

# Standing Committee Ordinance 1897

(Reprinted under the Interpretation Ordinance 1985.)

The Standing Committee Ordinance of 1897 as amended by the Standing Committee Ordinance Amending Ordinance of 1915, Standing Committee (Amending) Ordinance 1930, Standing Committee Ordinance of 1897 Further Amending Ordinance 1932, Casual Vacancies Ordinance 1935, Bishops Coadjutor ex Officio Ordinance 1940, Standing Committee Ordinance of 1897 Further Amending Ordinance 1948, Assistant Bishops (Bishops Coadjutor) Ordinance 1971, Standing Committee Amendment Ordinance 1978, Standing Committee Ordinance 1897-1978 Amending Ordinance 1984, the Diocesan Officers (Retirement) Ordinance 1987, the Miscellaneous Amendments Ordinance (No 1) 1991, the Standing Committee Amendment Ordinance 1991, the Committee Membership Amendment Ordinance 1995, the Standing Committee Ordinance 1897 Amending Ordinance 1995, the Regions (Transitional Provisions and Miscellaneous Amendments) Ordinance 1995, the Regional Electors Amendment Ordinance 1997, the Standing Committee (Elections) Amendment Ordinance 1998, the Miscellaneous Amendments Ordinance 2001, the Diocesan Officers (Retirement) Repeal Ordinance 2001, the Synod and Standing Committee (Membership) Amendment Ordinance 2003, the Regions Amendment Ordinance 2006, the Standing Committee Ordinance 1897 Amendment Ordinance 2010, the Synod Elections (Efficiency and Transparency) Amendment Ordinance 2013, the Standing Committee Amendment Ordinance 2014, the Synod (Governance of Diocesan Organisations) Amendment Ordinance 2015, the Synod and Standing Committee (Membership) Amendment Ordinance 2015 and the Sydney Anglican Home Mission Society Council (Merger with Anglican Retirement Villages Diocese of Sydney) Ordinance 2016.

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## Long Title

An Ordinance to provide for the Constitution of a Standing Committee of the Synod of the Diocese of Sydney and to define their powers and duties.

## Preamble

Whereas it is expedient to provide for the constitution of a Standing Committee of the Synod of the Diocese of Sydney and to define their powers and duties, the said Synod in pursuance of the powers conferred upon it by the Constitutions for the management and good government of the United Church of England and Ireland within the Colony of New South Wales, and of all other powers, vested in the said Synod, ordains and rules as follows.

## Definitions

1. (1) In this Ordinance –

“Elected Member” means a member of the Standing Committee referred to in paragraph (b), (c), (d) or (e) of subclause 1A(1).

“parochial unit” means a parish, provisional parish, assisted provisional parish or other ecclesiastical district recognised under the Parishes Ordinance 1979.

“Qualified Minister” means a person in Holy Orders who is a member of the Synod and is not an ex-officio member of the Standing Committee.

“Qualified Lay Person” means a lay person who is a member of the Synod.

“Regional Elected Member” means a member of the Standing Committee referred to in paragraph (d) or (e) of subclause 1A(1).

“Regional Electors” means, in relation to a Region, the following persons –

- (a) the Regional Bishop and the Regional Archdeacon;
- (b) each Qualified Minister licensed to a parochial unit in the Region;
- (c) each Qualified Lay Person who is a member of the Synod as a representative of a parochial unit in the Region; and
- (d) each other member of the Synod who resides in the Region and is not a Regional Elector for another Region.

“Synod Elected Member” means a member of the Standing Committee referred to in paragraph (b) or (c) of subclause 1A(1).

(2) In this Ordinance a person is from a Region if –

- (a) in the case of a Qualified Minister that person is licensed to a parochial unit in that Region; and
- (b) in the case of a Qualified Lay Person that person is a parishioner of a church in that Region.

(3) In this Ordinance the previous form of the Synod Elections Ordinance 2000 is the form of that Ordinance immediately before the Synod Elections (Efficiency and Transparency) Amendment Ordinance 2013 came into force.

### **Constitution of the Standing Committee**

1A. (1) The Standing Committee is constituted with the following members –

- (a) The Archbishop, the Regional Bishops, the Archdeacon for Women’s Ministry, the Chancellor, the Registrar, the Dean, the Diocesan Secretary, the Chief Executive Officer of Sydney Diocesan Secretariat and the Principal of Moore Theological College, ex-officio.
- (b) 4 Qualified Ministers elected by the members of Synod.
- (c) 8 Qualified Lay Persons elected by the members of Synod.
- (d) 2 Qualified Ministers from each Region elected by the Regional Electors of that Region.
- (e) 4 Qualified Lay Persons from each Region elected by the Regional Electors of that Region.
- (f) The Regional Archdeacons.

(2) A Regional Archdeacon who is a member of the Standing Committee under paragraph (1)(f) does not have the right to vote. In the absence of a Regional Bishop the Regional Archdeacon has a right to vote.

(3) The election of the Elected Members is to be held during the first session of each Synod and, subject to this Ordinance, such persons hold office until the first day of the first session of the next Synod.

(4) The following rules apply to the election of the Elected Members –

- (a) A person who has the necessary qualifications may be nominated for election as either –
  - (i) a Synod Elected Member, or
  - (ii) a Regional Elected Member.

- (b) If a person is nominated for election as a Synod Elected Member and a Regional Elected Member, the nomination for election as a Regional Elected Member is invalid.
- (c) Each election shall otherwise be conducted in accordance with the Synod Elections Ordinance 2000.

1B. (1) If a new Region is created, the Regional Electors of the Region are to elect the Regional Elected Members for that Region –

- (a) during the next ordinary session of the Synod, or
- (b) by postal ballot conducted under the previous form of the Synod Elections Ordinance 2000 provided that –
  - (i) a notice of the election under rule 3.1 of the Schedule to the previous form of the Synod Elections Ordinance 2000 is to be sent as soon as practicable after the creation of that Region, and
  - (ii) the subsequent time frames for the election are to correspond to those that apply to a ballot held before the first appointed day of a session of the Synod.

(2) Subject to this Ordinance the persons elected under subclause (1) hold office until the first day of the first session of the next Synod.

(3) If a Region is abolished, the Regional Elected Members cease to be members of the Standing Committee on and from the date of abolition of the Region.

### **Casual Vacancies**

2. (1) A casual vacancy in the office of an Elected Member occurs on –

- (a) resignation in writing addressed to the Diocesan Secretary;
- (b) death;
- (c) insolvency under administration;
- (d) loss of membership of the Synod;
- (e) incapacity to act or absence from 3 consecutive meetings of the Standing Committee without leave;
- (f) becoming an ex-officio member;
- (g) becoming an Elected Member in another capacity;
- (h) in the case of a Regional Elected Member, ceasing to be from the Region for which that person was elected as a member of the Standing Committee;
- (i) a resolution by the Synod, or by the Standing Committee when the Synod is not in session, declaring a vacancy and specifying the person, this ordinance, and the reason therefore.

(2) A vacancy in the office of an Elected member which is not filled at an election referred to in clause 1A or a ballot referred to in clause 1B, for the purposes of this Ordinance, is taken to be a casual vacancy.

### **Filling of Casual Vacancies**

3. (1) A casual vacancy among the Synod Elected Members may be filled by the Synod by an election conducted during the next ordinary session of the Synod. When the Synod is not in session the casual vacancy may be filled by the Standing Committee.

(2) Subject to clause 2, the term of office of a person filling a casual vacancy under subclause (1) expires –

- (a) if the casual vacancy is filled by the Synod – on the first day of the first session of the next Synod; and
- (b) if the casual vacancy is filled by the Standing Committee – on the first day of the next session of the Synod.

(3) A casual vacancy in the office of a Regional Elected Member may be filled by the Regional Electors of the Region by an election conducted –

- (a) during the next ordinary session of the Synod, or
- (b) by a postal ballot conducted under the previous form of the Synod Elections Ordinance 2000 provided that –

- (i) a notice of the election under rule 3.1 of the Schedule to the previous form of the Synod Elections Ordinance 2000 is to be sent as soon as practicable after the casual vacancy occurs, and
- (ii) the subsequent time frames for the election are to correspond to those that apply to a ballot held before the first appointed day of a session of the Synod.

(3A) A postal ballot to fill a vacancy in the membership of the Standing Committee under clause 3(3) may, with the approval of the Standing Committee given by resolution, be conducted by electronic means.

(4) Subject to clause 2, the term of office of a person filling a casual vacancy under subclause (3) expires on the first day of the first session of the next Synod.

#### **Duties and Powers**

4. (1) It shall be the duty of the Standing Committee to make arrangements for the sessions of the Synod, and to prepare the business to be brought before the Synod, with power to propose such business as may appear to the Committee to be necessary or desirable to be brought before the Synod, in addition to that arising out of matters which have been referred to them, and to print a Report of the proceedings of the Synod from time to time, and all documents ordered by the Synod to be printed.

(2) The Standing Committee are empowered to defray the necessary working expenses of the Synod and of the Standing Committee, and to pay such further sums as may from time to time be authorised by the Synod.

(3) The Standing Committee shall be a Council of Advice to the Bishop in any matter in which he may desire their advice. The Standing Committee shall consider and report upon any matter which the Synod may from time to time refer to them, and shall carry out or assist in carrying out the resolutions from time to time passed by the Synod and entrusted to them, or not otherwise provided for. The Standing Committee may deliberate and confer upon all matters affecting the interest of the Church and cognisable by the Synod, may make such enquiries as they shall deem to be requisite, and may communicate with the Government and all such bodies and persons as they shall consider necessary, and may present petitions and addresses to all such bodies and persons. PROVIDED that any action taken by the Committee not already sanctioned by the Synod shall have full force unless disallowed by the Synod at its next session.

(4) The Standing Committee shall discharge such other duties and exercise such other powers as the Synod shall from time to time prescribe.

(5) The Standing Committee may from time to time resolve that any of its business (other than the making of ordinances, the making of appointments or the filling of casual vacancies) be determined by a Regional Council or a committee or committees having members –

- (a) who are appointed from time to time by the Standing Committee;
- (b) who hold office for such terms and in accordance with such conditions as the Standing Committee may specify; and
- (c) at least half of whom are Standing Committee members.

(6) Where the Standing Committee resolves or has resolved under subclause (5) that certain of its business be determined by a Regional Council or a committee or committees, such Regional Council, committee or committees may, with the approval of the Standing Committee and subject to such conditions as the Standing Committee may impose, resolve that such business or any part of such business be determined by another person or body.

(7) A person who is an insolvent under administration is not eligible to be appointed to a committee referred to in subclause (5). A person appointed to such a committee ceases to be a member of that committee if that person becomes an insolvent under administration.

#### **Custody of Property**

5. The Standing Committee shall have the custody of all books, documents or other property belonging to the Synod, and all other property belonging to the Church in the Diocese of Sydney not vested in any other body or person.

#### **Conduct of Business, Quorum, etc**

6. (1) A notice of a meeting of the Standing Committee may be given to a member verbally or by serving it on the member personally or by sending it to the postal or email address supplied

by the member for the giving of notices to the member but, if no address has been supplied by a member to the secretary or acting secretary of the Standing Committee, then to the address which is believed by the person giving the notice to be the place of business or of work or of residence of that member or an email address held by the Registrar for the member.

(2) Where a notice is sent by post, service shall be deemed to be effected by properly addressing prepaying (in the case of a notice sent by post) and posting or otherwise appropriately dispatching the notice and to have been effected on the day next following the day (neither day being a Saturday, Sunday or public holiday) after the date of its posting or dispatch.

(3) The Standing Committee may meet and exercise all powers conferred upon it notwithstanding that notice of the meeting may not have been given to all members of the Standing Committee in accordance with subclauses (1) and (2) of this clause if the notice has not been given –

- (a) due to inadvertence or an accidental omission, or
- (b) by reason of insufficient time;

Provided, in the case referred to in paragraph (b), by resolution supported by two-thirds of all members of the Standing Committee, the Standing Committee resolves that the nature of the business to be discussed and the powers to be exercised are such that delay is likely to prejudice the order and good government of the Anglican Church of Australia in the Diocese or a part thereof.

(4) No business shall be transacted at any meeting of the Standing Committee if a quorum is not present at the time when the business is to be transacted. If a quorum is not present within half an hour from the time appointed for a meeting of the Standing Committee, the meeting shall be dissolved. A quorum shall be not less than one-half of all members of the Standing Committee.

(4A) The members of the Standing Committee may pass a resolution without a meeting of the members being held if –

- (a) the secretary or acting secretary of the Standing Committee sends a copy of the proposed resolution to all members of the Standing Committee and specifies a reasonable timeframe within which members may indicate their support for or objection to the proposed resolution being passed, and
- (b) at least 75% of members indicate within the specified timeframe that they support the proposed resolution being passed, and
- (c) no more than 2 members object within the specified timeframe either to the proposed resolution being passed or the proposed resolution being passed without a meeting.

The secretary or acting secretary shall notify the Standing Committee of any resolution passed without a meeting at its next meeting and shall record in the minutes kept for that meeting the resolution together with any supporting attachments. A resolution so recorded shall be treated as a minute of the proceedings of the Standing Committee for the purposes of clause 7(1).

(5) Subject to this Ordinance and any other relevant ordinance, the Standing Committee from time to time may frame, alter, and repeal rules and regulations for the conduct of all business coming before it.

### **Minutes to be Kept**

7. (1) Minutes of the proceedings of the Standing Committee shall be entered in a book kept for that purpose and, subject to subclause (2), the Committee shall cause such minute book to be laid before the Synod at the commencement of every session.

(2) The secretary or acting secretary of the Standing Committee is authorised to omit from the Minute Book laid before the Synod any minute and any attachment to a minute which contains details of –

- (a) current legal proceedings or claims which may become the subject of legal proceedings,
- (b) the terms of any settlement of legal proceedings which require confidentiality,
- (c) any matter which the Archbishop acting on the advice of the Chancellor considers is properly treated as commercial-in-confidence, or

- (d) any other matter the Standing Committee declares by resolution to be confidential for the purposes of this subclause.

### **Report of Proceedings**

8. The Standing Committee shall present an Annual Report of their proceedings to the Synod, which shall include a statement of their receipts and expenditure during the year, audited by the auditors appointed by the Synod.

### **Date of Coming into Force**

9. This Ordinance shall come into force upon the first day of the first session of the next Synod.

### **Ordinance Repealed**

10. The Ordinance intituled the "Standing Committee Ordinance of 1895" is hereby repealed.

### **Name of Ordinance**

11. This ordinance is the Standing Committee Ordinance 1897.

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### **Notes**

This Ordinance came into effect on 20 September 1898.

Clause 5 of the Miscellaneous Amendments Ordinance 1997 provides as follows –

"Notwithstanding clauses 1A and 3(1) of the Standing Committee Ordinance 1897, an election by the Synod to fill a casual vacancy in the office of member of the Standing Committee referred to in paragraphs 1A(1)(b) and (c) of the Standing Committee Ordinance 1897 shall be conducted in accordance with the provisions of the Elections Ordinance 1970, other than clause 37A."

The amendments made by Ordinance No 34, 2015 commence on the day immediately following the last day of the 2nd session of the 50th Synod.

### **Table of Amendments**

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| Clause 1  | Original clause amended by Ordinances Nos 1, 1915; 11, 1930; 9, 1932; 9, 1948; 27, 1971; 29, 1978; 28, 1987; 37, 1991 and 23, 1995. New clause inserted by Ordinance No 33, 1995 and amended by Ordinances Nos 31, 1997, 36, 2006 and 42, 2013. |
| Clause 1A | New clause inserted by Ordinance No 33, 1995 and amended by Ordinances Nos 31, 1998; 32, 2001; 47, 2003; 6, 2010; 42, 2013; 34, 2015 and 9, 2016.   |
| Clause 1B | Inserted by Ordinance No 33, 1995 and amended by Ordinance No 32, 2001. New clause inserted by Ordinance No 42, 2013.   |
| Clause 2  | Original clause amended by Ordinances Nos 11, 1935 and 28, 1987. New clause inserted by Ordinance No 33, 1995 and amended by Ordinances Nos 59, 2001; 47, 2003; 36, 2006 and 42, 2013.  |
| Clause 3  | Original clause amended by Ordinances Nos 11, 1935 and 28, 1987. New clause inserted by Ordinance No 33, 1995 and amended by Ordinances Nos 36, 2006; 42, 2013 and 9, 2015.   |
| Clause 4  | Amended by Ordinances Nos 44, 1991; 23, 1995 and 9, 2014.   |
| Clause 6  | Amended by Ordinances Nos 26, 1984 and 9, 2014.   |
| Clause 7  | Amended by Ordinance No 9, 2014.  |
| Clause 11 | Amended by various ordinances including Ordinance No 32, 2001 and the Interpretation Ordinance 1985.  |

STEVE LUCAS  
Legal Counsel

MARTIN THEARLE  
Manager, Diocesan Finance

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