

Nomination Ordinance 2006

(Reprinted under the Interpretation Ordinance 1985.)

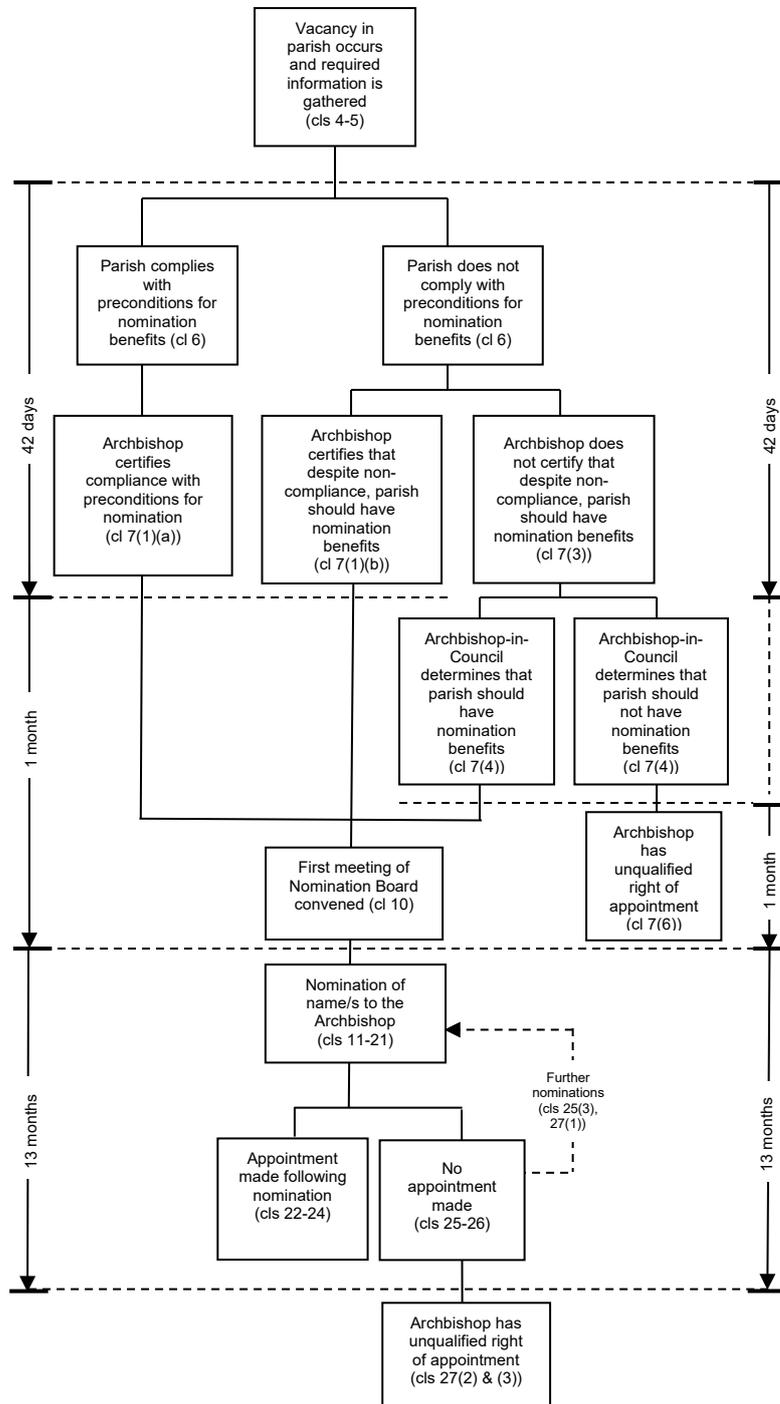
The Nomination Ordinance 2006 as amended by the Nomination Ordinance 2006 Amendment Ordinance 2009, the Nomination Ordinance 2006 Amendment Ordinance 2010, the Cost Recoveries (Parochial Network) Amendment Ordinance 2011, the Parish Declarations and Qualifications Amendment Ordinance 2013, the Local Revenues Amendment Ordinance 2015, the Miscellaneous Amendments Ordinance 2019, the Nomination Ordinance 2006 Amendment Ordinance 2020, the Nomination Ordinance 2006 Amendment Ordinance 2021, the Nomination Ordinance 2006 Amendment Ordinance 2023, and the Nomination Ordinance 2006 Further Amendment Ordinance 2023.

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Diagrammatic Summary of Provisions



Long Title

An Ordinance to make provision for the appointment of clergymen in the order of presbyter to the office of rector of a parish.

The Synod of the Diocese of Sydney Ordains as follows.

Part 1: Preliminary

Note: *Part 1 provides definitions for key terms that are used in the Ordinance, and sets out the roles and expectations applicable to those involved in the process. Terms are also defined in or by reference to the Interpretation Ordinance 1985. These terms include: 'communicant member', 'lay person' and 'parishioner'.*

1. Name of Ordinance

This Ordinance is the Nomination Ordinance 2006.

2. Definitions

(1) In this Ordinance –

Archbishop means the Archbishop for the time being of the Diocese or the person for the time being entitled to exercise the Archbishop's powers,

Archbishop-in-Council means the Archbishop on the advice of the Standing Committee,

Archdeacon is taken to include a person who is holding office as an Assistant to a Regional Bishop.

immediate family member means a spouse, child, parent, grandparent, grandchild or sibling of the person,

local revenues means all congregational offerings and donation income of a parish but does not include –

- (i) money given to the parish by any body corporate or organisation created or regulated by an ordinance of the Synod or the Standing Committee, or
- (ii) money given to the parish for a specified purpose, other than a purpose for or in relation to the rector's stipend, allowances, benefits, travelling expenses, superannuation or long service leave,

Nomination Board or **Board** means the Nomination Board constituted under clause 28,

Nominator Training Workshop means the training course for parish-elected nominators as developed by the Centre for Ministry Development,

parish means a parish constituted under or recognised as such for the purposes of the *Parishes Ordinance 1979*,

parish-elected nominator means a representative to the Nomination Board elected or appointed for the time being by or on behalf of a parish under clause 33, 34 or 37,

Synod Governance Policy means the Governance policy for Diocesan Organisations made by the Synod on 20 October 2014, as amended from time to time,

Synod-elected nominator means a representative to the Nomination Board elected for the time being under clause 29 or 31,

wardens means the wardens of the church of the parish or, if there is more than one such church, the principal church of the parish,

(2) Notes in this Ordinance are for explanatory purposes only and do not form part of the Ordinance. The Diocesan Secretary is authorised to update the notes when reprinting this Ordinance under clause 8 of the *Interpretation Ordinance 1985*.

3. Interests of parties involved in the nomination process

(1) All members of the Nomination Board are to act in the interests of the parish by considering a range of clergymen in seeking to nominate one or two of them to fill a vacancy in its office of rector, in line with all applicable ordinances and policies of the Synod.

- (2) In seeking this end, and within the fellowship of all parishes in the Diocese, it is expected –
 - (a) each parish-elected nominator will reflect their understanding of the needs and aspirations of their local parish,
 - (b) each Synod-elected nominator will reflect the convictions, character and culture of the Synod, and
 - (c) the Regional Bishop or Archdeacon, as non-voting Chair, will bring a unique combination of pastoral wisdom together with local and diocesan knowledge.
- (3) The Archbishop, while acting to ensure any appointment made complies with the laws, canons and ordinances regulating ordination/licensing that are in force in the Diocese of Sydney at the time, will retain his discretion in relation to his own policies.
- (4) Each parish-elected nominator is encouraged to engage with the Nominator Training Workshop within three months of their first appointment as a Nominator.

Part 2: Occurrence of a parish vacancy

Note: Part 2 sets out when the nomination process is to be activated in a parish, and what actions are to be taken upon a vacancy occurring in a parish.

4. Circumstances in which a vacancy occurs

- (1) For the purposes of this Ordinance, a vacancy occurs in the office of rector of a parish if the rector –
 - (a) dies, or
 - (b) retires, or
 - (c) is removed from office, or
 - (d) resigns.
- (2) For the purposes of this Ordinance, a vacancy occurs in the office of rector of a parish on the acknowledgment in writing by the Archbishop of a notification in writing by the rector that the rector intends to retire on a specified or ascertainable date which is not more than 12 months after the date of the notification.
- (3) For the purposes of this Ordinance, a vacancy occurs in the office of rector of a parish on the acceptance in writing by the Archbishop of the resignation in writing of the rector despite the fact that the resignation or acceptance contains a provision for a postponement of the operation or effect of the resignation.

5. Notification and report on occurrence of a vacancy

On a vacancy occurring in the office of rector of a parish –

- (a) the Registrar is to notify the wardens and parish-elected nominators that a vacancy has occurred and advise the date of the vacancy, and
- (b) the Archdeacon and/or Bishop of the Region in which the parish is situated is to obtain a certificate from the Director of Safe Ministry indicating whether there are any past or current issues involving the parish on record with the Office of the Director of Safe Ministry, and
- (c) the wardens are to complete and send to the Archbishop an information sheet in such form as the Archbishop determines from time to time, and
- (d) the parish-elected nominators are to provide the Synod-elected nominators a precis of their parish in the same or similar form as that provided to prospective candidates before it is provided to prospective candidates, and
- (e) the Archdeacon of the Region in which the parish is situated is to obtain from the wardens such information concerning the parish as the Archbishop determines from time to time, which may include, but is not limited to information about reasonably foreseeable issues within the parish involving relationships, property and/or finances.

Part 3: Entitlement to benefits under this Ordinance

Note: Part 3 sets out criteria for determining whether a parish is entitled to nomination benefits under this Ordinance. It also regulates when the process may be suspended and how the first

meeting of the Nomination Board is to be convened.

6. Preconditions to obtaining benefits under this Ordinance

(1) A parish has the benefits under this Ordinance concerning the nomination of a clergyman to the Archbishop only if –

- (a) during the financial year before the vacancy occurred the local revenues of the parish were not less than the sum of the following amounts –
 - (i) that part of the minimum stipend for a minister recommended by the Standing Committee which was required to be paid as stipend to the rector during that period, and
 - (ii) that part of the fixed component of the travel allowance for a minister recommended by the Standing Committee which was required to be paid during that period, and
 - (iii) that part of the fixed component of the cost recoveries charge payable by a parish under the *Cost Recoveries Framework Ordinance 2008* which was required to be paid during that period, and
- (b) during the financial year before the vacancy occurred the rector was –
 - (i) paid or provided with a stipend or benefits in lieu of stipend the amount or value of which, in total, is not less than the minimum stipend recommended by the Standing Committee for a minister, and
 - (ii) paid or provided with a travel allowance or travel benefits in lieu of at least the amount recommended by the Standing Committee for a minister, and
 - (iii) provided with the free use of a residence or otherwise housed in accommodation approved as suitable by the Archbishop, and
- (c) at the date of the occurrence of the vacancy all cost recoveries charges (including any arrears) due and payable by the parish under the *Cost Recoveries Framework Ordinance 2008* have been paid.

(2) The value of benefits provided to a rector in lieu of stipend is only to be taken into account for the purposes of clause 6(1)(b) if the benefits were provided to the rector in accordance with guidelines approved by the Standing Committee.

7. Archbishop's certification as to entitlement of parish to benefits under this Ordinance

(1) Subject to subclause (2), the Archbishop may, within 42 days after the occurrence of a vacancy in the office of rector of a parish, certify in writing to the Registrar either –

- (a) that the parish has complied with clause 6, or
- (b) that, while the parish has not complied with clause 6, the matters of non-compliance are such as should not prevent the parish from having the benefits under this Ordinance.

(2) If –

- (a) the operation of clause 10 in relation to a parish is suspended pursuant to clause 8 or 9, and
- (b) the suspension is terminated, and
- (c) in the case of a suspension pursuant to clause 8, the parish retains its classification as a parish on the termination of the suspension,

the Archbishop may certify in writing to the Registrar in accordance with subclause (1) within 42 days after the termination of the suspension.

(3) If the Archbishop does not furnish a certificate to the Registrar within the 42 day period, the Registrar is to notify the Archbishop-in-Council accordingly in time for its next meeting.

(4) The Archbishop-in-Council is to determine whether or not, in all the circumstances, the parish should have the benefits under this Ordinance.

(5) A determination of the Archbishop-in-Council is to be notified to the Registrar and, subject to subclause (6), has effect according to its tenor.

(6) The Archbishop has the unqualified right of appointment if the Archbishop-in-Council determines that, in all the circumstances, the parish should not have the benefits under this

Ordinance.

8. Suspension of proceedings – proposal for re-classification of parish

(1) If a proposal has been presented to the Archbishop under clause 4(1)(c) of the *Parishes Ordinance 1979* to change the classification of a parish to a provisional parish, the Archbishop may, by notice in writing to the Registrar and the members of the Nomination Board for the parish, suspend the operation of clause 10.

(2) A notice may be given under subclause (1) whether or not a vacancy has occurred in the office of rector of the parish.

(3) A suspension of the operation of clause 10 under this clause may be terminated by the Archbishop at any time by notice in writing to the Registrar and the members of the Nomination Board for the parish and, if not so terminated, terminates upon the Synod determining the proposal for reclassification of the parish under clause 5(3) of the *Parishes Ordinance 1979*.

9. Suspension of proceedings – on request of parish-elected nominators

(1) The Archbishop may, by notice in writing to the Registrar and the members of the Nomination Board –

(a) suspend the operation of clause 10 if requested in writing to do so by a majority of the parish-elected nominators with the concurrence of the Regional Bishop of the Region in which the parish is situated, or

(b) suspend the operation of clause 27 if requested in writing to do so by a majority of the Nomination Board with the concurrence of the Regional Bishop of the Region in which the parish is situated.

(2) A notice may be given under subclause (1) only if –

(a) a vacancy has occurred in the office of rector of the parish, and

(b) the Archbishop considers there are special circumstances that warrant suspending the operation of clause 10 or of clause 27.

(3) For the purposes of subclause (1), the Archbishop may choose to specify a period of time for any suspension of the operation of clause 10 or of clause 27.

(4) A suspension of the operation of clause 10 or of clause 27 under this clause –

(a) may be terminated by the Archbishop at any time by notice in writing to the Registrar and the members of the Nomination Board, and

(b) is to be terminated by the Archbishop by notice in writing to the Registrar and the members of the Nomination Board on receiving –

(i) a request in writing from a majority of the parish-elected nominators or a majority of the Nomination Board, as the case may be, to terminate such suspension, and

(ii) the written consent of a majority of the Parish Council to that request, if consideration is being given to an amalgamation or a boundary change involving the parish.

10. Convening of first meeting of Nomination Board

(1) On receipt of the Archbishop's certificate under clause 7(1)(a) or (b) or on being notified of a determination of the Archbishop-in-Council under clause 7(5) that a parish should have the benefits under this Ordinance, the Registrar is to convene the first meeting of the Nomination Board by written notice to the members of the Board for the parish.

(2) The first meeting of the Board is, as far as practicable, to be held within 1 month after the Registrar receives the certificate or notice of determination referred to in subclause (1).

Part 4: Nomination to the Archbishop

Note: *Part 4 sets out the function of the Nomination Board, how meetings of the Board are to be conducted and how decisions of the Board are to be made.*

11. Principal function of Nomination Board

(1) The principal function of a Nomination Board for a parish is to nominate to the Archbishop

a clergyman who is a presbyter or a deacon, but in the case of a deacon only if he has been approved by the Archbishop for ordination as a presbyter, to be appointed and licensed by the Archbishop to the office of rector of the parish.

- (2) A nomination may be made by a Nomination Board in any one of the following ways –
 - (a) by nominating the name of one clergyman under this clause or clause 19,
 - (b) by nominating the names of 2 clergymen in accordance with an order of priority determined under clause 15 or 19,
 - (c) by nominating the names of 2 clergymen not in order of priority under clause 16 or 19.

12. Chairman and chairman's vote

- (1) At a meeting of the Nomination Board, the Bishop or Archdeacon of the Region in which the parish is situated, if present, is the chairman but without power of voting.
- (2) If the Regional Bishop or Archdeacon is unable to be present, any other Regional Bishop or Archdeacon within the Diocese nominated by the first-mentioned Regional Bishop or Archdeacon may be present and, if present, is the chairman but without power of voting.
- (3) If no Regional Bishop or Archdeacon is present, the members at the meeting are to elect a chairman from among those present and the person so elected is the chairman and has a deliberative vote only.

13. Resolutions

- (1) This clause applies to the following resolutions –
 - (a) a resolution to nominate the name of one clergyman under clause 11,
 - (b) a resolution to nominate the names of 2 clergymen in order of priority under clause 15,
 - (c) a resolution to nominate the names of 2 clergymen not in order of priority under clause 16,
 - (d) a resolution to surrender the right of nomination under clause 17.
- (2) A resolution is not carried at a meeting of the Nomination Board unless –
 - (a) at least 3 parish-elected nominators and at least 2 Synod-elected nominators are present at the meeting, and
 - (b) at least 3 parish-elected nominators and at least 2 Synod-elected nominators vote in favour of the resolution.

14. Recording of resolutions

The chairman is to cause a record to be made of all resolutions of the Nomination Board.

15. Listing of names in order of priority

A Nomination Board may resolve on the names of 2 clergymen to be nominated to the Archbishop in order of priority.

16. Listing of names not in order of priority

A Nomination Board may nominate to the Archbishop the names of 2 clergymen not in order of priority any one of whom the Board would be pleased to see appointed and licensed to the office of rector of the parish.

17. Surrender of right of Nomination

- (1) A Nomination Board may surrender its right of nomination at any time.
- (2) A resolution to surrender the right of nomination is, in relation to the vacancy concerned, irrevocable.
- (3) Where the right of nomination is surrendered, the Archbishop has the unqualified right of appointment.

18. Participation in meetings by telephone or video conferencing

- (1) The members of the Nomination Board may participate in a meeting, or all meetings, of the Board by telephone or video conferencing.
- (2) A member who participates in a meeting under subclause (1) is taken to be present at the

meeting.

19. Resolution of matters otherwise than at a meeting

(1) Following the first or a subsequent meeting of the Nomination Board at which a list of names of not more than 2 clergymen to be considered for nomination has been agreed upon by resolution in accordance with clause 13 and recorded in writing, a nomination may be made to the Archbishop if at least 4 parish-elected nominators and at least 3 Synod-elected nominators are unanimous in their intention to seek the nomination of one clergyman from the list, and have so notified in writing the chairman of the meeting, at which the list was agreed upon. The Nomination Board is taken (even though members have not met together for the purpose) to have resolved to nominate the clergyman in accordance with this Ordinance.

(2) The procedure under this clause may also be used –

- (a) to resolve on the names of 2 clergyman to be nominated to the Archbishop in order of priority in accordance with clause 15, or
- (b) to resolve to nominate a list of not more than 2 names (being the names agreed upon under subclause (1)) not in order of priority in accordance with clause 16.

20. Conferences with the Archbishop

(1) The Archbishop, the Regional Bishop of the Region in which the parish concerned is situated or any 3 members of the Nomination Board may at any time request a conference between the Board and the Archbishop at such time and place as may be appointed or agreed to by the Archbishop.

(2) More than one conference may be held under this clause in respect of a parish.

(3) The Archbishop is the chairman at any such conference.

(4) The Archbishop may delegate all or any of his functions under this clause to the Regional Bishop of the Region in which the parish concerned is situated.

21. Manner of making a nomination of clergyman or clergymen to the Archbishop

(1) The chairman is to notify the Archbishop, in writing, of the name of the clergyman or, as the case may be, the names of the clergymen, nominated by the Nomination Board.

(2) The nomination is made at the time at which the Archbishop receives the notification.

Part 5: Archbishop's response to Nomination

***Note:** Part 5 sets out the process that is followed after a nomination is made, and the right of the Archbishop to offer the nominated clergyman the office of rector, or decline the nomination. It also sets out the timing and next steps if a nomination is unsuccessful.*

22. Archbishop's offer of appointment

(1) If the Nomination Board nominates the name of one clergyman, the Archbishop (unless he is satisfied that there is good and sufficient reason for refusing to accept the nomination) is to offer, in writing, to appoint the clergyman nominated to him to the office of rector of the parish.

(2) If the Nomination Board nominates the names of 2 clergymen in order of priority, the Archbishop (unless he is satisfied that there is good and sufficient reason for refusing to accept the nomination) is to accept the nomination of the clergyman nominated first in order of priority. If the Archbishop declines to accept the nomination of a clergyman nominated first in order of priority or that clergyman declines or neglects to accept appointment within the time limited for acceptance, the Archbishop (unless he is satisfied that there is good and sufficient reason for refusing to accept the nomination) is to offer, in writing, to appoint the clergyman second in order of priority.

(3) If the Nomination Board nominates the names of 2 clergymen not in order of priority, the Archbishop (unless he is satisfied that there is good and sufficient reason for refusing to accept both of the names nominated to him) is to offer, in writing, to appoint a clergyman nominated to him to the office of rector of the parish in the order of priority determined by the Archbishop.

(4) If a clergyman to whom an offer is made under subclause (3) declines or neglects to accept appointment within the time limited for acceptance, the Archbishop is to offer to appoint the other

clergyman on the list to the office of rector of the parish, unless he is satisfied that there is good and sufficient reason for not making the offer of appointment.

(5) The Archbishop is to obtain a certificate from the Director of Safe Ministry in relation to any clergyman to whom he proposes to make an offer to be appointed to the office of rector of the parish. The certificate is to indicate whether there are any current or past matters concerning the clergyman on record with the Office of the Director of Safe Ministry.

(6) The Archbishop is not required to give the grounds on which he declined to accept a nomination.

(7) An offer made by the Archbishop under this clause to a clergyman who is a deacon is to be made subject to the clergyman being ordained as a presbyter by a date specified by the Archbishop in the offer.

(8) If the Archbishop considers that there is good and sufficient reason for refusing to accept a nomination, he may offer to appoint and license the clergyman as Acting Rector of the Parish subject to a condition that the clergyman meet undertakings in such terms and by such time as are specified by the Archbishop in writing. Once the undertakings have been satisfied, the Archbishop is to offer to appoint and license the clergyman to the office of Rector of the Parish. If the undertakings are not met in the required time, the Archbishop may extend the time for no more than 12 months, otherwise a new vacancy is deemed to arise in the office of Rector of the Parish for the purposes of clause 4 on the expiry of the date by which the undertakings were required to be met.

23. Period for acceptance of offer of appointment

(1) A clergyman to whom an offer is made may, in writing, within 21 days after receipt of the offer (or such longer period as may be determined under subclause (2)) accept or decline the offer.

(2) The Archbishop may, in writing, at any time before or after the expiration of the 21-day period, extend the period by an additional period determined by him of not more than 21 days if in his opinion there are special circumstances that warrant the extension.

24. Appointment and licensing of clergyman

(1) Subject to subclause (2), if a clergyman to whom an offer is made accepts the offer within the time limit for acceptance, the Archbishop is to appoint and license the clergyman to the office of rector of the parish concerned.

(2) If the clergyman who accepts an offer under subclause (1) is a deacon, the Archbishop may only appoint and license the clergyman –

- (a) after he has been ordained as a presbyter, or
- (b) before he has been ordained as a presbyter provided that by the commencement date of his licence he has been ordained as a presbyter.

25. Procedure on failure of Nomination

(1) If –

- (a) the Archbishop declines to accept a nomination, or
- (b) the clergyman nominated declines or neglects to accept the proposed appointment within the time limited for acceptance,

the Archbishop is to inform the Registrar and the Registrar is to notify each member of the Nomination Board accordingly.

(2) Where a clergyman declines or neglects to accept appointment under subclause (1)(b), the Archbishop is to consult with the Regional Bishop or Archdeacon before making a further offer of appointment.

(3) Where the Registrar has notified each member of the Nomination Board under subclause (1), the Board is entitled to make a further nomination within 3 months (or such longer period as may be determined under subclause (5)) after the date of the notification.

(4) If the chairman of the Nomination Board has notified the Archbishop of the names of 2 clergymen in order or not in order of priority, the Board is not entitled to make a further nomination until after all the names have been eliminated.

(5) The Archbishop may, in writing, at any time before or after the expiration of the 3-month period, extend the period if he is satisfied that due diligence has been shown by the Nomination Board in seeking to make a nomination.

26. Effect of failure to license clergyman

If a clergyman who accepts an offer of appointment to the office of rector of a parish –

- (a) withdraws the acceptance before he is licensed as rector of the parish, or
- (b) is not licensed as rector of the parish within 6 months of the date of accepting the offer (or within such longer period up to 12 months determined by the Archbishop in writing) due to some other act or omission on the part of that clergyman or, if the clergyman is a deacon – due to the clergyman not becoming ordained as a presbyter by the date specified by the Archbishop under clause 22(7),

the offer lapses with effect from the earlier of the withdrawal and the end of the period that is applicable under paragraph (b) and a new vacancy is deemed to arise in the office of rector of the parish for the purposes of clause 4 on the date that the offer lapses.

27. Ultimate lapsing of right of Nomination

(1) A Nomination Board may nominate the name of a clergyman to the Archbishop at any time within one year and one month after the date for which the first meeting of the Nomination Board was convened (whether or not the meeting was actually held on that date).

(2) After that time, the right of nomination of the Board in relation to the vacancy concerned lapses absolutely. The Nomination Board is to communicate its prior work to the Archbishop if the right of nomination lapses.

(3) The Archbishop has the unqualified right of appointment if the Board's right of nomination lapses.

Part 6: Constitution of the Nomination Board

***Note:** Part 6 sets out the process for the election of the Nomination Board, including the eligibility criteria, the term of office and the grounds for disqualification that would give rise to a casual vacancy.*

28. Membership

(1) A Nomination Board for a parish is constituted by –

- (a) the Bishop or Archdeacon of the Region in which the parish is situated (either one of whom may act as a member of the Board at any time), and
- (b) 2 members of clergy elected by Synod, and
- (c) 2 lay persons elected by Synod, and
- (d) 5 lay persons elected by the parish.

(2) Nothing in subclause (1) limits the operation of clause 12(2).

29. Synod-elected nominators – election

(1) During the first session of each Synod, the members of Synod voting collectively are to elect –

- (a) 2 members of clergy and 2 lay persons to be members of the Nomination Board, and
- (b) 1 member of clergy and 1 lay person to be alternate members of the Nomination Board.

(2) A person is not eligible for election –

- (a) unless the person is a member of Synod and resident in the Diocese, and
- (b) if the person is a clergyman, if he is an assistant bishop or an archdeacon of a region.

(3) Upon being appointed or elected as, or otherwise becoming, a Synod-elected member, a person must sign the “Statement of Personal Faith” set out in the Synod Governance Policy, and deliver it to the Diocesan Secretary within 28 days of the date of that person becoming a member.

30. Synod-elected nominators – tenure of office

A Synod-elected nominator holds office until his or her successor is elected or until the office is vacated.

31. Synod-elected nominators – casual vacancies

- (1) The office of a Synod-elected nominator is vacated if he or she –
 - (a) dies, or
 - (b) resigns, or
 - (c) is absent from the State for at least 3 months and the Archbishop declares in writing the office to be vacated, or
 - (d) ceases to be a member of Synod for a period in excess of 3 months, or
 - (e) is certified by the Archbishop to be incapable of performing the duties of office, or
 - (f) becomes an insolvent under administration, or
 - (g) 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
 - (h) is disqualified from managing a corporation within the meaning of the *Corporations Act 2001*, or
 - (i) is disqualified from being a responsible entity of a registered entity by the Commissioner of the Australian Charities and Not-for-profits Commission, or
 - (j) is convicted of –
 - (i) an offence punishable by imprisonment for 12 months or longer, or
 - (ii) a disqualifying offence listed in Schedule 2 of the *Child Protection (Working with Children) Act 2012*, or
 - (k) becomes subject to a subsisting recommendation under *Ministry Standards Ordinance 2017* or the *Diocesan Tribunal Ordinance 2017* (or under equivalent legislation in this diocese or another diocese or church) the effect of which includes that he or she not hold, or is prohibited from holding, the office of nominator, or
 - (l) has not signed the Statement of Faith set out in the Synod Governance Policy in accordance with the requirements in clause 29(3) or is no longer able to in good conscience continue to assent to it,
 - (m) in the case of a clergyman, is appointed as a Regional Bishop or an Archdeacon of a region.
- (2) If a disqualifying circumstance referred to in subclause (1) 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.
- (3) A vacancy in the office of a Synod-elected nominator is to be filled within 2 months after it occurs by the Synod (if in session) or by the Standing Committee (if the Synod is not in session). A person elected by the Standing Committee remains a Synod-elected nominator only until the following ordinary session of Synod and at that session the vacancy is to be filled.
- (4) Part 7 of the schedule to the *Synod Elections Ordinance 2000* does not apply to the filling of a vacancy in the office of a Synod-elected nominator.

32. Parish-elected nominators – eligibility for election

- (1) A parish may elect 5 lay persons of not less than 18 years of age who are parishioners of the parish and communicant members of this Church.
- (2) A person is not eligible for election if the person –
 - (a) is employed to perform work in the Parish or is otherwise contracted as a staff member of the parish, or
 - (b) is an immediate family member of a person who satisfies subclause (a), or
 - (c) is the spouse of a person -
 - (i) in Holy Orders licensed to the parish, or
 - (ii) who is a member of the Nomination Board or of a person who has consented to being elected as a member of the Nomination Board, or

- (d) is 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
- (e) is disqualified from managing a corporation within the meaning of the *Corporations Act 2001*, or
- (f) is disqualified from being a responsible entity of a registered entity by the Commissioner of the Australian Charities and Not-for-profits Commission, or
- (g) is convicted of –
 - (i) an offence punishable by imprisonment for 12 months or longer, or
 - (ii) a disqualifying offence listed in Schedule 2 of the *Child Protection (Working with Children Act 2012)*, or
- (h) is subject to a subsisting recommendation under the *Ministry Standards Ordinance 2017* (or equivalent legislation in this diocese or another diocese or church) the effect of which includes that he or she not hold, or is prohibited from holding, the office of nominator.

(3) If a disqualifying circumstance referred to in subclause (2) 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

Note: *Disqualifying offences in Schedule 2 of the Child Protection (Working with Children) Act 2012 include the murder or manslaughter of a child, intentional wounding or committing grievous bodily harm to a child, abandonment of a child, serious sex offences, incest, bestiality and offences related to child pornography/child abuse material. In general, these are sex offences or offences involving children which are punishable by imprisonment of 12 months or more. If in doubt check the legislation.*

33. Parish-elected nominators – election in single-church parish

In a parish with one church, the parish-elected nominators are to be elected by the parishioners of not less than 18 years of age present at the annual general meeting or any other general meeting of the church.

34. Parish-elected nominators – election in multi-church parish

(1) In a parish with more than one church, the parish-elected nominators are, unless a direction is given under subclause (3), to be elected by the parishioners of not less than 18 years of age of all the churches at a special general meeting held in the parish at such time and place as the minister and wardens appoint.

(2) Notice of the meeting is to be given to the parishioners of each church in the same manner as notice of an annual general meeting is given under the *Parish Administration Ordinance 2008*.

(3) On the request of the parish council, the Regional Bishop of the Region in which the parish is situated, acting on the advice of his Regional Council, may direct that the parish-elected nominators are to be elected –

- (a) at the annual general meeting or another general meeting of 2 or more of the churches in such proportion as the Regional Bishop-in-Council, after consideration of the request, appoints, or
- (b) at the combined annual general meeting or another general meeting of the parish held in accordance with the *Parish Administration Ordinance 2008*.

(4) Provisions relating to the chairman, chairman's vote and quorum at a meeting to elect parish-elected nominators are the same as for a general meeting under the *Parish Administration Ordinance 2008*.

35. Parish-elected nominators – declarations

(1) A person who is nominated for election as a parish-elected nominator must within 7 days before or after election as a parish-elected nominator make the following declarations –

'I declare that I am a communicant member of the Anglican Church of Australia and have not been convicted of a disqualifying offence listed in Schedule 2 of the *Child Protection (Working with Children) Act 2012*.'

(2) The office to which a person is elected as a parish-elected nominator becomes vacant if

that person fails to make the declarations required by this clause.

Note: See the note at the end of clause 32 for a summary of the disqualifying offences listed in Schedule 2 of the Child Protection (Working with Children) Act 2012.

36. Parish-elected nominators – tenure of office

- (1) A parish-elected nominator holds office –
 - (a) until –
 - (i) in the case of a parish with one church, the next annual general meeting of the church, or
 - (ii) in the case of a parish with more than one church, the next meeting of the parish held in accordance with clause 34, or
 - (b) until the office is vacated.
- (2) When a vacancy in the office of rector of a parish occurs, the parish-elected nominators then in office (except in the case of a parish-elected nominator who was a parishioner at the time of appointment but has ceased to be a parishioner) are, subject to clause 37, entitled to remain in office until their successors are elected after the vacancy has been filled as a result of a clergyman being licensed as rector in the Parish.

37. Parish-elected nominators – casual vacancies

- (1) The office of a parish-elected nominator is vacated if he or she –
 - (a) dies, or
 - (b) resigns, or
 - (c) is absent from the State for at least 28 consecutive days during a vacancy in the office of rector of the parish and the Regional Bishop declares in writing the office to be vacated, or
 - (d) is certified by the Archbishop, during a vacancy in the office of rector of the parish, to be incapable of performing the duties of office, or
 - (e) if one or more of the disqualifying circumstances listed in clause 32 that render a person ineligible for election arises in respect to the person.
- (2) A vacancy in the office of a parish-elected nominator is to be filled –
 - (a) in the case of a parish with one church – at a general meeting, and
 - (b) in the case of a parish with more than one church – in the same manner as the office vacated was filled.
- (3) If a vacancy is not filled under subclause (2) within 4 weeks after the vacancy occurred, it may be filled by the appointment of a person eligible to be elected as a parish-elected nominator by the remaining parish-elected nominators or nominator.
- (4) If a vacancy is not filled under subclause (2) or (3) within 8 weeks after the vacancy occurred, it may be filled by the appointment by the Archbishop of a person eligible to be elected as a parish-elected nominator.
- (5) Part 7 of the schedule to the *Synod Elections Ordinance 2000* does not apply to the filling of a vacancy in the office of a parish-elected nominator.

38. Parish-elected nominators – notice to Registrar of election or appointment

- (1) Within 7 days after the election or appointment of a parish-elected nominator, the chairman of the meeting at which the election took place or the person or persons making the appointment is to send to the Registrar a list certified by the chairman, person or persons which sets out fully the names and addresses of those elected or appointed.
- (2) The failure to send a certified list to the Registrar does not invalidate the election or appointment of a parish-elected nominator if the Archbishop is satisfied that the person was duly elected or appointed and so certifies to the Synod-elected nominators.

39. Member of Nomination Board not to act in dual capacity

- (1) If, in relation to a Nomination Board for a parish, a person would, but for the operation of this clause, be a member of the Board in the capacity of a Synod-elected nominator (or an alternate for a Synod-elected nominator) and in the capacity of a parish-elected nominator, the person must elect to be a member of the Board in only one of those capacities.

- (2) The election must be made and notified in writing to the Registrar before the first meeting of the Board.
- (3) If the person elects to be a member in the capacity of a Synod-elected nominator (or an alternate for a Synod-elected nominator), the person's capacity as a parish-elected nominator is suspended in relation to a Nomination Board constituted for the purposes of a parish of which the person is a parish-elected nominator.
- (4) If the person elects to be a member in the capacity of a parish-elected nominator, the person's capacity as a Synod-elected nominator is suspended in relation to a Nomination Board constituted for the purposes of a parish of which the person is a parish-elected nominator.
- (5) If a person who is required to make an election under this clause fails to make the election, the person is to be taken to have ceased to be a parish-elected nominator in the same way as if the person had resigned the office of parish-elected nominator.
- (6) Despite the other provisions of this Ordinance, the first meeting of the Board must be postponed until the vacancy in the membership of the Board caused pursuant to this clause is filled.

40. Alternate members

- (1) If a member of clergy elected by Synod to be a member of the Nomination Board notifies the Registrar in writing that he or she –
 - (a) is unable, for a period of time of not less than one month, to attend a meeting of the Board, or
 - (b) has an actual, potential or perceived conflict of interest in the exercise of their functions as a member of the Board,

the member of clergy elected by Synod to be an alternate member is to act in his or her place for all subsequent meetings of the Nomination Board for the parish concerned.

- (2) If a lay person elected by Synod to be a member of the Nomination Board notifies the Registrar in writing that he or she –
 - (a) is unable for a period of not less than one month, to attend a meeting of the Board, or
 - (b) has an actual, potential or perceived conflict of interest in the exercise of their functions as member of the Board

the lay person elected by Synod to be an alternate member is to act in his or her place for all subsequent meetings of the Nomination Board for the parish concerned.

- (3) If both the members of clergy or both the lay persons elected to be members of the Nomination Board notify the Registrar under subclause (1) or (2), the alternate member is to act in the place of the person whose notification was first received by the Registrar.
- (4) If a vacancy arises in the office of a member of clergy elected by the Synod to be a member of the Nomination Board, the member of clergy elected by Synod to be an alternate member is to act in that office for all subsequent meetings of the Nomination Board in respect of a vacancy in the office of rector of a parish occurring before the vacancy on the Board is filled.
- (5) If a vacancy arises in the office of a lay person elected by the Synod to be a member of the Nomination Board, the lay person elected by Synod to be an alternate member is to act in that office for all subsequent meetings of the Nomination Board in respect of a vacancy in the office of rector of a parish occurring before the vacancy on the Board is filled.
- (6) A lay alternate is not to act in the place of a member of clergy and a clerical alternate is not to act in the place of a lay person.

Part 7: Miscellaneous

Note: *Part 7 sets out miscellaneous provisions not covered elsewhere in the Ordinance.*

41. Certificates from the Director of Safe Ministry

If the Director of Safe Ministry is requested or required to provide a certificate under this Ordinance, the Director is empowered to do so and may, on request, explain the basis for the certificate to the person to whom the certificate was provided or to any other person on whose

behalf the person received the certificate. Any such disclosure by the Director constitutes a duty of the office of Director for the purposes of clause 104 of the *Ministry Standards Ordinance 2017*.

42. Guidelines and copies of Ordinance

(1) The Registrar is to prepare suitable guidelines about the nomination process under this Ordinance for parish-elected nominators.

(2) The Registrar is to provide a copy of the guidelines and a copy of this Ordinance to each parish-elected nominator when advising that a vacancy has occurred.

43. Dispute as to principal church

If a question or dispute arises as to which church is the principal church in a parish, the question or dispute is to be determined by the Archbishop.

44. Delegation

The Registrar may delegate any or all of his or her functions under this Ordinance to a Deputy Registrar.

45. Commencement

This Ordinance commences on the date assent is given to the *Nomination (Transitional Provisions) Ordinance 2006*.

Notes

For the purposes of clause 45, assent was given to the *Nomination (Transitional Provisions) Ordinance 2006* on 30 October 2006.

Table of Amendments

Diagrammatic Summary of Provisions	Amended by Ordinance No 1, 2023.
Part 1 Note	Inserted by Ordinance No 1, 2023.
Clause 2	Amended by Ordinances Nos 1, 2009; 47, 2013; 43, 2015; 1, 2021; 62, 2020; and 1, 2023.
Clause 3	Inserted by Ordinance No 1, 2023. Amended by Ordinance No 6, 2023.
Part 2 Note	Inserted by Ordinance No 1, 2023.
Clause 4	Renumbered by Ordinance No 1, 2023.
Clause 5	Amended by Ordinance No 1, 2021. Renumbered and amended by Ordinance No 1, 2023.
Part 3 Note	Inserted by Ordinance No 1, 2023.
Clause 6	Amended by Ordinance No 22, 2011. Renumbered by Ordinance No 1, 2023.
Clause 7	Renumbered and amended by Ordinance No 1, 2023.
Clause 8	Renumbered by Ordinance No 1, 2023.
Clause 9	Substituted by Ordinance No 1, 2009. Amended by Ordinance No 1, 2021. Renumbered and amended by Ordinance No 1, 2023.
Clause 10	Renumbered by Ordinance No 1, 2023.
Part 4 Note	Inserted by Ordinance No 1, 2023.
Clause 11	Amended by Ordinance Nos 7, 2010 and 1, 2023. Renumbered by Ordinance No 1, 2023.
Clause 12	Renumbered by Ordinance No 1, 2023.
Clause 13	Renumbered and amended by Ordinance No 1, 2023.
Clause 14	Renumbered by Ordinance No 1, 2023.

Clause 15	Renumbered and amended by Ordinance No 1, 2023.
Clause 16	Renumbered and amended by Ordinance No 1, 2023.
Clause 17	Renumbered by Ordinance No 1, 2023.
Clause 18	Renumbered by Ordinance No 1, 2023.
Clause 19	Substituted by Ordinance No 1, 2009. Renumbered and amended by Ordinance No 1, 2023.
Clause 20	Renumbered by Ordinance No 1, 2023.
Clause 21	Renumbered by Ordinance No 1, 2023.
Part 5 Note	Inserted by Ordinance No 1, 2023.
Clause 22	Amended by Ordinance Nos 7, 2010;1, 2021; and 1, 2023. Renumbered by Ordinance No 1, 2023.
Clause 23	Renumbered by Ordinance No 1, 2023.
Clause 24	Amended by Ordinances No 7, 2010, and 1, 2021. Renumbered by Ordinance No 1, 2023.
Clause 25	Renumbered and deleted by Ordinance No 1, 2023. Further renumbered clause then amended by Ordinance No 1, 2023.
Clause 26	Amended by Ordinance No 7, 2010 and 62, 2020.
Clause 27	Amended by Ordinance No 1, 2023.
Part 6 Note	Inserted by Ordinance No 1, 2023.
Clause 29	Amended by Ordinance No 1, 2023.
Clause 30	Amended by Ordinance No 1, 2023.
Clause 31	Amended by Ordinance No 1, 2023.
Clause 32	Amended by Ordinance Nos 47, 2013;62, 2020; and 1, 2023.
Clause 33	Amended by Ordinance Nos 62, 2020 and 1, 2023.
Clause 34	Amended by Ordinance Nos 62, 2020; 1, 2021; and 1, 2023.
Clause 35	Amended by Ordinance Nos 47, 2013;62, 2020; and 1, 2023.
Clause 36	Amended by Ordinance Nos 62, 2020 and 1, 2023.
Clause 37	Amended by Ordinance Nos 47, 2013; 62, 2020; and 1, 2023.
Clause 38	Amended by Ordinance Nos 1, 2021 and 1, 2023.
Clause 39	Amended by Ordinance Nos 9, 2019 and 1, 2023.
Clause 40	Amended by Ordinance No 1, 2021.
Part 7 Note	Inserted by Ordinance No 1, 2023.
Clause 41	Inserted by Ordinance No 1, 2023.
Clause 42	Renumbered and amended by Ordinance No 1, 2023.
Clause 43	Renumbered by Ordinance No 1, 2023.
Clause 44	Renumbered and amended by Ordinance No 1, 2023.
Clause 45	Renumbered by Ordinance No 1, 2023.

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BRIONY BOUNDS
Diocesan Secretary

31 May 2023