

# Synod (Governance of Diocesan Organisations) Amendment Ordinance 2015

No 9, 2015

## Long Title

An Ordinance to make changes to the reporting and elections processes of the Synod in accordance with the Synod's Governance Policy for Diocesan Organisations and for related purposes.

The Standing Committee of the Synod of the Diocese of Sydney Ordains as follows.

### 1. Name

This Ordinance is the *Synod (Governance of Diocesan Organisations) Amendment Ordinance 2015*.

### 2. Amendment of the Accounts, Audits and Annual Reports Ordinance 1995

Clause 14 of the *Accounts, Audits and Annual Reports Ordinance 1995* is amended by inserting a new paragraph (e) as follows (with consequential re-lettering of existing paragraphs (e) and (f)) –

- “(e) if the report is being submitted for tabling at the first ordinary session of a Synod, a statement which –
  - (i) assesses the extent to which the Organisation's governance arrangements conform with the standards and guidelines in the Governance Policy for Diocesan Organisations passed by the Synod on 20 October 2014 as amended from time to time, and
  - (ii) explains any areas of non-conformity,”.

### 3. Amendment of the Synod Elections Ordinance 2000

The Schedule to the *Synod Elections Ordinance 2000* is amended as follows –

- (a) omit the text of the 5<sup>th</sup> box in the diagram at item 1.1 and insert instead the following –

“Secretary posts provisional notice of contested elections and provisional notice of uncontested elections at nominated website (see rule 3.2A)”, and
- (b) omit the definition for “statement of personal faith” in rule 1.2(1) and insert instead the following –

“statement of personal faith” means the Statement of Personal Faith set out in Appendix 3 of the Governance Policy for Diocesan Organisations passed by the Synod on 20 October 2014 as amended from time to time.’, and
- (c) insert the following new paragraph (e) in rule 3.1(1) (with consequential relettering of existing paragraphs (e) and (f)) –

“(e) specifies that a person to whom a disqualifying circumstance referred to in rules 7.1(2)(a)(v) to (x) applies may not knowingly be nominated for election to an office, and”, and
- (d) omit the matter “rule 3.1(1)(c)(ii)” in rule 3.1(2) and insert instead “rule 3.1(1)(c)(iii)”, and
- (e) omit paragraph (f) in rule 3.2(2) and insert instead the following –

“(f) in relation to a nomination for an office on a board or council which is a body corporate, to contain a certification from at least one of the nominators that the nominee is willing to sign the statement of personal faith if elected to such board or council and will do so before attending any meeting of the board or council held after his or her election, and”, and
- (f) omit rule 3.2(3) and insert instead the following –

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“(3) A nomination which does not comply with rule 3.2(2) is invalid except that –

- (a) an error in the specified postal or email address for the nominee does not of itself invalidate a nomination, and
- (b) the failure to provide a postal or email address for the nominee does not of itself invalidate a nomination if the Registrar already holds a postal or email address, as applicable, for the nominee.

(3A) A person to whom a disqualifying circumstance referred to in rules 7.1(2)(a)(v) to (x) applies may not knowingly be nominated by a member for election to an office.”, and

(g) omit rule 3.2A and insert instead the following –

### **“3.2A Provisional notices of contested and uncontested elections**

(1) If, by 5.00pm on the nomination closing day, the number of persons nominated for election to an office exceeds the number of persons to be elected, the Secretary, no later than 5 weeks before the first appointed day of the session, is to post a notice at the nominated website address –

- (a) advising that the number of persons nominated for election to the office exceeds the number of persons to be elected, and
- (b) specifying –
  - (i) the name of each person nominated to the office and the suburb or locality of their residence,
  - (ii) if a person nominated to the office is seeking re-election, the year in which the person was first elected to the office, and
  - (iii) the names of the 2 members who signed the nomination under rule 3.2(2), and
- (c) inviting the submission of a precis setting out the relevant qualifications, skills, experience and Christian ministry involvement of each nominee for the election.

(2) If, by 5.00pm on the nomination closing day, the number of persons nominated for election to an office does not exceed the number of persons to be elected, the Secretary is to post a notice at the nominated website address –

- (a) advising that the number of persons nominated for election to the office does not exceed the number of persons to be elected, and
- (b) specifying the names of the persons nominated.”, and

(h) omit rule 7.1(2) and insert instead the following –

“(2) A casual vacancy in an office to which the holder was elected by the Synod, or which was filled by the Standing Committee under this Part 7, arises if –

- (a) the person holding that office –
  - (i) dies, or
  - (ii) resigns by notice in writing to the Diocesan Secretary, or
  - (iii) ceases to hold any qualification which was necessary for election to office, or
  - (iv) is absent without leave for 3 consecutive meetings and the board, council or committee by resolution declares the office to be vacant, or
  - (v) becomes an insolvent under administration, or

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- (vi) becomes of unsound mind or a person whose person or estate is liable to be dealt with in any way under the laws relating to mental health or is otherwise incapable of acting, or
  - (vii) is disqualified from managing a corporation within the meaning of the *Corporations Act 2001*, or
  - (viii) is disqualified from being a responsible entity of a registered entity by the Commissioner of the Australian Charities and Not-for-profits Commission, or
  - (ix) is convicted of an offence punishable by imprisonment for 12 months or longer, or
  - (x) becomes subject to a recommendation from a Tribunal or the Adjudicator under the *Discipline Ordinance 2006* (or from a comparable Tribunal or body in another diocese or church) that he or she be prohibited from holding the office or should be removed from the office, or
- (b) the office is in a board or council which is a body corporate and –
- (i) the person holding that office has not signed the statement of personal faith before attending any meeting of the board or council held after his or her election or, having signed the statement of personal faith, declares that he or she is no longer able to subscribe to the statement of personal faith, or
  - (ii) the board or council resolves at a meeting by at least a three-quarters majority of all its members (excluding the person holding the office concerned) that, in its opinion, the person failed to disclose his or her actual material conflict of interest in a matter brought for the consideration of the board or council which –
    - (A) resulted in a resolution of the board or council which would not have been made had the actual material conflict of interest been disclosed, and
    - (B) justifies the person ceasing to hold office as a member, or
- (c) the Synod, or the Standing Committee if the Synod is not in session, by resolution declares the office to be vacant and specifies its reason for making that declaration, after the mover of the resolution has discussed the proposal with the chairman of the board, council or committee of which the office forms part.

(2A) If a disqualifying circumstance referred to in rules 7.1(2)(a)(v) to (x) applies to a person holding office at the time of his or her election and notice of such disqualifying circumstance is received by the Diocesan Secretary, the person is taken to cease holding a qualification necessary for election to the office for the purposes of rule 7.1(2)(a)(iii) on the later of the date of his or her election and the date such notice is received.”, and

- (i) omit rule 7.2(3) and insert instead the following –

“(3) If a casual vacancy arises in an office on a board or council which is a body corporate and which may be filled by the Standing Committee under rule 7.2(1), any member of the Standing Committee who nominates a person for election to fill the vacancy is to certify to the

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Standing Committee that the person is willing to sign the statement of personal faith if elected to such board or council and will do so before attending any meeting of the board or council held after his or her election.

(3A) A person to whom a disqualifying circumstance referred to in rules 7.1(2)(a)(v) to (x) applies may not knowingly be nominated by a member of the Standing Committee for election to fill a casual vacancy under rule 7.2(1).”, and

- (j) insert the following new rule 8.4 (with consequential renumber of existing rule 8.4 as 8.5) –

### **“8.4 Maintenance and production of statements of personal faith**

A board or council which is a body corporate –

- (a) is to hold the statement of personal faith signed by each member of the board or council elected under these rules, and
- (b) upon request of the Standing Committee, is to produce to the Standing Committee a copy of the signed statement of personal faith held for a member of the board or council elected under these rules.”

#### **4. Amendment to the Standing Committee Ordinance 1897**

The *Standing Committee Ordinance 1897* is amended by inserting a new clause 3(3A) as follows –

“(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.”

#### **5. Application**

The amendment to the *Synod Elections Ordinance 2000* made by clause 3(j) applies in relation to persons elected or re-elected as a member of a board or council on or after the date of commencement of this Ordinance.

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

R TONG  
Chairman of Committees

I Certify that this Ordinance was passed by the Standing Committee of the Synod of the Diocese of Sydney on 20 April 2015.

R WICKS  
Secretary

I Assent to this Ordinance.

GN DAVIES  
Archbishop of Sydney  
21/04/2015