person becomes a Parochial Minister.

#### **8. What if a person ceases to be a Parochial Minister after a summons has issued?**

If a person is summoned to a session of Synod as a Parochial Minister and before the first day of that session the person ceases to be a Parochial Minister, the person ceases to be a member of the Synod and the summons is void.

#### *Division 2 – Alternate for a Parochial Minister*

#### **8A. Parochial Minister may appoint an alternate**

- (1) Subject to subclause 8D(3), a Parochial Minister may appoint a Minister holding a licence from the Archbishop to be the alternate for the Parochial Minister for a session of the Synod if the Parochial Minister expects that during all or part of that session –
  - (a) the Parochial Minister will be outside the Diocese; or

- (b) the Parochial Minister will be on annual leave or long service leave; or
- (c) the Parochial Minister will be unable to perform normal ministry duties due to sickness or accident for which the Parochial Unit will be in receipt of benefits from the Sydney Diocesan Sickness and Accident Fund; or
- (d) the Parochial Minister, with the consent of the Archbishop, will for any other reason be unable to attend all or part of that session.

(2) The appointment of an alternate can only be made by the Parochial Minister giving to the Registrar, at least 7 days, or such lesser period as the Registrar may determine prior to the first day of the session, a written notice –

- (a) certifying that the Parochial Minister expects that during all or part of that session the Parochial Minister will be outside the Diocese or will be on annual leave or long service leave or will be unable to perform normal ministry duties in terms of subclause (1)(c) or, with the consent of the Archbishop, will for another reason be unable to attend all or part of that session; and
- (b) specifying the name of, and a postal and email address for, the alternate appointed as the alternate and the session of the Synod for which the alternate has been appointed.

(3) An appointment made under this clause may only be revoked –

- (a) by the Parochial Minister; and
- (b) if written notice of the revocation is given to the Registrar at least at least 7 days, or such lesser period as the Registrar may determine prior to the first day of the session.

#### **8B. Alternate to attend in place of the Parochial Minister**

(1) At the session of the Synod for which an alternate is appointed as the alternate for a Parochial Minister or appointed under subclause 8D(4), the alternate –

- (a) may exercise all the rights which a Parochial Minister may exercise as a member of the Synod; and
- (b) shall be taken to be a Parochial Minister in determining any quorum at the session,

but is not entitled to be elected to any office or committee of the Synod for which membership of the Synod is a qualification.

(2) If –

- (a) a Parochial Minister has appointed an alternate under clause 8A; and
- (b) the appointment has not ended under clause 8C,

the Parochial Minister is not to attend the session of the Synod for which the alternate has been appointed.

#### **8C. When does an appointment of an alternate end?**

The appointment of an alternate for a Parochial Minister under clause 8A or as an alternate under subclause 8D(4) ends on the first to occur of –

- (a) the person making the appointment ceasing to be the Parochial Minister of the Parochial Unit to which the person was licensed at the time the appointment was made; or
- (b) the person appointed as alternate ceasing to be licensed by the Archbishop; or
- (c) the Parochial Minister revoking the appointment under clause 8A(3); or
- (d) the end of the last day of the session of the Synod for which that person was appointed as an alternate.

#### **8D. Regional Bishops, Nominated Ministers and Parochial Ministers who are acting rectors**

(1) A Regional Bishop or Nominated Minister who is an acting rector of one or more Parochial Units is not a member of Synod as a Parochial Minister while he remains a member of the Synod as a Regional Bishop or Nominated Minister.

(2) A Parochial Minister who is licensed as the rector of a Parochial Unit while also licensed as an acting rector of any other Parochial Unit is not a member of Synod as a Parochial Minister of the Parochial Unit(s) of which he is licensed as acting rector.

(3) A Regional Bishop, Nominated Minister or Parochial Minister to whom subclause 8D(1) or (2) applies may not appoint an alternate under subclause 8A(1) for the Parochial Minister of any Parochial Unit of which they are an acting rector.

(4) Notwithstanding subclauses 8D(1) and (2), a Regional Bishop, Nominated Minister or Parochial Minister to whom one of those subclauses apply –

- (a) may appoint a Minister licenced to the Parochial Unit(s) of which they are acting rector to be the alternate for the Parochial Minister of that Parochial Unit for a session of the Synod by giving a notice to the Registrar in accordance with clause 8A(2), and
- (b) is deemed to be the Parochial Minister of the Parochial Unit(s) for the purposes of subclauses 8A(2), (3) and 8C.

## Part 5 – Parochial Representatives

### ***Division 1 – Parochial Representatives***

#### **9. Who is a Parochial Representative?**

A person is a Parochial Representative for a Synod if –

- (a) that person has been elected to be a Parochial Representative for that Synod; and
- (b) notice of the election has been given to the Registrar under clause 17; and
- (c) that person has not retired as a Parochial Representative under clause 18.

### ***Division 2 – Election of Parochial Representatives***

#### **10. How many Parochial Representatives can a Parish elect?**

A Parish may elect 1 or 2 Qualified Persons to be Parochial Representatives.

#### **11. How many Parochial Representatives can a Provisional Parish elect?**

A Provisional Parish may elect 1 Qualified Person to be a Parochial Representative.

#### **12. What if a Parish is reclassified as a Provisional Parish?**

(1) If a Parish is reclassified as a Provisional Parish, the persons elected (if any) to be Parochial Representatives for that Parish retire as Parochial Representatives on the date the reclassification takes effect.

(2) A Parochial Representative for the Provisional Parish may be elected at a General Meeting held at any time after the date of reclassification.

(3) For the purposes of this clause –

- (a) “reclassified” does not include provisionally reclassified; and
- (b) where the date of reclassification occurs within 2 months before the first day of a session of Synod or occurs during a session of Synod, the date of reclassification is taken to be the day after the last day of that session of Synod.

#### **13. What if a Provisional Parish is reclassified as a Parish?**

(1) If a Provisional Parish is reclassified as a Parish an additional Parochial Representative for that Parochial Unit may be elected at a General Meeting held at any time after the date of reclassification.

(2) If a Provisional Parish is reclassified as a Parish within 2 months before the first day of a session of Synod or during a session of Synod, the date of reclassification is taken to be, for the purpose of this clause, the day after the last day of that session of Synod.

#### **14. What if 2 or more Parochial Units Amalgamate?**

(1) Where 2 or more Parochial Units are amalgamated, the persons elected (if any) to be Parochial Representatives for each of those Parochial Units retire as Parish Representatives on the date of amalgamation.

(2) A Parish Representative or Representatives for the new Parochial Unit may be elected at a General Meeting held at any time after the date of amalgamation.

(3) If 2 or more Parochial Units are amalgamated within 2 months before the first day of a session of Synod or during a session of Synod the date of amalgamation is taken to be, for the purposes of this clause, the day after the last day of that session of Synod.



**15. When may persons be elected to be Parochial Representatives?**

A person may be elected to be a Parochial Representative of a Parochial Unit for a Synod at a General Meeting held at any time during the calendar year in which the first ordinary session of that Synod is to be convened or at any time thereafter.

**16. How are elections to be conducted?**

The provisions which apply to the nomination of persons and the conduct of contested elections at a General Meeting apply in relation to the nomination of a person as a Parochial Representative and to the conduct of contested elections as if those provisions were set out in full in this ordinance.

**17. Notice to be given to the Registrar when a person is elected to be a Parochial Representative**

Upon the election of a person to be a Parochial Representative, the chairman of the General Meeting at which the election took place must give, or cause to be given, to the Registrar a written notice –

- (a) specifying the name and date of election of the person elected to be a Parochial Representative; and
- (b) specifying a postal and email address for the person; and
- (c) specifying the Synod for which the person has been elected to be a Parochial Representative; and
- (d) certifying that the person has given the consent required by clause 5A and that a written record of the consent has been retained; and
- (e) certifying that the person has signed the declaration required by clause 6(1) and that the signed declaration has been retained.

***Division 3 – Retirement of Parochial Representatives***

**18. When does a person retire as a Parochial Representative?**

(1) A Parochial Representative continues to be a member of the Synod until the day before the first day of the first ordinary session of the next Synod.

(2) A person retires as a Parochial Representative if –

- (a) a Disqualifying Event occurs in respect of that person;
- (aa) the person ceases to be a Qualified Person;
- (b) the person resigns by written notice given to the Parochial Minister or, if there is no Parochial Minister, to the Wardens;
- (c) the person retires as a Parochial Representative by reason of clause 12 or 14; or
- (d) a General Meeting of the Parochial Unit resolves to revoke the person's entitlement to hold office as a Parochial Representative in circumstances where the person has ceased being a parishioner of the Parochial Unit and the Parochial Minister certifies that, having made reasonable efforts to contact the person –
  - (i) no contact has been made, or
  - (ii) contact has been made but the person did not indicate a wish to remain as a Parochial Representative.

**19. Notice to be given to the Registrar when a person retires as a Parochial Representative**

If a person retires as a Parochial Representative otherwise than by reason of clause 12 or 14, the Parochial Minister or, if there is no Parochial Minister, the Wardens must give, or cause to be given, to the Registrar a written notice specifying –

- (a) the name of the person and the date on which the person retired as a Parochial Representative; and
- (b) the Synod for which the person had been a Parochial Representative.

**20. A vacancy in the office of a Parochial Representative may be filled**

A person may be elected to fill a vacancy in the office of a Parochial Representative at a General Meeting of the Parochial Unit.

#### ***Division 4 – Summoning of Parochial Representatives to Synod***

##### **21. Parochial Representatives must be summoned to Synod**

Each person who is a Parochial Representative for a Synod is a member of that Synod and must be summoned to each session of that Synod convened after that person becomes a Parochial Representative.

##### **22. What if a person retires as a Parochial Representative after a summons has issued?**

If a person is summoned to a session of Synod as a Parochial Representative and before the first day of that session that person retires as a Parochial Representative, the summons is void.

#### ***Division 5 – Alternate for a Parochial Representative***

##### **22A. Parochial Representative may appoint an alternate**

(1) With the consent of the Wardens, a Parochial Representative may appoint a Qualified Person to be the alternate for the Parochial Representative for a session of the Synod if the Parochial Representative expects that during all or part of the session –

- (a) the Parochial Representative will be outside the Diocese; or
- (b) the Parochial Representative will be on annual leave or long service leave or sick leave; or
- (c) the Parochial Representative will be for any other reason unable to attend all or part of that session.

(2) The appointment of an alternate can only be made by the Parochial Representative giving to the Registrar, at least at least 7 days, or such lesser period as the Registrar may determine prior to the first day of the session, a written notice –

- (a) certifying that the Parochial Representative expects that during all or part of that session the Parochial Representative will be outside the Diocese or will be on annual leave or long service leave or sick leave or for another specified reason will be unable to attend all or part of that session; and
- (b) specifying the name of the Qualified Person appointed as the alternate and the session of the Synod for which the alternate has been appointed; and
- (c) specifying a postal and email address for the Qualified Person appointed as the alternate; and
- (d) certifying that the Wardens have consented to the appointment of the Qualified Person as the alternate; and
- (e) certifying that the Qualified Person appointed as the alternate has given the consent required by clause 5A and that a written record of the consent has been retained; and
- (f) certifying that the Qualified Person appointed as the alternate has signed the declaration required by clause 6(1) and that the signed declaration has been retained.

(3) An appointment made under this clause may be revoked if written notice of the revocation is given to the Registrar at least at least 7 days, or such lesser period as the Registrar may determine prior to the first day of the session –

- (a) by the parish council; or
- (b) by the Parochial Representative if he or she has become available to attend the session of Synod.

##### **22B. Alternate to attend in place of the Parochial Representative**

(1) At the session of the Synod for which a Qualified Person is appointed as the alternate for a Parochial Representative, the alternate –

- (a) may exercise all the rights which a Parochial Representative may exercise as a member of the Synod; and
- (b) shall be taken to be a Parish Representative in determining any quorum at the session,

but is not entitled to be elected to any office or committee of the Synod for which membership of the Synod is a qualification.

- (2) If –
- (a) a Parochial Representative has appointed an alternate under clause 22A; and
  - (b) the appointment has not ended under clause 22C,

the Parochial Representative is not to attend the session of the Synod for which the alternate has been appointed.

### **22C. When does an appointment of an alternate end?**

The appointment of a Qualified Person as the alternate for a Parochial Representative under clause 22A ends on the first to occur of –

- (a) the retirement of the Parochial Representative under clause 18; or
- (b) the person appointed as the alternate ceasing to be a Qualified Person; or
- (c) the revocation of the appointment under clause 22A(3); or
- (d) the end of the last day of the session of the Synod for which that person was appointed as an alternate.

## **Part 6 – Chief Executive Officers of Nominated Organisations**

### ***Division 1 – Nominated Organisations***

#### **23. What is a Nominated Organisation?**

Subject to clause 25, a diocesan organisation established by ordinance is a Nominated Organisation for a Synod if –

- (a) the organisation has been declared by the Standing Committee under clause 24 to be a Nominated Organisation for that Synod; and
- (b) notice of the declaration has been given to the Registrar under clause 26.

### ***Division 2 – Declaration of organisations etc to be Nominated Organisations***

#### **24. How does a organisation etc become a Nominated Organisation?**

The Standing Committee may, by resolution, declare a diocesan organisation to be a Nominated Organisation for a Synod.

#### **25. How many Nominated Organisations may exist at one time?**

(1) Standing Committee may only make a declaration under clause 24 for up to 7 diocesan organisations for the same Synod in respect of which the Standing Committee proposes making the declaration.

(2) A declaration made in breach of subclause 25(1) is void.

#### **26. Notice must be given to the Registrar when a organisation etc is declared to be a Nominated Organisation**

Upon the making of a declaration under clause 24, the Standing Committee must give, or cause to be given, to the Registrar and to the governing body of the relevant organisation a written notice specifying –

- (a) the name of the organisation and the date on which the declaration was made; and
- (b) the Synod for which the organisation has been declared to be a Nominated Organisation.

### ***Division 3 – Chief Executive Officers of Nominated Organisations***

#### **27. Nominated Organisation to give notice re Chief Executive Officer**

At any time after receiving notice under clause 26, the governing body of a Nominated Organisation may give to the Registrar written notice of the name of, and a postal and email address for, its Chief Executive Officer.

#### **28. Notice must be given to the Registrar when a person ceases to be Chief Executive Officer**

- (1) If –
- (a) the governing body of a Nominated Organisation has given a notice under clause 27; and
  - (b) the person referred to in that notice ceases to be the Chief Executive Officer,

the governing body of the Nominated Organisation must give to the Registrar written notice specifying the name of that person and the date on which that person ceased to be the Chief Executive Officer.

(2) The governing body of the Nominated Organisation may then give a notice under clause 27 in respect of its new Chief Executive Officer.

#### ***Division 4 – Summoning of Chief Executive Officers to Synod***

#### **29. Chief Executive Officers of Nominated Organisations must be summoned to Synod**

If –

- (a) a diocesan organisation is a Nominated Organisation; and
- (b) a notice has been given under clause 27; and
- (c) the person referred to in that notice has not ceased to be Chief Executive Officer; and
- (d) that person is not entitled to be summoned to the Synod under Part 4, 5 or 9 of this ordinance,

that person is a member of the Synod and must be summoned to each session of the Synod held after the date on which the person became the Chief Executive Officer.

#### **30. What if a person ceases to be Chief Executive Officer of a Nominated Organisation after a summons has issued?**

If a person is summoned to a session of Synod as the Chief Executive Officer of a Nominated Organisation, and before the first day of that session that person ceases to be the Chief Executive Officer of a Nominated Organisation, the summons is void.

### **Part 7 – Nominated Ministers**

#### ***Division 1 – Nominated Ministers***

#### **31. Who is a Nominated Minister?**

A person is a Nominated Minister for a Synod if –

- (a) that person has been appointed by the Archbishop to be a Nominated Minister for that Synod;
- (b) notice of the appointment has been given to the Registrar and to the Standing Committee under clause 34; and
- (c) that person has not retired as a Nominated Minister under clause 35.

#### **32. Number of Nominated Ministers**

(1) As soon as is practicable in the calendar year in which the first ordinary session of a Synod is to be convened, and in any event not less than 2 months before the first day of that session, the Archbishop shall advise the Standing Committee of the number of persons the Archbishop intends to appoint as Nominated Ministers for that Synod.

(2) The number of Nominated Ministers for a Synod must not, at any time, exceed that number which is equal to 10% (rounded to the nearest whole number) of the total number of Parochial Units determined on 1 January in the calendar year in which the first session of that Synod is to be or was held.

(3) The Archbishop may, at any time, by advice to the Standing Committee increase the number of persons to be appointed as Nominated Ministers for a Synod provided that the total number of Nominated Ministers for that Synod must not exceed the number calculated in accordance with subclause (2).

(4) If the Archbishop increases the number of Nominated Ministers under subclause (3) within 2 months before the first day of a session of Synod, such increase does not take effect until the day after the last day of that session.

#### ***Division 2 – Appointment of persons to be Nominated Ministers***

#### **33. Who may be appointed to be a Nominated Minister?**

The Archbishop may only appoint a person to be a Nominated Minister if –

- (a) that person is a Qualified Minister; and

- (b) that person is not entitled to be summoned to a session of Synod under Part 4, 6, 8A or 9 of this ordinance.

**34. Notice must be given on the appointment of a person to be a Nominated Minister**

(1) The Archbishop must give written notice to the Registrar and the Standing Committee of the name of each person appointed by the Archbishop to be a Nominated Minister for a Synod and a postal and email address for such persons.

(2) The Archbishop must not appoint a person to be a Nominated Minister for a Synod if such appointment would result in the number of Nominated Ministers for that Synod exceeding the number advised by the Archbishop to the Standing Committee under subclauses 32(1) or (3).

***Division 3 – Retirement of Nominated Ministers***

**35. When does a person retire as a Nominated Minister?**

A person retires as a Nominated Minister if –

- (a) a Disqualifying Event occurs in respect of that person; or
- (b) the person resigns by written notice given to the Archbishop; or
- (c) the person ceases to be a Qualified Minister; or
- (d) the Archbishop, by written notice to the person, revokes the person's appointment as a Nominated Minister; or
- (e) the person becomes entitled to be summoned to a session of Synod under Part 4, 6, 8A or 9 of this ordinance.

**36. Notice must be given when a person retires as a Nominated Minister**

Upon a person retiring as a Nominated Minister the Archbishop must give, or cause to be given, to the Registrar a written notice specifying –

- (a) the name of the person and the date on which the person retired as a Nominated Minister; and
- (b) the Synod for which that person had been a Nominated Minister.

**37. Filling of Casual Vacancies**

The Archbishop may appoint a person to fill a vacancy in the office of a Nominated Minister.

***Division 4 – Summoning of Nominated Ministers to Synod***

**38. Nominated Ministers must be summoned to Synod**

Each Nominated Minister is a member of the Synod for which that person has been appointed and must be summoned to each session of that Synod convened after that person becomes a Nominated Minister.

**39. What if a person retires as a Nominated Minister after a summons has issued?**

If a person is summoned to a session of Synod as a Nominated Minister and before the first day of that session the person retires as a Nominated Minister, the summons is void.

**Part 8 – Nominated Laypersons**

***Division 1 – Nominated Laypersons***

**40. Who is a Nominated Layperson?**

A person is a Nominated Layperson for a Synod if –

- (a) that person has been elected to be a Nominated Layperson for that Synod; and
- (b) notice of the election has been given to the Registrar under clause 45; and
- (c) the person has not retired as a Nominated Layperson under clause 46.

**41. Number of Nominated Laypersons**

(1) The number of Nominated Laypersons for a Synod is the same as the number of Nominated Ministers for that Synod which the Archbishop has advised the Standing Committee under subclause 32(1) or (3).

(2) The retirement of a Nominated Minister under clause 35 does not reduce the number of Nominated Laypersons for a Synod.

### ***Division 2 – Election of Nominated Laypersons***

#### **42. Who elects persons to be Nominated Laypersons?**

The Standing Committee may elect persons to be Nominated Laypersons.

#### **42A. Heads of Diocesan Schools**

If the Nominated Laypersons pursuant to clause 41 is greater than 15, the persons elected by Standing Committee under clause 42 must include three (and not more than three) heads of Diocesan Schools, and no more than two may come from schools located in one Diocesan region. In determining candidates, the Standing Committee must consider any names that have been recommended by heads of the Diocesan Schools in consultation with the Archbishop.

#### **43. Who may be elected to be a Nominated Layperson**

The Standing Committee may only elect a person to be a Nominated Layperson if –

- (a) that person is a Qualified Person; and
- (b) that person is not entitled to be summoned to a session of Synod under Part 5, 6, 8A or 9 of this ordinance.

#### **44. When may persons be elected to be Nominated Laypersons?**

On receipt of advice from the Archbishop under clause 32 or at any time thereafter, the Standing Committee may, by resolution, elect Qualified Persons to be Nominated Laypersons.

#### **45. Notice must be given on the election of a Nominated Layperson**

Upon the election of a person to be a Nominated Layperson, the Standing Committee must give, or cause to be given, to the Registrar written notice –

- (a) specifying the name of that person and the date of election; and
- (b) specifying a postal and email address for that person; and
- (c) specifying the Synod for which that person has been elected to be a Nominated Lay Person; and
- (d) certifying that the person elected to be a Nominated Lay Person has given the consent required by clause 5A and that a written record of the consent has been retained.
- (e) certifying that the person elected to be a Nominated Lay Person had signed the declaration required by clause 6(1) and that the signed declaration has been retained.

### ***Division 3 – Retirement of Nominated Laypersons***

#### **46. When does a person retire as a Nominated Layperson?**

- (1) A nominated Layperson continues to be a member of the Synod until the day before the first day of the first ordinary session of the next Synod.
- (2) A person retires as a Nominated Layperson if –
  - (a) a Disqualifying Event occurs in respect of that person; or
  - (b) that person resigns by written notice given to the Diocesan Secretary; or
  - (c) the Standing Committee, by resolution, revokes the person's entitlement to hold office as a Nominated Layperson; or
  - (d) the person becomes entitled to be summoned to Synod under Part 5, 6, 8A or 9 of this ordinance.

#### **47. Notice must be given when a person retires as a Nominated Layperson**

When a person retires as a Nominated Layperson, the Standing Committee must give, or cause to be given, to the Registrar written notice specifying the name of that person and the date on which that person retired as a Nominated Layperson.

#### **48. A new Nominated Layperson may be elected to fill a vacancy**

A person may be elected by the Standing Committee to fill a vacancy in the office of a Nominated Layperson.

#### ***Division 4 – Summoning of Nominated Laypersons to Synod***

##### **49. Nominated Laypersons must be summoned to Synod**

Each Nominated Layperson is a member of the Synod for which that person has been elected and must be summoned to each session of that Synod convened after the date on which that person becomes a Nominated Layperson.

##### **50. What if a person retires as a Nominated Layperson after a summons has issued?**

If a person is summoned to a session of Synod as a Nominated Layperson and before the first day of that session the person retires as a Nominated Layperson, the summons is void.

#### **Part 8A – Nominated Indigenous Representatives**

##### ***Division 1 – Election of Nominated Indigenous Representatives***

##### **50A. Who is a Nominated Indigenous Representative?**

A person is a Nominated Indigenous Representative for a Synod if –

- (a) that person has been elected to be a Nominated Indigenous Representative for that Synod; and
- (b) notice of the election has been given to the Registrar under clause 50C; and
- (c) the person has not retired as a Nominated Indigenous Representative under clause 50D,

or the person is the Director of Indigenous Ministry.

##### **50B. Election of Nominated Indigenous Representatives**

- (1) The Sydney Anglican Indigenous Peoples' Ministry Committee may elect up to 2 persons to be Nominated Indigenous Representatives.
- (2) A person may be elected to be a Nominated Indigenous Representative if the person is –
  - (a) an Indigenous Person,
  - (b) a Qualified Person or Qualified Minister, and
  - (c) not entitled to be summoned to a session of the Synod under any Part of this Ordinance other than Part 8A.

##### **50BA. Additional Nominated Indigenous Representative**

- (1) The Director of Indigenous Ministry is an additional Nominated Indigenous Representative, ex officio and must be summoned to each session of Synod convened while they hold that office.
- (2) If a person is summoned to a session of Synod under subclause 50BA(1), and before the first day of that session the person ceases to hold office as the Director of Indigenous Ministry, the summons is void.
- (3) Divisions 2 and 3 of this Part 8A do not apply to a person who is a member of Synod under subclause 50BA(1).

##### **50C. Notice must be given on the election of a Nominated Indigenous Representative**

Upon the election of a person to be a Nominated Indigenous Representative, the Sydney Anglican Indigenous Peoples' Ministry Committee must give, or cause to be given, to the Registrar written notice –

- (a) specifying the name of that person and the date of election; and
- (b) specifying a postal and email address for that person; and
- (c) specifying the Synod for which that person has been elected to be a Nominated Indigenous Representative; and
- (d) if the person elected to be a Nominated Indigenous Representative is a Qualified Person, certifying that the person has given the consent required by clause 5A and that the person has signed the declaration required by clause 6(1), and that a written record of the consent and the signed declaration have been retained.

##### ***Division 2 – Retirement of Nominated Indigenous Representatives***

##### **50D. When does a person retire as a Nominated Indigenous Representative?**

A person retires as a Nominated Indigenous Representative if –

- (a) a Disqualifying Event occurs in respect of that person, or

- (b) that person resigns by written notice given to the Chairman of the Sydney Anglican Indigenous Peoples' Ministry Committee, or
- (c) the person becomes entitled to be summoned to Synod under any Part of this Ordinance other than Part 8A.

**50E. Notice must be given when the person retires as a Nominated Indigenous Representative**

When a person retires as a Nominated Indigenous Representative, the Sydney Anglican Indigenous Peoples' Ministry Committee must give, or cause to be given, to the Registrar written notice specifying the name of that person and the date on which that person retired as a Nominated Indigenous Representative.

**50F. A new Nominated Indigenous Representative may be elected to fill a vacancy**

A person may be elected by the Sydney Anglican Indigenous Peoples' Ministry Committee to fill a vacancy in the office of a Nominated Indigenous Representative.

***Division 3 – Summoning of Nominated Indigenous Representative to Synod***

**50G. Nominated Indigenous Representatives must be summoned to the Synod**

Each Nominated Indigenous Representative is a member of the Synod for which that person has been elected and must be summoned to each session of that Synod convened after the date on which that person becomes a Nominated Indigenous Representative.

**50H. What if a person retires as a Nominated Indigenous Representative after a summons has issued?**

If a person is summoned to a session of Synod as a Nominated Indigenous Representative and before the first day of that session the person retires as a Nominated Indigenous Representative, the summons is void.

**Part 9 – Other Members of Synod**

**51. The Chancellor**

The Chancellor is a member of the Synod and must be summoned to each session of the Synod.

**52. The Archbishop's Executive Officer**

The Archbishop's Executive Officer is a member of the Synod and must be summoned to each session of the Synod.

**52A. Diocesan Secretary**

- (1) The Diocesan Secretary is a member of the Synod and must be summoned to each session of the Synod.
- (2) The Diocesan Secretary does not have the right to vote as a member of the Synod.

**52B. Regional Bishops**

The Regional Bishops are members of the Synod and must be summoned to each session of the Synod.

**52C. Archdeacon for Women's Ministry**

The Archdeacon for Women's Ministry is a member of the Synod and must be summoned to each session of the Synod.

**52D. Principal of Moore Theological College**

The Principal of Moore Theological College is a member of the Synod and must be summoned to each session of the Synod.

**53. Warden of St Paul's College and College Representatives**

- (1) The Warden of St Paul's College is a member of the Synod and must be summoned to each session of the Synod.
- (2) Two Qualified Persons, elected by the council of St Paul's College from among themselves, must, subject to the giving of the notice under subclause (3), be summoned to the Synod.
- (3) The Warden must cause a certificate of election to be delivered to each member of the council so elected and must give, or cause to be given, to the Registrar written notice –



- (a) specifying the names of the persons elected and the date of election; and
- (b) specifying postal and email addresses for those persons; and
- (c) certifying that those persons have given the consent required by clause 5A and that a written record of such consents has been retained.

## Part 10 – Transitional

### 54. Commencement and Transitional

- (1) Parts 2 to 8 inclusive and Part 9 and clause 55 commence on the last to occur of –
  - (a) the date on which the *Constitution Ordinance 1994* of the Provincial Synod is adopted by the Synod of each diocese in the Province of New South Wales; and
  - (b) the passing of a canon of the General Synod ratifying the *Constitution Ordinance 1994* of the Provincial Synod.
- (2) With effect on and from the date of commencement of Parts 2 to 8 inclusive and Part 9 –
  - (a) persons who, immediately before that date, were representatives of a Parochial Unit elected for a Synod under the Former Legislation are taken to be Parochial Representatives duly elected for that Synod under Part 5;
  - (b) persons who, immediately before that date, were nominated chief executive officers for a Synod under clause 2A of the *Synod Representative and Membership Ordinance 1945* are taken to be duly appointed Chief Executive Officers of a Nominated Organisation for that Synod under Part 6;
  - (c) clergymen who, immediately before that date, were eligible to be summoned to a session of Synod under the *14th Constitution Ordinance 1988* are taken to be duly appointed Nominated Ministers for that Synod under Part 7; and
  - (d) laypersons who, immediately before that date, were eligible to be summoned to a session of Synod under the Regulations made by the Synod on 23 September 1903 under the 14th Constitution in the Schedule to the *Anglican Church of Australia Constitutions Act 1902* are taken to be duly appointed Nominated Laypersons for that Synod under Part 8.
- (3) A declaration made by a person under the 17th Constitution in the Schedule to the Anglican Church of Australia Constitutions Act 1902 for the purposes of the Synod which is current on the date on which 2 to 8 inclusive and Part 9 commence are taken to have been made under clause 6.

### 55. Repeal of Former Legislation

The Former Legislation is repealed but without invalidating anything done under or pursuant to it before the commencement of this clause.

## Dictionary

In this ordinance unless the context otherwise requires –

“Associate Minister” means an assistant minister or a senior assistant minister within the meaning of the *Assistant Ministers Ordinance 1990*.

“Chief Executive Officer” of a diocesan organisation means the person who is responsible to the governing body of the organisation for the work of the organisation.

“Diocesan School” means any school that is constituted by or under an ordinance of the Synod of the Diocese or in relation to which the Synod is empowered to make ordinances, and includes schools of the Anglican Schools Corporation.

“Disqualifying Event” in relation to a person means any of the following –

- (a) the death of that person;
- (b) becoming an insolvent under administration;
- (c) becoming a mentally incapacitated person;

“Former Legislation” means each of the following (as amended) –

- (a) *Synod Representative and Membership Ordinance 1945*;
- (b) *14th Constitution Ordinance 1988*; and
- (c) regulations made by the Synod on 23 September 1903 under the 14th of the Constitutions contained in the Schedule to the *Anglican Church Constitutions Act Amendment Act of 1902*.

“General Meeting” means –

- (a) in relation to a Parochial Unit having only one church to which the rules in Schedule 1 of the *Parish Administration Ordinance 2008* apply – a general meeting of the parishioners of the church of the Parochial Unit, and
- (b) in relation to a Parochial Unit having more than one church to which the rules in Schedule 1 of the *Parish Administration Ordinance 2008* apply or in relation to a Parochial Unit to which the rules in Schedule 2 of that ordinance apply – a general meeting of the parishioners of the Parochial Unit, and
- (c) in relation to St Andrew’s Cathedral – the Annual Meeting of the Cathedral Congregations under the *Cathedral Ordinance 1969*.

“Indigenous Person” means a person who –

- (a) is of Aboriginal or Torres Strait Islander descent, and
- (b) identifies as an Aboriginal Person or Torres Strait Islander, and
- (c) is accepted as such by the community in which they live or formerly lived..

“Minister” means a person in holy orders.

“Nominated Indigenous Representative” for a Synod means a person to whom clause 50A applies.

“Nominated Layperson” for a Synod means a person to whom clause 40 applies.

“Nominated Minister” for a synod means a person to whom clause 31 applies.

“Nominated Organisation” for a Synod means a diocesan organisation that, in accordance with clause 23, is a nominated organisation for the Synod.

“Parish” means a parish constituted under or recognised as such under the *Parishes Ordinance 1979* or a recognised church under the *Recognised Churches Ordinance 2000*.

“Parochial Minister” means a Minister who is licensed as the rector or acting rector of a Parochial Unit, including an acting rector appointed to a parish during a vacancy in the position of Parochial Minister.

“Parochial Representative” for a Synod means a person to whom clause 9 applies.

“Parochial Unit” means a Parish and a Provisional Parish.

“Provisional Parish” means a provisional parish constituted under or recognised as such under the *Parishes Ordinance 1979* or a provisional recognised church under the *Recognised Churches Ordinance 2000*.

“Qualified Minister” means a Minister who is authorised or licensed to officiate by the Archbishop.

“Qualified Person” means a layperson who –

- (a) is 18 years of age or older; and
- (b) is a communicant member of the Anglican Church of Australia.

“session of the Synod” means all meetings of the Synod to which a summons issued to members of the Synod applies.

“Synod Communication” means a summons, notice, document or other communication that is –

- (a) required by ordinance or resolutions of the Synod or the Standing Committee to be sent or provided to one or more members of the Synod; or
- (b) sent or provided to all members of the Synod or a class of members of the Synod by the Diocesan Secretary or the Secretary of the Synod in the course of administering the Synod.

“Wardens” means –

- (a) in relation to a Parochial Unit to which the rules in Schedule 1 of the *Parish Administration Ordinance 2008* apply – the wardens of the principal or only church of the Parochial Unit, and
- (b) in relation to a Parochial Unit to which the rules in Schedule 2 of the *Parish Administration Ordinance 2008* apply – the wardens of the Parochial Unit, and
- (c) in relation to St Andrew’s Cathedral – the Cathedral Chapter.

## Note

The amendments made by Ordinance No 47, 2019 commence on 1 January 2020.

## Table of Amendments

|            |  |
|------------|--|
| Clause 4   | Amended by Ordinance No 29, 2000.  |
| Clause 5   | Amended by Ordinance No 26, 2006.  |
| Clause 5A  | Inserted by Ordinance No 41, 2013 and amended by Ordinance No 38, 2014, and No 20, 2024.                   |
| Part 3A    | Amended by Ordinance No 20, 2024.  |
| Clause 6   | Amended by Ordinances Nos 46, 2003; 26, 2006; 32, 2009, 34, 2015, and 38, 2022.                            |
| Clause 6A  | Inserted by Ordinance No 41, 2013.   |
| Clause 6B  | Inserted by Ordinance No 41, 2013.   |
| Clause 6C  | Inserted by Ordinance No 41, 2013.   |
| Clause 6D  | Inserted by Ordinance No 20, 2024.   |
| Clause 7   | Amended by Ordinance No 38, 2022.  |
| Clause 8A  | Inserted by Ordinance No 46, 2003 and amended by Ordinance Nos 41, 2013, 47, 2019, and 38, 2022.           |
| Clause 8B  | Inserted by Ordinance No 46, 2003 and amended by Ordinance No 47, 2019 and No 38, 2022.                    |
| Clause 8C  | Inserted by Ordinance No 46, 2003 and amended by Ordinance No 47, 2019 and No 38, 2022.                    |
| Clause 8D  | Inserted by Ordinance No 38, 2022.   |
| Clause 11  | Amended by Ordinance No 35, 1997.  |
| Clause 12  | Amended by Ordinance No 34, 2015.  |
| Clause 13  | Amended by Ordinance No 34, 2015.  |
| Clause 14  | Amended by Ordinance No 34, 2015.  |
| Clause 15  | Amended by Ordinance No 34, 2015.  |
| Clause 16  | Amended by Ordinance No 34, 2015.  |
| Clause 17  | Amended by Ordinances Nos 41, 2013 and 34, 2015.   |
| Clause 18  | Amended by Ordinances Nos 29, 1997; 34, 2015; 42, 2016 and 47, 2019.                                       |
| Clause 19  | Amended by Ordinance No 34, 2015.  |
| Clause 20  | Amended by Ordinance No 34, 2015.  |
| Clause 22A | Inserted by Ordinance No 46, 2003 and amended by Ordinances Nos 41, 2013; 34, 2015; 42, 2016 and 47, 2019. |
| Clause 22B | Inserted by Ordinance No 46, 2003.   |
| Clause 22C | Inserted by Ordinance No 46, 2003.   |
| Clause 23  | Amended by Ordinance No 40, 2017.  |
| Clause 24  | Amended by Ordinance No 40, 2017.  |
| Clause 25  | Amended by Ordinances Nos 47, 2003, 42, 2016 and 40, 2017.   |
| Clause 26  | Amended by Ordinance No 40, 2017.  |
| Clause 27  | Amended by Ordinance No 41, 2013.  |
| Clause 28  | Amended by Ordinance No 41, 2013.  |
| Clause 29  | Amended by Ordinances Nos 41, 2013 and 40, 2017.   |
| Clause 32  | Amended by Ordinance No 47, 2019.  |
| Clause 33  | Amended by Ordinance No 25, 2024.  |
| Clause 34  | Amended by Ordinance No 41, 2013.  |
| Clause 35  | Amended by Ordinance No 42, 2016 and 25, 2024.   |

|             |   |
|-------------|---|
| Clause 36   | Amended by Ordinance No 41, 2013.   |
| Clause 42A  | Inserted by Ordinance No 47, 2019.  |
| Clause 43   | Amended by Ordinance No 25, 2024.   |
| Clause 45   | Amended by Ordinances Nos 41, 2013 and 34, 2015.  |
| Clause 46   | Amended by Ordinance No 42, 2016, 47, 2019, and 25, 2024.   |
| Clause 50A  | Inserted by Ordinance 26, 2006 and amended by Ordinance No 32, 2009, and 25, 2024.  |
| Clause 50BA | Inserted by Ordinance 25, 2024.   |
| Clause 50B  | Inserted by Ordinance 26, 2006. Omitted and new clause inserted by Ordinance No 32, 2009.   |
| Clause 50C  | Inserted by Ordinance 26, 2006 and amended by Ordinances Nos 41, 2013 and 34, 2015.   |
| Clause 50D  | Inserted by Ordinance 26, 2006 and amended by Ordinance No 32, 2009.  |
| Clause 50E  | Inserted by Ordinance 26, 2006.   |
| Clause 50F  | Inserted by Ordinance 26, 2006.   |
| Clause 50G  | Inserted by Ordinance 26, 2006.   |
| Clause 50H  | Inserted by Ordinance 26, 2006.   |
| Clause 52   | Omitted and new clause inserted by Ordinance 38, 2022.  |
| Clause 52A  | Inserted by Ordinance No 47, 2003. Amended by Ordinance No 17, 2021.  |
| Clause 52B  | New clause inserted by Ordinance No 42, 2016.   |
| Clause 52C  | New clause inserted by Ordinance No 42, 2016.   |
| Clause 52D  | New clause inserted by Ordinance No 42, 2016.   |
| Clause 53   | Amended by Ordinance No 41, 2013.   |
| Clause 54   | Amended by Ordinance No 26, 2006.   |
| Dictionary  | Amended by Ordinances Nos 35, 1997; 46, 2003; 39, 2004; 26, 2006; 32, 2009; 41, 2013; 38, 2014; 34, 2015; 40, 2017, 47, 2019, and 25, 2024. |

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22 October 2024