

Affiliated Churches Ordinance 2005

(Reprinted under the Interpretation Ordinance 1985.)

The Affiliated Churches Ordinance 2005 as amended by the Conduct of the Business of Synod Ordinance 2000 Amendment Ordinance 2014.

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Long Title

An Ordinance to provide for the affiliation of non-Anglican churches with the Anglican Church of Australia in the Diocese of Sydney.

Preamble

A. By resolution 2/03 the Synod, in view of the alarming developments in other Protestant Churches and the possibility of some congregations wishing to associate with or join the Anglican Church in this Diocese, requested the Standing Committee to appoint a committee to consult with the Archbishop on any changes to ordinances necessary or desirable to facilitate such moves and to bring any necessary ordinances to effect such changes to the next ordinary session of the Synod.

B. By resolution 21/04 the Synod requested that the Standing Committee consider the means by which non-Anglican churches might be recognised as associated churches of the Diocese and the benefits which may arise for both the Diocese and those churches by reason of such association and prepare such ordinances as it thinks necessary to provide for such association.

C. It is desirable to provide for the affiliation of non-Anglican churches with this Church in this Diocese in the manner set out in this Ordinance.

The Synod of the Diocese of Sydney Ordains as follows.

1. Name

This Ordinance is the Affiliated Churches Ordinance 2005.

2. Objects

The objects of this Ordinance are –

- (a) to enable non-Anglican churches to become affiliated with this Church in this Diocese and to provide for the consequences of affiliation, and
- (b) to provide for the entry into a form of agreement by which the relationship between an affiliated church and this Church in this Diocese might be further expressed, and

- (c) to specify the type of benefits which may be provided to an affiliated church under such an agreement.

3. Definitions

In this Ordinance –

“approved benefit” means a benefit of the type described in the table in the Schedule.

“affiliated church” means –

- (a) a non-Anglican church in relation to whom a declaration made pursuant to clause 4(1) is in effect, or
- (b) a non-Anglican church which is a member of an affiliated group.

“affiliated group” means a group of non-Anglican churches in relation to whom a declaration made pursuant to clause 4(1) is in effect.

“affiliation agreement” means a form of agreement approved from time to time by the Standing Committee under clause 5(2).

“benefit” means any product, service, right or privilege.

“non-Anglican church” means a group of persons who regularly meet together for public worship as Christian people other than as part of the Anglican Church of Australia.

4. Affiliation with non-Anglican churches

(1) The Synod or the Standing Committee may by resolution declare a non-Anglican church or a group of non-Anglican churches to be affiliated with this Church in this Diocese only if it is satisfied that the profession of faith of the non-Anglican church or group of non-Anglican churches is Bible-based.

(2) A declaration made pursuant to subclause (1) ceases to be in effect if –

- (a) the Synod or the Standing Committee by resolution revokes such a declaration, or
- (b) the person or persons authorised to act on behalf of the affiliated church or the affiliated group notifies the Standing Committee in writing that the affiliation should be discontinued.

(3) The Standing Committee is to notify the Registrar of –

- (a) any declaration made pursuant to subclause (1), and
- (b) any such declaration which ceases to be in effect.

(4) The Registrar is to –

- (a) maintain and update on a regular basis a list of affiliated churches and affiliated groups; and
- (b) publish the list in whatever manner the Registrar considers appropriate.

5. Entry into affiliation agreements

(1) The Standing Committee may by resolution authorise the Diocesan Secretary on its behalf to enter into an affiliation agreement with the person or persons authorised to enter into agreements on behalf of an affiliated church.

(2) The Standing Committee may approve a form of agreement for the purposes of subclause (1) and may from time to time approve changes to the form of such an agreement either generally or for the purposes of a particular affiliated church or class of affiliated churches.

(3) The form of any affiliation agreement approved for the purposes of subclause (1) –

- (a) is to include terms which –
 - (i) enable the affiliation agreement to be terminated at any time by written notice given by either party to the other, and
 - (ii) provide that the affiliation agreement is terminated if the declaration made pursuant to clause 4(1) by which the parties are affiliated ceases to be in effect, and
- (b) is not to include any term by which the affiliation agreement is or may be terminated on any other basis, and

- (c) is to set out the terms upon which one or more approved benefits may be provided to an affiliated church, and
- (d) is not to include any term which would enable –
 - (i) the provision of a benefit to an affiliated church which is not an approved benefit, or
 - (ii) the provision of an approved benefit to an affiliated church which, at the time the affiliated agreement is entered into, is not able to be properly provided.

6. Proper provision of approved benefits

- (1) The Standing Committee may make such ordinances and take such other action as it considers necessary or desirable to enable an approved benefit to be properly provided to an affiliated church.
- (2) Without limiting the generality of subclause (1), an approved benefit is not able to be properly provided if, in the opinion of the Standing Committee, the provision of the approved benefit would –
 - (a) be contrary to law, or
 - (b) result in any church trust property ceasing to be held on charitable trusts, or
 - (c) result in any organisation of the Diocese ceasing to be a charitable or religious organisation for any purpose, or
 - (d) impose an unreasonable burden on any person or organisation.

7. Invitation to attend Synod

- (1) The Secretary of the Synod is to invite each affiliated church to nominate 2 representatives to attend each ordinary session of the Synod. Such invitation is to be sent at or before the time the Archbishop convenes the session by summons.
- (2) A representative nominated by an affiliated church is entitled to attend an ordinary session of the Synod if, at least 14 days prior to the first day of the session, the affiliated church gives the Registrar a written notice specifying the name and address of the representative.
- (3) A representative in relation to whom a notice has been given pursuant to subclause (2) is not entitled to vote in relation to any business of the Synod but may address the Synod at the invitation of the President or by resolution of the Synod.

8. No prejudice for Anglican clergy returning to the Diocese

A member of clergy who holds or has held a position in an affiliated church is not, by reason of holding or having held such a position, to be treated prejudicially in any consideration of that person's appointment to a position in the Diocese.

9. Approval of general licences being issued to Anglican clergy

- (1) Synod approves of the Archbishop issuing a member of clergy who holds a position in an affiliated church with a general licence.
- (2) Any general licence issued by the Archbishop to a member of clergy who holds a position in an affiliated church continues only for so long as the affiliated church remains an affiliated church.

10. Report to Synod

The Standing Committee must report to the first ordinary session of each Synod about –

- (a) any declaration of affiliation made pursuant to clause 4(1) and any such declaration which ceases to be in effect, and
- (b) any affiliation agreement entered into pursuant to clause 5(1), and
- (c) any action taken under clause 6(1).

Schedule

Approved benefits		
No	Type of benefit	Description of benefit
1.	Membership of superannuation fund	Arrangements to enable affiliated churches to become participating employers in the Anglican SuperFund Sydney Plan held by AMP Superannuation Limited as part of the AMP Superannuation Savings Trust.
2.	Long Service Leave continuity of service	Reciprocal arrangements to provide for continuity of service between the Diocese and an affiliated church for the purposes of long service leave.
3.	Insurance cover	Arrangements to enable affiliated churches to be included as an "insured" under insurance cover obtained by the Anglican Church Property Trust Diocese of Sydney.
4.	Access to administrative, secretarial and accountancy services	Arrangements to give affiliated churches access to administrative, secretarial and accountancy services provided by the Sydney Diocesan Secretariat.
5.	Sickness and Accident Fund	Arrangements to give appropriate categories of staff of affiliated churches access to the benefits under the Sydney Diocesan Sickness and Accident Fund.
6.	Stipend Continuance	Arrangements to enable appropriate categories of staff of affiliated churches to be covered by the Stipend Continuance policy held by the Sydney Diocesan Secretariat.
7.	Clergy removals	Arrangements to enable appropriate categories of staff of affiliated churches to be covered by the Clergy Removals Fund.
8.	Finance and loans	Arrangements to enable the Sydney Church of England Finance and Loans Board to make loans to affiliated churches.
9.	Expression of affiliation with the Diocese	Arrangements to authorise affiliated churches to make reference to being affiliated with the Anglican Church of Australia in this Diocese.
10.	Professional Standards	Arrangements to provide for appropriate selection of staff for and standards of conduct by staff in affiliated churches and to enable allegations of misconduct to be appropriately dealt with.

Table of Amendments

Clause 7

Amended by Ordinance No 38, 2014.

STEVE LUCAS

Legal Counsel

23 March 2015

ROBERT WICKS

Diocesan Secretary